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Racismo, discriminación racial, xenofobia y formas conexas de intolerancia, seguimiento y aplicación de la Declaración y el Programa de Acción de Durban

Visita a Bélgica

Informe del Grupo de Trabajo de Expertos sobre los Afrodescendientes* **

Resumen

El presente informe contiene las conclusiones del Grupo de Trabajo de Expertos sobre los Afrodescendientes relativas a su visita a Bélgica del 4 al 11 de febrero de 2019. El Grupo de Trabajo presenta el actual marco jurídico, institucional y normativo del país y las medidas adoptadas para prevenir el racismo, la discriminación racial, la xenofobia, la afrofobia y las formas conexas de intolerancia a que se enfrentan los afrodescendientes, destacando los acontecimientos positivos y las deficiencias en su aplicación. El Grupo de Trabajo describe la situación, destaca las buenas prácticas y los principales desafíos identificados y formula recomendaciones concretas.

* Se acordó publicar el presente informe tras la fecha de publicación prevista debido a circunstancias que escapan al control de quien lo presenta.

** El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó y en francés.



Annex

Report of the Working Group of Experts on People of African Descent on its visit to Belgium

I. Introduction

1. At the invitation of the Government, the Working Group of Experts on People of African Descent undertook a visit to Belgium from 4 to 11 February 2019. The members of the delegation were Michal Balcerzak (Chair-Rapporteur), Dominique Day and Ahmed Reid.

2. During its visit, the Working Group assessed the human rights situation of people of African descent living in Belgium, and gathered information on the forms of racism, racial discrimination, xenophobia, Afrophobia and related intolerance they face. The Working Group studied the official measures taken and mechanisms in place to prevent systemic racial discrimination and to protect victims of racism, and responses to multiple forms of discrimination. The Working Group visited Brussels, Antwerp, Liège, Namur and Charleroi.

3. The Working Group met the Minister of Social Affairs and Public Health, who also has responsibility for asylum and migration; the Minister of Employment, Economy and Consumer Affairs, who also has responsibility for equal opportunities; representatives of the cabinet of the Minister of Foreign Affairs; representatives of the cabinet and administration of the Minister of Development Cooperation; representatives of the cabinet and administration of the Minister of Social Integration; representatives of the administration of the Minister of Justice; representatives of the Belgian statistical office (Statbel); and representatives of law enforcement agencies. The Working Group met with the coordinating magistrate for investigation and prosecution policy regarding discrimination and hate crimes (including gender-based discrimination) and representatives of the Belgian Prison Service, and visited St. Gilles prison in Brussels. The delegation also met with members of the federal Parliament, representatives of the Flemish Agency for Local and Provincial Government, the cabinet of the Flemish Minister of Education and representatives of the Flemish Parliament. The Working Group met with the Minister-President of the French Community and several representatives of his government (a representative of the Minister of Youth, Youth Aid, Houses of Justice and the Promotion of Brussels and a representative of the Minister of Higher Education, Research and Media) and the director of research at the Observatory of Cultural Policies of the Ministry of the Wallonia-Brussels Federation. The Working Group met with the Brussels Minister of Employment and Economy and representatives of the Brussels municipal councils. Finally, the Working Group met with members of the Walloon regional government (the Minister of Economy, Industry, Research, Innovation, Employment and Training and the Minister of Social Action, Health, Equal Opportunities, Public Service and Administrative Simplification).

4. The Working Group met with representatives of the Interfederal Centre for Equal Opportunities (Unia), and of the Human Rights Platform, which includes representatives of various institutions including the Federal Ombudsman, the Ombudsman for Wallonia and the Wallonia Brussels Federation, the Flemish Ombudsman, the German Ombudswoman, the Institute for Equality between Women and Men, the National Commission on the Rights of the Child, the Commissioner for Child Rights of the French Community, the Flemish Commissioner on the Rights of the Child, the Data Protection Authority, the Combat Poverty, Insecurity and Social Exclusion Service, the Belgian Central Prison Monitoring Council and the High Council of Justice. The Working Group was given a guided tour of the Royal Museum for Central Africa by its director, and a decolonial city tour of Brussels by Collectif Mémoire Coloniale et Lutte contre les Discriminations.

