Vlaams Mensenrechten Instituut

Contribution FLANHRI - Belgium

List of issues prior to reporting of the Flanders Human Rights Institute (FLANHRI) to the UN Human Rights Committee for the 145th session, 2-19 March 2026

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Introduction: about FLANHRI

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. The federal state of Belgium currently hosts several independent human-rights institutes with 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 chaired in 2025, and through joint initiatives like coordinated complaints handling and

training programmes. A more thorough and comprehensive collaboration between a number of key human rights institutions in Belgium is also being prepared aiming at a more 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. While not an exhaustive overview, this submission identifies a number of FLANHRI's central concerns relating to the implementation of the Covenant in Belgium.

Follow-up to the previous review

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.

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

9. 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.

10. 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.

Equality and non-discrimination - Data

11. It is important to reiterate that discrimination and human rights violations remain systematically underreported as national and international reports indicate.[i] While FLANHRI acknowledges and appreciate the efforts reflected in the policy plans of the Flemish Government[ii], it must note that the planned measures have not yet been implemented. Continued attention is therefore needed to reduce barriers to reporting.

Conditions of detention and internees in prison

12. The issue of overcrowding in Belgian prisons is persistent. Despite the implementation of several initiatives, overcrowding remains a significant problem, resulting in insufficient access to essential services and to limited activities outside cells.[iii] Prisons are compelled to concentrate on basic functions, primarily ensuring security. Due to limited space for activities and a persistent shortage of prison staff, opportunities for rehabilitation and reintegration of inmates are severely restricted. The number of internees (persons with mental disorders who are therefore subject to measures) deprived of their liberty in prisons also continues to rise.[iv]

Living conditions of persons with disabilities – art. 6 and 7

13. With the decree of 25 April 2014 on personalized funding for persons with disabilities[v], Flanders has taken significant steps toward de-institutionalisation. The shift to person-following budget (PVB) for adults has made care more demand-driven, which is more in line with the right to autonomy, respect for private life and the right to life with dignity.

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. The recently adopted decree on referral to the PVB[vi] reinforces these concerns. The Flemish Government has announced a major reform of care and support policy,[vii] but the concrete measures are not yet clear.

Housing and homelessness – art. 2, 6, 7, 17 and 26

14. The realization of the right to adequate housing remains an issue in Flanders. The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity (general comment on Article 6). The measures called for to address adequate conditions for protecting the right to life include amongst others, where necessary, measures designed to promote and facilitate adequate general conditions such as social housing programmes.[viii] Article 26 guarantees that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law, and that the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, State failure to prevent or respond to persons in situation of homelessness can amount to cruel, inhumane and degrading treatment. Lastly, article 17 protects against arbitrary forced evictions.

15. In Flanders, however, many people face rising rental and housing prices[ix], long waiting lists for social housing[x], and inadequate housing quality [xi]. Vulnerable groups such as persons with disabilities, older people, migrants, and undocumented persons encounter additional structural barriers. Discrimination in the housing market remains widespread[xii], while homelessness is increasing both in urban and rural areas.[xiii]

16. 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[xiv] and persons with disabilities[xv], 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.[xvi]

17. 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.[xvii] 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 highlight structural shortcomings in Flemish housing policy and underlines the urgent need for a comprehensive, human rights-based approach.

Civil Society – art. 19 and 21

18. The voice of civil society is indispensable. With a keen sense of what is going on in society, they can identify human rights challenges. They issue warnings when the space available for human rights is decreasing. The right to freedom of association and assembly, as well as the right to freedom of expression, empower civil society to articulate their concerns and concerns of citizens, and invigorate public discourse. These rights seem under pressure, as the space for organisations to unite and speak freely might diminish. For instance, a preliminary draft decree was approved by the Flemish Government, based on which legal costs directly or indirectly related to the initiation of judicial or administrative proceedings against the Flemish regional government are no longer eligible for subsidy.[xviii] Furthermore, a Flemish action plan was also approved by the Flemish government, which stipulates that subsidies can be immediately suspended based on suspicions of involvement in extremism. If the suspicions are confirmed by information received from the security services, the Flemish government will definitively withdraw its support.[xix] In addition, organisations that have been found to be in compliance with the relevant criteria will have their operating funds withdrawn, as they, according to the government are involved in or fail to unequivocally distance themselves from violent extremism or support.[xx] These evolutions could have a chilling effect on organisations.

