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Contribution FLANHRI

Written submission of the Flanders Human Rights Institute (FLANHRI) for the 52nd session of the Universal Periodic Review Working Group concerning the human rights situation in Belgium

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Introduction

1. On October 28, 2022, the Flemish Parliament adopted the founding decree for a new Flanders Human Rights Institute (FLANHRI), closely modelled after the UN Paris Principles and SCA's General Observations. After an open procedure, the Flemish Parliament appointed the Board of Directors in February 2023. The institute became operational on March 15th.
2. FLANHRI has a broad mandate to safeguard and promote all human rights, including non-discrimination in all matters falling within the competences of the Flemish Community and the Flemish Region, including unilingual Flemish institutions in Brussels (e.g. schools, daycare...). FLANHRI has assumed the Flemish responsibilities previously held by Unia and the Flemish Ombudswoman on Gender and acts as equality body. FLANHRI also has similar (mainly policy advisory) powers as FIRM-IFDH for all matters relating to human rights with regard to Flemish competences. The establishment of FLANHRI creates a *quasi-jurisdictional* and promotion-type institute, while at the same time expanding the mandate to all human rights within Flemish competences.
3. FLANHRI provides a formal complaints mechanism for cases of potential discrimination. In such cases, individuals or organisations with a mandate to promote human rights can file a complaint with FLANHRI. These complaints follow a structured procedure: after initial assistance, individual complaints can undergo mediation between parties. If mediation proves to be not or no longer useful, the quasi-jurisdictional Litigation Chamber — based on the Dutch model (“College voor de Rechten van de Mens”) — can render a non-binding judgment.
4. FLANHRI also handles all human rights complaints and questions within the competences of the Flemish government, by informing the public, raising awareness, conducting research, and advising government(s), either on demand or on its own initiative on the issue of human rights. Furthermore, FLANHRI explicitly carries a mandate to promote, protect, and oversee the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), adopted on December 13, 2006.
5. Belgium currently hosts several regional and federal human-rights institutes with limited, complementary mandates; none can, alone, satisfy international accreditation requirements for recognition as an NHRI with A-status. Active collaboration already exists—such as within the inter-institutional Human Rights Platform, which FLANHRI will chair in 2025, and through joint initiatives like coordinated complaints handling and

training programmes—but only a formal, multi-level coordination framework that ensures coherence, independence and inclusiveness will enable Belgium to meet its international obligations and participate effectively in the global human-rights architecture.

6. In accordance with the mandate of FLANHRI to protect and promote human rights with respect to matters that fall within the competences of the Flemish Community and the Flemish Region, FLANHRI would like to submit information on the human rights situation in Flanders.

An interfederal human rights mechanism with A-status

7. In line with the Paris Principles and with the objective of obtaining “A status” for a future interfederal human rights mechanism, both the Flemish and federal governments have committed in their recent coalition agreements to establishing an encompassing human rights mechanism in Belgium. At present, not all NHRIs are able to participate properly and coherently in international human-rights mechanisms.
8. Recognizing that the political process to establish this mechanism may take time, the Flanders Human Rights Institute (FLANHRI), together with other Belgian human rights institutes, is proactively developing collaboration protocols and seeking observer or B-status membership in relevant international fora. These interim steps, however, cannot replace the need for a binding, multi-level and durable arrangement that guarantees compliance with the Paris Principles, including pluralism, independence, a broad mandate, and adequate resources.

Recommendation

9. Strengthen cooperation among federal, regional, and community HRIs to ensure coherence, independence, and effective national and international representation in line with the Paris Principles.
10. Enable and stimulate the creation of protocols and systematic information-sharing that define responsibilities and enable joint engagement in international and regional fora and coordinated decision-making/follow-up.
11. Adopt, where needed, a binding cooperation agreement that provides a durable multi-level legal framework, safeguards independence, ensures adequate and stable resources, secures inclusive representation, and meets international accreditation standards.

Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

12. Belgium has signed but not yet ratified the Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment (OPCAT). Ratification implies the appointment of an independent national preventive mechanism (NPM) mandated to visit places where people are deprived of their liberty and to formulate recommendations aimed at preventing torture and other forms of inhuman treatment. Important to note is that in order to ensure full and effective coverage of any NPM in Belgium, it is essential that both the federal and regional authorities assign the necessary tasks and resources to an independent body. In 2024, a federal mechanism was established within the Federal Institute for the Protection and Promotion of Human Rights (FIRM), which is responsible for places of deprivation of liberty under federal jurisdiction.
13. Shortly after, the Flemish government also decided to entrust its NPM tasks to FLANHRI. Currently, a concrete framework is being developed to define the scope and modalities of this assignment, including an assessment of the extent to which specialized organizations can be integrated into the model. Moreover, a financial plan is being drafted to support this process, which will be followed by the initiation of the formal legislative procedure for its incorporation into a decree. These steps are crucial to ensuring compliance with OPCAT obligations and strengthening the protection against torture and ill-treatment within the Flemish region. To our knowledge, similar initiatives have not yet been started by other regional authorities.