5. The Working Group met with the local government authorities in Antwerp, including the Deputy Mayor, and with local authority representatives in Liège. It also met with officials from the city of Namur and representatives of the municipal authorities of Charleroi. In all the cities that the Working Group visited, it met with people of African descent, and with human rights activists, lawyers, academics and representatives of non-governmental organizations.

6. The Working Group thanks the Government of Belgium for its invitation and the authorities in Brussels, Antwerp, Liège, Namur and Charleroi for their support and cooperation during the visit. The Working Group thanks the Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation. The Working Group also thanks the Regional Office for Europe of the Office of the United Nations High Commissioner for Human Rights (OHCHR) for its support for the visit. The Working Group expresses its appreciation to the People of African Descent of Belgium civil society committee for coordinating meetings with people of African descent in different parts of the country. The Working Group thanks the many people of African descent and others that its delegation met during the visit, including representatives of civil society organizations and of women's organizations, and human rights defenders, lawyers and academics.

II. Background: historical overview and current context

7. Belgium is a parliamentary democracy with a constitutional monarchy. From its establishment in 1831, it has evolved from a unitary State into a federal State, composed of communities and regions. The distribution of power is based essentially on a transfer of the jurisdiction exercised by the federal authorities – both *ratione materiae* and *ratione loci* – to the communities and the regions. The communities and regions are not subordinate entities, as the provinces and municipalities are; rather, they have the same standing as the federal authority within their jurisdictional competencies, since their legislation, in the form of decrees and ordinances, has equal force in law. The federal authority has jurisdiction over matters for which it is explicitly assigned responsibility by the Constitution and the law and over matters not expressly conferred on the communities and regions.

8. The history of Belgium, and in particular the legacy of King Leopold II's colonial exploitations and atrocities in Africa, continue to haunt people of African descent today. Many Belgian citizens of non-African descent are also haunted by these past atrocities and their continuing impact on Belgian society. At the Berlin conference held in 1884 and 1885, the European powers allocated the Congo basin region to a private charitable organization run by Leopold II. The boom in demand for natural rubber, which was abundant in the territory, created a radical shift in the 1890s to facilitate its extraction and export. All "uninhabited" land in what was then the Congo Free State was seized by the colonial authority, with the majority distributed to private companies as concessions, although some concessions were kept by the State. From 1891 to 1906, the companies were allowed to act with impunity, with almost no governmental supervision or judicial interference. As a result, forced labour and violent coercion were used to collect rubber cheaply and maximize profit. A paramilitary army, the Force Publique, was created to enforce exploitative labour policies. Individuals who refused to participate in rubber collection could be killed, and entire villages were razed under colour of law and without fear of accountability. Many Congolese men were forced to extract rubber under the threat of extreme violence, and their wives, children and other family members were forced into camps if they refused. Individual white administrators were free to indulge their personal sadism with impunity. The severing of workers' hands achieved international notoriety. It is believed that 17 to 25 million Congolese persons were killed by colonial agents and authorities during the colonial period.

9. Details of the atrocities committed against the Congolese people were recorded by Christian missionaries, leading to public outrage when they were made known to the public in the United Kingdom of Great Britain and Ireland, the United States of America and elsewhere. An international campaign against the Congo Free State began in 1890 and reached its peak after 1900 under the leadership of the British activist Edmund D. Morel. In 1908, international pressure forced the Government of Belgium to annex the Congo Free

State, which became a colony under Belgian control, remaining so until 1960.¹ It was reported that the forced labour system continued. This exploitation of Congolese bodies for labour and Belgian profit evolved into a new and different form during the First World War, when tens of thousands of Congolese people were conscripted as porters for the Belgian army. The forced labour system changed significantly only in the early 1920s.