[i] Beleidsnota Gelijke Kansen 2024-2029, 20 https://publicaties.vlaanderen.be/view-file/70841; CENTRAAL BUREAU VOOR DE STATISTIEK, *Ervaren discriminatie in Nederland*, 2024, Ervaren discriminatie in Nederland | CBS; FRA, *Encouraging hate crime reporting – The role of law enforcement and other authorities*, 2021, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-hate-crime-reporting_en.pdf.

[ii] Beleidsnota Gelijke Kansen 2024-2029, https://publicaties.vlaanderen.be/view-file/70841.

[iii] On 16 December 2025, the Director-General of Penitentiary Institutions stated that the number of prisoners sleeping on the floor rose to 672. These are prisoners who do not sleep in a bunk bed, but on a mattress on the floor due to lack of space, https://justitie.belgium.be/nl/nieuws/persberichten/open_brief_mathilde_steenbergen. In November 2025, it was reported that 13,401 prisoners were being held in prisons with a capacity of only 11,098. See https://ctrg.belgium.be/wp-content/uploads/2025/11/CTRG_Opiniestuk-voor-een-collectieve-genade.pdf.

[iv] Since 2019, the figures have risen steadily. On 15 October 2025, there were 1,080 internees in prisons, according to figures from DG EPI. See CTRG en Unia, *Geestelijke gezondheid in de gevangenis: een uitweg uit de impasse!*, 2025, https://www.unia.be/files/Rapport-internering.pdf for visualization of the augmentation and the finding that there were more than 1,000 internees in detention in 2024.

[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] Decreet tot wijziging van het decreet van 7 mei 2004 tot oprichting van het intern verzelfstandigd agentschap met rechtspersoonlijkheid Vlaams Agentschap voor Personen met een Handicap en van het decreet van 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, wat betreft de verwerking van persoonsgegevens, de aanvraag van een persoonsvolgend budget, de samenloop van procedures en de verplichting om een uittreksel uit het strafregister voor te leggen www.vlaamsparlement.be/nl/parlementaire-documenten/parlementaire-initiatieven/1849454.

[vii] Conceptnota 'naar een vernieuwd, geïntegreerd zorg- en ondersteuningsbeleid voor personen met een handicap', 2025 www.vlaanderen.be/vlaamse-regering/beslissingen-van-de-vlaamse-regering/conceptnota-naar-een-vernieuwd-geintegreerd-zorg-en-ondersteuningsbeleid-voor-personen-met-een-handicap.

[viii] UN Human Rights Committee, General comment No. 36. Article 6: right to life, https://docs.un.org/en/CCPR/C/GC/36.

[ix] 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.

[x] Vlaamse overheid, *Kandidaat-huurders en – kopers: cijfers*, https://www.vlaanderen.be/sociaal-woonbeleid/cijfers/kandidaat-huurders-en-kopers.

[xi] 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.

[xii] 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.

[xiii] 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

[xiv] See also: Vlaams Mensensenrechteninstituut, *Advies Ouderen en mensenrechten: tellen ouderen nog mee?,* 2024, https://www.vlaamsmensenrechteninstituut.be/sites/default/files/2024-04/Advies%20Ouderen%20en%20mensenrechten_Vlaams%20Mensenrechteninstituut_0.pdf.

[xv] See also: Vlaams Mensensenrechteninstituut, *Advies persoonsvolgend budget,* 2023, *https://www.vlaamsmensenrechteninstituut.be/sites/default/files/2024-01/Advies persoonsvolgend budget 1-2023.pdf.*

[xvi] 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.pd.

[xvii] European Committee of Social Rights, 19 March 2025, Complaint No. 203/2021, FEANTSA v. Belgium.

[xviii] Art. 54 Voorontwerp van Programmadecreet bij de begroting 2026. The decree has not yet been adopted. Opinions from advisory councils and the Council of State have been requested.

[xix] Vlaams actieplan ter preventie van gewelddadige radicalisering, extremisme en terrorisme. The action plan has been approved by the Flemish Government. It has been forwarded to the Flemish Parliament.

[xx] MICHIELS, C., 'Vlaamse regering snijdt ook in subsidies linkse middenveldorganisaties door link met "gewelddadig extremisme', *VRTNWS* 12 november 2025, ww.vrt.be/vrtnws/nl/2025/11/13/subsidies-sociaal-cultureel-volwassenwerk-vlaamse-regering/.