Recommendation

14. FLANHRI recommends that the Flemish government and the Flemish Parliament take next steps to establish a NPM in the context of the Flemish competences, ensuring that it operates in full compliance with OPCAT requirements and the Paris Principles, and that it is equipped with the necessary independence, resources, and mandate to effectively prevent torture and ill-treatment.

Equality and non-discrimination

15. Recognizing that a written submission cannot cover all topics, FLANHRI has selected its thematic priorities based on complaints and reports received in 2024. During this period, FLANHRI registered 1,072 complaints of discrimination and 372 reports of human rights violations, primarily concentrated in the domains of education, housing, employment, and welfare.ⁱ The most frequently cited grounds for discrimination were racial or national origin, disability, and health status. Reported human rights violations most often involved the right to a dignified life, the prohibition of discrimination, the right to family life, and the right to inclusion of persons with disabilities. On this basis, FLANHRI will prioritize its recommendations on key thematic areas including racism, the rights of persons with disabilities (including reasonable accommodation), and the right to housing.
16. However, these figures only partially reflect the lived reality. Both national assessments and international reports consistently emphasize that discrimination and human rights violations remain systematically underreported. While we acknowledge and appreciate the efforts reflected in the policy plans of the Flemish Government, it is important to reiterate these concerns, as the planned measures have not yet been implemented. Continued attention is therefore needed to reduce barriers to reporting. Given underreporting is a structural and complex issue, FLANHRI is prepared to actively contribute to this objective (as we already do in the context of projects with the association of local municipalities, VVSG).

National plan of action against racism

17. Belgium endorsed the Durban Declaration in 2001 and has on several occasions reiterated its commitment to combat racism. Over the past 24 years, multiple UN mechanisms and successive UPR cycles have recommended the adoption of a comprehensive National Action Plan against Racism (NAPAR).ⁱⁱ While several governments in Belgium have adopted their own action plans, an overarching national or interfederal plan has not yet been finalized. Political discussions across the different levels of government have resulted in a differentiated landscape in which, to date, the Flemish Community and the German speaking Community have not yet adopted separate action plans. As of today, no public decision or timeline to recommence negotiations on a Flemish or interfederal plan has been announced.

Recommendation

18. The Flanders Human Rights Institute recommends the Flemish government and the Flemish Parliament to fulfill their part of the engagement of establishing a National Action Plan against Racism, by establishing a Flemish Action Plan Against Racism, and by working together with the other government levels to realise an integrated Interfederal Action Plan against Racism.
19. FLANHRI encourages the Flemish government to take active steps toward the establishment of a comprehensive strategy to combat racism in line with international recommendations, and with clear roles, timelines, and monitoring arrangements.

Persons with disabilities

- **Inclusive Education for Children with Disabilities**

20. Flanders has taken steps toward inclusive education through the M-Decree and the Learning Support Decree. However, the proportion of students in special education remains high: 5.6% compared to the European average of 1.7% (school year 2020–2021). This indicates persistent challenges in achieving full inclusion. The Flemish Government acknowledges these challenges and is developing a long-term vision paper to create a more inclusive education system by 2040. ⁱⁱⁱ

Recommendation

21. The Flemish Government should align its vision and strategy for inclusive education with Article 24 of the UN Convention on the Rights of Persons with Disabilities, setting clear objectives, resources, and a timeline to achieve an inclusive education system. ^{iv}

- **Improving the living conditions of persons with disabilities**

22. With the decree of 25 April 2014 on personalized funding for persons with disabilities^v, Flanders has taken significant steps toward de-institutionalisation, in line with the Convention. The shift to person-following budget (PVB) for adults has made care more demand-driven; however, implementation remains complex and raises concerns for FLANHRI. Long waiting lists persist for a PVB, leaving applicants without a predictable timeframe for allocation. During regulatory adjustments, there has been insufficient systematic comparison between the level of protection under the previous and the new rules to ensure that rights are not diminished. A draft decree on referral to the PVB

reinforces these concerns. The Flemish Government has announced a major reform of care and support policy in the next legislative term, but the concrete measures are not yet clear.