10. Other relevant historical developments include the colonial propaganda around the role of Belgium in civilizing Africa, the establishment of human zoos in Belgium and the forced removal of children. In 1897, King Leopold II imported 267 Congolese persons to be exhibited in a “human zoo” around his colonial palace in Tervuren, east of Brussels. Seven of them died of pneumonia and/or influenza. A permanent exhibition was later established at the site, initially called the Museum of the Congo and since renamed the Royal Museum for Central Africa. A human zoo exhibit of Congolese people in 1958 was smaller in scale, but similar in content. The display advertised a “typical” village, where Congolese people spent their days by straw huts, engaged in crafts. The Congolese people on display were among 598 people – 273 men, 128 women and 197 children comprising 183 families – who were brought from Africa to staff the wider fair. Many complained of poor living conditions, significant restrictions on their movement and interactions, and daily abuse at the fair. These human zoos were racist, abusive and dehumanizing. In 2002, a human zoo exhibit involving eight Baka “pygmies” from the tropical forests of Cameroon was set up in the Rainforest natural park in the village of Yvoir in Wallonia. Three weeks after the show opened, it became the object of public protests by Belgians of African descent and others. The protestors made the point that, as a human zoo, the project was as morally reprehensible as its predecessor at the Exposition Universelle in Tervuren in 1897. Finally, between 1959 and 1962, an estimated 20,000 children born to white fathers and African mothers in Belgian-colonized Burundi, Congo² and Rwanda, were abducted and sent to Belgium for adoption from 1959 to 1962.

11 The Working Group was informed that most sub-Saharan Africans who had migrated to Belgium in recent decades had come from the former Belgian colonies in Africa: Burundi, the Democratic Republic of the Congo (formerly Zaire) and Rwanda. For reasons of language, most of them decided to settle in the French-speaking parts of Belgium. The first Africans settling in Flanders came from the Belgian (or post-independence) Congo and Ruanda-Urundi – later Rwanda and Burundi – during the late 1950s and early 1960s, and their highest concentration is in the city of Antwerp.³

12. According to a recent study by the King Baudouin Foundation, the population of people of African descent living in Belgium is estimated to be 110,000.⁴ Belgo-Burundian, Belgo-Congolese and Belgo-Rwandan people form the third-largest group in Belgium stemming from immigration from outside the European Union.⁵ These citizens are not often mentioned in a research context, and they seem to be poorly understood in society, even

¹ For further information on the history of the Congo Free State under King Leopold II in the 1880s and 1890s and on the colonial exploitations of Belgium in Africa, see United Nations Educational, Scientific and Cultural Organization (UNESCO), International Scientific Committee for the Drafting of a General History of Africa, “Africa under colonial domination 1880–1935”, *General History of Africa*, vol. VII (1985); Roger Casement and others, *Casement Report* (London, His Majesty’s Stationery Office, 1904), available at <https://archive.org/details/CasementReport/page/n1>; Commission of Enquiry (“the Leopold Commission”), *The Congo: a report of the Commission of enquiry appointed by the Congo Free State Government* (Brussels, 1905); and Edmund D. Morel, *Red Rubber: The Story of the Rubber Slave Trade Flourishing on the Congo in the Year of Grace 1906* (New York, The Nassau Print, 1906).

² References to “the Congo” in the present report are to the country that is now the Democratic Republic of the Congo, known as the Congo Free State from 1877 to 1908, the Belgian Congo from 1908 to 1960, the Republic of the Congo from 1960 to 1964, the Democratic Republic of the Congo from 1964 to 1971 and Zaire from 1971 to 1997.

³ See <https://kifkif.be>.

⁴ King Baudouin Foundation, *Des citoyens aux racines africaines : un portrait des Belgo-Congolais, Belgo-Rwandais et Belgo-Burundais* (Brussels, 2017).

⁵ The Flemish government conducted a similar survey for people of Congolese descent in 2017 entitled the “Living together in diversity survey”. Available at: samenleven-in-diversiteit.vlaanderen.be/rapport.

though Belgium shares a long common history with Africa. As part of its programme on integration and migration, the King Baudouin Foundation asked researchers to meet with people from Burundi, the Democratic Republic of the Congo, Rwanda and other countries in French-speaking sub-Saharan Africa. This survey, the first of its kind in Belgium, involved a representative sample of 805 people from throughout the country's three regions. The resulting portrait is nuanced and is intended to contribute to an informed debate. This process is all the more important as people of African descent appear to be more and more permanently established in Belgium and are experiencing high levels of demographic growth.⁶

III. Legal framework and steps taken for the protection of the human rights of people of African descent

A. Legal framework

13. Belgium has ratified all major international human rights treaties.⁷ Belgium has promoted the implementation of human rights at the international, European and bilateral levels. Belgium has stated publicly that it is essential to apply these universal principles at the national level and that it remains committed to fulfilling its human rights obligations.

14. The protection of human rights and the prohibition of discrimination are enshrined in the Constitution. It is stated in article 10 that "Belgians are equal before the law ... Equality between women and men is guaranteed." It is stated in article 11 that the "enjoyment of the rights and freedoms recognized for Belgians must be provided without discrimination. To this end, laws and federate laws guarantee among others the rights and freedoms of ideological and philosophical minorities."

15. In 2007, three new anti-discrimination laws were enacted in Belgium in order to comply with a number of European Union directives regarding discrimination: the Racism Law, which modifies the 1981 Law to Punish Certain Acts Initiated by Racism or Xenophobia; the Gender Law, which is aimed at eliminating discrimination between men and women; and the Anti-Discrimination Law, which is aimed at eliminating certain forms of discrimination. The Racism Law forbids discrimination on the basis of race, skin colour, nationality, descent and national or ethnic origin. With the exception of matters falling within the competence of the communities and regions, this law applies to all employment (both public and private), the offering of goods and services, social security, medical care, and participation in economic, social, cultural and political activities open to the public. The communities and regions have developed their own laws, which generally implement the European Union directives on anti-discrimination.

16. The three federal anti-discrimination laws impose criminal penalties for incitement to discrimination, segregation, hatred or violence against a person based on a protected criterion. This applies to speech or conduct that occurs in public, in a non-public place where people are entitled to meet, in the presence of an offended person and before witnesses, or in documents that have been disseminated to several people. Perpetrators of discrimination are punishable by a fine or imprisonment. The Anti-Discrimination Law also recognizes hate crimes as an aggravating factor of underlying misconduct, and allows the courts either to double the minimum penalty or to add two years of prison time in cases where the crime was motivated by bias. In addition, the Criminal Code recognizes the distinct crime of interfering in religious practice through violence, threats, destruction of property and other acts of disruption. Perpetrators may be punished by a fine or up to three months' imprisonment. If the offence has caused serious physical harm, the offender may receive up to five years' imprisonment.

⁶ King Baudouin Foundation, "Zoom: Research among Belgo-Congolese, Belgo-Rwandans and Belgo-Burundians: a nuanced portrait of fellow citizens with African roots", 2017.

⁷ See A/HRC/WG.6/24/BEL/2.

17. Belgian anti-discrimination legislation also provides for civil sanctions. The law nullifies contractual provisions that discriminate against a person because of a protected criterion, and victims of discrimination may obtain an injunction to stop discriminatory behaviour under the threat of a fine.

B. Institutional and policy measures

18. The Working Group recognizes the important work of Unia in the protection and promotion of human rights, and in documenting racism and inequality at the federal and regional levels. Its reports and diversity barometers provide important information on the human rights situation of people of African descent in Belgium. Unia is an independent public service, acting as an equality body in accordance with the relevant European directives, and was re-accredited as a B status national human rights institution in June 2018. Belgium has no A status national human rights institution.

19. The Working Group appreciates the willingness of public officials to discuss how public and private institutions may sustain or perpetuate racial disparities. The Working Group notes with concern the absence of data disaggregated on the basis of ethnicity or race, particularly for Belgians of African descent whose parents or grandparents were born in Belgium and for whom national origin is not a proxy for race. Disaggregated data are required in order to ensure the recognition of people of African descent and to overcome historical social and structural invisibility. Without such data, it is impossible to ensure that the commitments of Belgium to equality are realized. Some anti-discrimination bodies have found proxy data regarding parental origin that have informed equality and anti-racism analyses. Additional data relating, *inter alia*, to family reunification may allow these analyses to be extended to Belgian citizens of African descent.