Recommendation

23. To fulfill the rights to independent living and participation in society under Article 19 of the Convention, Flanders should eliminate waiting lists by ensuring timely allocation of a PVB tailored to current needs; provide applicants with legal certainty by communicating, at the moment of allocation, both the timing and the amount of the budget; and, when revising regulations, verify that there is no deterioration in protection level by conducting a thorough comparison between the former and the new standards.^{vi} It must also be ensured that the planned reforms do not infringe upon the right to self-determination as prescribed by the UN Convention.

Right to housing

24. The right to adequate housing is enshrined in Article 23 of the Belgian Constitution as well as in international and European treaties. Yet, the realization of this right remains an issue. In Flanders, many people face rising rental and housing prices^{vii}, long waiting lists for social housing^{viii}, and inadequate housing quality^{ix[OBJ]}. Vulnerable groups such as persons with disabilities, older people, migrants, and undocumented persons encounter additional structural barriers. Discrimination in the housing market remains widespread^x, while homelessness is increasing both in urban and rural areas.^{xi}
25. In 2024, FLANHRI identified and formulated several concerns regarding the Flemish Government's housing policy brief. Access to social housing is increasingly made conditional on language proficiency, willingness to work, or long-term local residence, which risks excluding vulnerable groups such as persons with disabilities, migrants, and homeless people. The planned requirement to present residence permits in private rentals could further entrench discrimination and push undocumented persons into precarious housing situations. The policy note also pays insufficient attention to the housing needs of older persons^{xii} and persons with disabilities^{xiii}, with only a limited share of social housing adapted to their needs. Persistent discrimination in the private rental market remains inadequately addressed. While measures such as Housing First and eviction monitoring are positive, the absence of a structural, long-term strategy undermines the ambition to end homelessness by 2030. Finally, the policy note does not explicitly recognize housing as a fundamental human right.^{xiv}

26. In March 2025, the European Committee of Social Rights (ECSR) published its decision in *FEANTSA v. Belgium* (No. 203/2021), concluding that Flemish housing policy violated several provisions of the Revised European Social Charter.^{xv} The Committee found that Flanders failed to ensure sufficient affordable and adequate housing, did not provide sufficient housing security, and applied discriminatory criteria in the allocation of social housing. It also considered the measures against discrimination in the private rental market inadequate. This ruling highlights structural shortcomings in Flemish housing policy and underlines the urgent need for a comprehensive, human rights-based approach.

Recommendations

To address these concerns, Flanders should:

27. Increase efforts to reach the goal of ending homelessness by 2030.
28. Ensure equal access to housing by effectively combating discrimination in both the social and private rental markets.
29. Avoid conditionality that restricts the right and access to housing (e.g. language, work-willingness or long local residence requirements) and disproportionately impacts vulnerable groups.
30. Provide sufficient adapted housing for older persons and persons with disabilities, in line with international obligations on inclusion and independent living.
31. Follow-up on the ECSR decision *FEANTSA v. Belgium* (203/2021) with an action plan addressing the findings on affordability, adequacy, discrimination and homelessness.
32. Explicitly recognize the right to housing as a fundamental human right by accepting Article 31 of the Revised European Social Charter and integrating this principle across all policy domains.
33. Secure sufficient funding for public caravan sites that travellers can use for either short stays or permanent residence.

ⁱ The 2024 annual plan of FLANHRI, [Vlaams Mensenrechteninstituut Jaarverslag 2024.pdf](#)

ⁱⁱ Report of the visit to Belgium of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, Human Rights Council, Sixtieth session, 8 September-3 October 2025, A/HRC/60/75/Add.1, <https://docs.un.org/en/A/HRC/60/75/Add.1>.

ⁱⁱⁱ Nota aan de Vlaamse Regering, Visienota stappenplan richting een inclusiever onderwijs, VR20250404 Doc.0263/1, <https://data-onderwijs.vlaanderen.be/documenten/bestanden/visienota-stappenplan-richting-inclusiever-onderwijs.pdf>.