20. The Working Group welcomes the institutional and policy measures taken to address racism, including the setting up of the National Network of Expertise on Crime against People, a robust infrastructure for combating hate crime that is tasked with reviewing the implementation of a joint circular from the Minister of Justice, the Minister of the Interior and the College of Public Prosecutors on the policy of identifying and prosecuting discrimination and hate-related violence.⁸

21. Several initiatives are being taken to combat racism, racial discrimination, xenophobia and related intolerance. In Brussels, Antwerp, Liège, Namur and Charleroi, the Working Group received information about social integration and intercultural initiatives for new arrivals, including referral to language tuition. In particular, the Working Group welcomes the commitment enshrined in the Liège against Racism charter.

22. The Working Group welcomes the renaming of the former Square du Bastion in Brussels as Square Patrice Lumumba, in June 2018, and an exhibition commemorating Congolese soldiers who fought in the First World War. The Working Group welcomes the adoption on 25 April 2019 of the law establishing the Federal Institute for the Protection and Promotion of Human Rights. The Institute should ensure concerted action with sectoral bodies for the protection and promotion of fundamental rights under federal jurisdiction. It aims to facilitate dialogue and will cooperate with organizations responsible for the protection and promotion of human rights at the federal level, with federated entities and with civil society organizations.

23. The Working Group welcomes the launch of the International Decade for People of African Descent at the national level on 25 June 2019. The event was organized by the Federal Equal Opportunities Administration (part of the Federal Public Service for Justice) under the mandate of the Minister for Equal Opportunities and with the support of the Ministry of Foreign Affairs. The stated aim of the event was to contribute both to the practical implementation of the Decade at the national level and to the preparation of a future national action plan against racism, through specific measures for people of African descent. The Working Group recommends that a broad representation of people of African descent be included at all stages of decision-making in implementing the International

⁸ Joint circular No. COL 13/2013.

Decade for People of African Descent and in the preparation of the national action plan against racism.

IV. Manifestations of racial discrimination

A. Lack of recognition, representation, negative stereotypes and the media

24. There is clear evidence that racial discrimination is endemic in institutions in Belgium. Civil society organizations have reported common manifestations of racial discrimination, xenophobia, Afrophobia and related intolerance faced by people of African descent. The root causes of present-day human rights violations lie in a lack of recognition of the true scope of the violence and injustice of colonization. As a result, public discourse does not reflect a nuanced understanding of how institutions may drive systemic exclusion from education, employment and opportunity. The Working Group concludes that inequalities are deeply entrenched because of structural barriers that intersect and reinforce each other. Credible efforts to counter racism require such hurdles to be overcome first.

25. Civil society organizations informed the Working Group that the fight against discrimination against people of African descent was rooted in a struggle against the representations inherited from the colonial past. Belgium provides a perfect example of the link between past and present racism, prompting us to consider what action should be taken in the future in order to combat such discrimination more effectively.⁹

26. The Working Group noted the lack of general knowledge and recognition of the culture, history and heritage of people of African descent. In particular, it was concerned by reports of insufficient efforts and supervision to ensure that textbooks and other educational materials reflected historical facts accurately in regard to past tragedies and atrocities, particularly enslavement, the transatlantic trade in enslaved Africans, the exploitation of African people, land and resources, and colonialism – including the role of Belgium. The absence of such efforts and of systematic supervision severely compromises any intentions to avoid stereotypes and the distortion or falsification of these historical facts, and this may lead to racism, racial discrimination, xenophobia, Afrophobia and related intolerance. According to the Working Group and to other research, the great majority of people of African descent who have been interviewed think that colonial history should be taught in school and believe that the colonial question is absent or overlooked in public discourse.

Education

27. The Working Group is concerned that primary and secondary school curricula do not adequately reflect the history of colonization or the history and contributions of people of African descent in Belgium. Whether the colonial history of Belgium is mentioned is largely dependent on the interest and initiative of individual teachers. Where such a curriculum exists, it appears to recapitulate colonial propaganda, including the suggestion that economic development came to Africa as a result of colonization, while omitting references to key historical figures of African descent, such as Patrice Lumumba. Reforms in attainment targets from September 2019 are intended to tackle these issues in the Flemish Community.

28. The Government noted that Flemish schools enjoyed a wide degree of autonomy. The Flemish Parliament develops a core curriculum comprising attainment targets or learning outcomes. In primary education, individual teachers and schools have discretion on how to address the themes of racism and discrimination, inequalities in society and colonization under the subject heading of “world orientation – people and society”. The Government also pointed out that ongoing reforms in secondary education include new attainment targets for grade 1 (12- and 13-year-olds) to be implemented on 1 September 2019. Attainment targets for grade 2 will be implemented in 2021, and for grade 3 in 2023. These targets are being developed on the basis of 16 key competences, including historical

⁹ Nathalie Bolland, “La situation des « Noirs » de Belgique au regard du passé colonial belge”, Mouvement contre le Racisme, l’Antisémitisme et la Xénophobie, 26 June 2006.

awareness and civic competences. These involve a specific focus on human rights with a historical perspective, colonization, decolonization and neocolonization, democracy, enslavement and crimes against humanity. Specific attention is also being paid to democracy, human rights and the prevention of all forms of discrimination. Materials prepared by the Council of Europe – in particular under its Reference Framework of Competences for Democratic Culture – were integrated into the learning outcomes as they were drafted. The concrete goals or learning outcomes for the curriculum reform will eventually be audited by the Education Inspectorate on a regular basis. The Working Group advises that ongoing assessment and audits should be used to ascertain whether teaching is leading to uneven learning or to maintaining a colonial lens in a pedagogical sense. Further, the Government should build on relevant initiatives such as the European Parliament's resolution of 26 March 2019 on the fundamental rights of people of African descent in Europe (2018/2899(RSP)).

29. The Government informed the Working Group that teachers in Flemish schools have individual discretion to work on remembrance education, which is aimed at helping pupils gain insight into the economic, political, social and cultural determinants of the Belgian historical context. With regard to human rights education and fighting discrimination, schools are encouraged to cooperate with organizations, museums and sociocultural institutions that reinforce civic and historical awareness, for example the Royal Museum for Central Africa, the King Baudouin Foundation and Kleur Bekennen. The latter two organizations receive subsidies from the Ministry of Education. There is also a Special Committee on Remembrance Education. Two key instruments were developed by the Special Committee to enhance the quality of remembrance education – the first known as the *toetssteen*, or touchstone, which provides a frame of reference that can be used both in education in general and in the field of remembrance education specifically. Several publications refer to this framework, and various institutions, museums and organizations integrate the touchstone in their operational work and use it as a guide for educational initiatives. The Special Committee's second initiative involved the publication of a book called *The Past Doesn't End: Remembrance Education as Pedagogical Practice* in 2017. The book brings together the many opportunities for remembrance education and sets forth the advice of historians, practitioners and instructors on how to pursue remembrance education institutionally.

30. The Working Group emphasized that remembrance education methodology did not go far enough. It encourages the Government to give a central role to the teaching of history, in particular the colonization of the Congo by Belgium and the role that formerly colonized people and people of African descent play in the development of Belgian society.

31. The Flemish Government's attainment targets act as minimum standards for the knowledge, competences and attitudes that pupils must have adopted by a certain age. These targets are further developed and implemented by educational networks, schools and teachers, with the help of pedagogical advisors, and the Education Inspectorate monitors compliance and quality. The Government notes that, in the French Community, the teaching of European colonization, and more specifically of Belgian colonization, is enshrined directly in history curricula in secondary education. This theme is also covered in textbooks for teachers. However, the Working Group heard serious concerns raised by people of African descent in both communities as to the manner in which the colonial history of Belgium, the contributions made by people of African descent to Belgian society and the truth about past atrocities have been mischaracterized, rationalized, overlooked or entirely omitted from educational curricula.