^{iv} Contribution of FLANHRI to the reporting on the Convention on the Rights of Persons with Disabilities, 2024, [1 Parallel rapport over het tweede en derde periodieke rapport van België 2024 VMRI.pdf](#)

^v Decreet 25 april 2014 houdende de persoonsvolgende financiering voor personen met een handicap en tot hervorming van de wijze van financiering van de zorg en de ondersteuning voor personen met een handicap

^{vi} The full recommendations of the Flemish Human Rights Institute are available on our website:

- <https://www.vlaasmensenrechteninstituut.be/publicaties/advies-over-het-persoonsvolgend-budget>
- <https://www.vlaasmensenrechteninstituut.be/publicaties/advies-over-het-persoonsvolgend-budget-voorstel-van-decreet-tot-wijziging-van-de>

- vii Eurostat, Interactive publication – Housing in Europe – 2024 edition, <https://ec.europa.eu/eurostat/web/interactivepublications/housing-2024#quality-of-housing>; DE SMALEN, D., & VAN DEN BROECK, K. (2025). *Wonen in Vlaanderen anno 2023. Steunpunt Wonen*, https://steunpuntwonen.be/wp-content/uploads/2025/05/WP01_Woonsurvey-2023_EIND.pdf; DE SMALEN D. en WINTERS S, *Woonsurvey 2023: eerste resultaten voor de basisindicatoren*, 24 november 2024, https://steunpuntwonen.be/wpcontent/uploads/2024/03/2024_11_14_Nieuwsbericht_nota-Woonsurvey-2023.pdf.
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- ix HEYLEN K, *Woonbeleid en woningmarkt in Vlaanderen vergeleken met de buurlanden en de Belgische regio's. Steunpunt wonen*, 2023, https://steunpuntwonen.be/wpcontent/uploads/2023/02/Ad-hoc_Vergelijking-Vlaanderen-en-buurlanden_EIND.pdf; Eurostat, Interactive publication – Housing in Europe – 2024 edition, <https://ec.europa.eu/eurostat/web/interactive-publications/housing-2024#quality-of-housing>.
- x VERHAEGHE P-P., DINÇER E. en LUIS VIEIRA A., *Sensibiliserende en juridische praktijktesten op de Gentse woningmarkt*, 17 april 2023, <https://stad.gent/sites/default/files/media/documents/51882-1681904948-Verhaeghe%20P.P.%20Dincer%2C%20E.%2C%20Luis%20Vieira%20%282023%29.%20Sensibiliserende%20en%20juridische%20praktijktesten%20op%20de%20Gentse%20woningmarkt.%20Finale%20versie-7b7b42.pdf>; VERHAEGHE P-P., MARTINIELLO B. & GHEKIERE A, *Discriminatie door makelaars op de huurwoningmarkt van Antwerpen: de nulmeting*, 3 december 2020, https://www.researchgate.net/publication/346658750_Discriminatie_door_makelaars_op_de_huurwoningmarkt_van_Antwerpen_de_nulmeting; VERHAEGE P-P. en DINÇER E., *BRISPO Working Paper No. 2024-3: Discriminatie op de huurwoningmarkt van Leuven – opvolgmeting 2023-2024*, 6 juni 2024, https://www.researchgate.net/publication/381194546_Discriminatie_op_de_huurwoningmarkt_van_Leuven_-_Opvolgmeting_2023-2024; VERHAEGE P-P. en DINÇER E., *Discriminatie op de huurwoningmarkt van Sint-Niklaas*, 26 september 2023, https://www.researchgate.net/publication/377472557_Discriminatie_op_de_huurwoningmarkt_van_Sint-Niklaas.
- xi DEMAERSCHALK E., MERTENS N., DE MOOR N., WAGENER M. en HERMANS, K. *Dak- en thuisloosheid in kleine gemeenten. Leuven*, LUCAS KU Leuven, 2024, https://media.kbs-frb.be/nl/media/12429/Rapport%20kleine%20gemeenten_Finaal; MERTENS, N., DEMAERSCHALK, E., MARANA, A., DE MOOR, N., MORIAU, J., WAGENER, M. & HERMANS, K. (2025). *Dak- en thuisloosheid. Globaal rapport 2025*. Leuven: LUCAS KU Leuven, https://www.kuleuven.be/lucas/nl/Publicaties/publi_upload/2025-globaal-rapport-tellingen-2024.pdf
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- xiii See also: Vlaams Mensenrechteninstituut, *Advies persoonsvolgend budget*, 2023, https://www.vlaamsmensenrechteninstituut.be/sites/default/files/2024-01/Advies_persoonsvolgend_budget_1-2023.pdf.
- xiv Vlaams Mensenrechteninstituut, *Reactie op de Beleidsnota Wonen 2024–2029 van de Vlaamse Regering*, 2024, <https://www.vlaamsmensenrechteninstituut.be/sites/default/files/2024-01/Advies%20persoonsvolgend%20budget%201-2023.pdf>.
- xv European Committee of Social Rights, 19 March 2025, Complaint No. 203/2021, FEANTSA v. Belgium.