32. The Working Group noted with concern the public monuments and memorials dedicated to King Leopold II and to Force Publique officers, given their complicity in atrocities in Africa. The Working Group is of the view that, if this dark chapter in the country's history is to be closed and reconciliation and healing are to be achieved, Belgians should finally confront and acknowledge the role of King Leopold II and of Belgium in colonization, and its long-term impact on Belgium and Africa. In this context, the Working Group supports consideration of the proposed memorial initiative to establish the facts and allow for the involvement of various Belgian institutions in the colonization of Burundi, the

Congo and Rwanda to be recognized, as proposed in a parliamentary motion dated 14 February 2017 (DOC 54 2307/001).

33. The most visible postcolonial discourse in a Belgian public institution is that taking place within the recently reopened Royal Museum for Central Africa, which is both a research and a cultural institution. The museum has sought to review its approach to include critical post-colonial analysis – which is a marked shift for an institution originally tasked with promulgating colonial propaganda.

34. The Working Group welcomes the recognition of the need to reform the museum and is of the view that the steps taken thus far to reorganize it and add new exhibits have not gone far enough. For those communities that engage in vibrant post-colonial discourse – including civil society, historians and activists of African descent – this reorganization falls short of its goal of providing adequate context and critical analysis. The Working Group notes the importance of removing all colonial propaganda and accurately presenting the atrocities of the colonial past of Belgium. The Royal Museum for Central Africa admits that decolonization is a process and states its intention to continue that process and evolve towards sharing power with people of African descent and relevant institutions.

35. The Working Group was informed by the Government of specific commemorations of people of African descent. In the park where 267 Congolese people were exhibited during the universal exhibition in Tervuren in 1897, a commemorative plaque is dedicated to them and to the 12 children who died having been brought to Belgium between 1891 and 1900 to be educated. A Congolese artist, Freddy Tsimba, created a work entitled “Ombres” (“Shadows”) in the Memorial Hall of the Royal Museum for Central Africa to commemorate the victims of the Congo Free State and the Belgian Congo. The names of the 7 Congolese people who died during the universal exhibition in Tervuren in 1897 and of the 12 children who died having been brought to Belgium between 1891 and 1900 are projected. Their names appear as shadows on the list of names of 1,508 Belgians who died in the Congo between 1876 and 1908. Mr. Tsimba’s statue “Centre fermé, rêve ouvert” (“Closed centre, open dream”), which stands against one of the museum’s walls, refers to the plight of immigrants in closed asylum centres in Europe. The Working Group welcomes this information, but notes the paucity of commemoration of the estimated 17–25 million Africans who died in the Congo at the hands of the colonial project, and observes that the colonial perspective that is still reflected throughout the museum vastly overwhelms the commemorations that exist for people of African descent.

36. The Afropea gallery in the Royal Museum for Central Africa was created with the purpose of displaying the history of the African presence in Belgium since the sixteenth century (the first portrait of an identified person of African descent in Europe was painted by Albrecht Dürer in Antwerp in 1521, and shows a young woman aged around 20 whom Dürer identified as Katherina, a servant of the representative of the King of Portugal in Antwerp) and of marking the contributions to Belgian Society of individuals of African descent. The gallery also commemorates those who were ill-treated (such as the “children of Save”, who were separated from their mothers and brought to Belgium between 1958 and 1962, and the Rwandan children brought to Belgium to be adopted during the 1980s in suspicious circumstances) and those who lost their lives due to racist actions or in tragic circumstances related to their situation as immigrants without official papers – in the RIP section of the gallery. As 2019 marks the centenary of the creation of the first African association in Belgium, the Union Congolaise, which has in the meantime become the Union Royale Congolaise, there are plans to celebrate this by organizing events together with the Union and by incorporating photographs and documents in the permanent exhibition in the Afropea gallery. The Working Group was informed by the Government that the gallery has been co-created and co-curated in close collaboration with individuals of African descent and African associations in Belgium. It is a participatory and interactive exhibition, which can quickly be updated if a person of African descent is in the news. The Working Group was informed that Belgian-Congolese musicians Marie Daulne and Ronny Mosuse, together with Italian-Belgian musician Fabrizio Cassol, had composed the song “Echo” for the museum choir, to apologize for the violence inflicted on Congolese people during the colonial era, which had been obscured in the museum’s permanent exhibition for most of its history.

37. The Working Group was informed that, in December 2018, the Flemish state broadcaster Vlaamse Radio – en Televisieomroeporganisatie aired a six-part series entitled “The Children of the Colony” as part of a re-evaluation by Belgium of its colonial past – not only of the notoriously brutal reign of King Leopold II from 1865 to 1909, but also of the long second act of the country’s twentieth-century rule in central Africa.

38. The Working Group notes with approval that the 2016 appeal by Métis de Belgique for State recognition was met with an apology from the Catholic Church in 2017 and a 2018 parliamentary resolution on the segregation of mixed-race people during Belgian colonization in Africa. The Working Group commends the provision of funding for data gathering, research and accountability within this framework.

39. The Working Group welcomes the fact that, on 4 April 2019, the Prime Minister, Charles Michel, on behalf of the Government of Belgium, acknowledged the targeted segregation of mixed-race people under the colonial administration of the Belgian Congo and Ruanda-Urundi up to 1962 and following decolonization, and the related policy of forced abduction. On behalf of the Government, he apologized to people born to white fathers and African mothers during Belgian colonization and to their families for the injustices and suffering. The Prime Minister expressed compassion for the African mothers whose children had been taken from them. He expressed his wish that that solemn moment would mark a further step towards raising awareness and improving knowledge of this part of the history of Belgium, and would strengthen the determination of the Belgian authorities to fight relentlessly against all forms of discrimination, racism and xenophobia.

Criminal justice system and racial profiling

40. The Working Group notes that representatives of both civil society and law enforcement acknowledge the prevalence of racial profiling in policing. Counter-terrorism policies have reportedly contributed to an increase in racial profiling by law enforcement authorities. The Federal Police recognized the concern with racial profiling and offered additional information about a pilot study in Mechelen to document all stops and searches (including a narrative basis for the stop) over a two-year period and about training to prevent ethnic profiling. However, it is unclear how those initiatives may effectively target racial profiling, as the race of the community members stopped by the police is not included among the data captured.

41. According to research by human rights organizations,¹⁰ little has been done to prevent, detect or combat ethnic profiling and to fulfil the right to non-discrimination. They state that ethnic profiling is difficult to document, particularly in Belgium, where data collection is limited, and that the lack of research and data on identity checks is hampering an adequate response to the problem. Without the police force conducting studies and analysing the issue, certain forms of discrimination may continue to be overlooked and will remain difficult to address.

42. The Working Group visited St. Gilles prison in Brussels, and found it dilapidated and overcrowded. The facility is scheduled for relocation in 2022. Frequent strikes by prison personnel dramatically affect the conditions of confinement for the people incarcerated there, with suspensions of visits, showers, phone access and recreation, and prolonged lockdowns. Detainees highlighted the lack of attention to their requests for medical attention, and there were individual reports of racist behaviour by some of the guards. The administration committed to individually counselling perpetrators and to taking a zero-tolerance approach to racism.

Lack of representation

43. The Working Group notes with deep concern the lack of representation of people of African descent in the judiciary, law enforcement, government service, the correctional service, the federal and regional parliaments and municipal councils. These institutions do not reflect the diversity of the Belgian population. When the Working Group visited

¹⁰ Amnesty International Belgium, “‘You never know with people like you’: police policies to prevent ethnic profiling in Belgium” (Brussels, 2018).

Belgium in 2005, the Federal Police highlighted a robust recruitment programme to promote diversity. Although the programme was presented as a serious commitment, no data are available to establish what improvements, if any, have been made over the past 14 years and whether the programme has been successful.

44. Civil society representatives and community members commented on the lack of positive role models in the news media, on billboards and in Belgian television and film. The French Community referenced best practices involving a barometer of the print media, aimed at measuring equality and diversity among journalists and in news content, and the creation of an expert panel to broaden representation.

45. The Working Group was informed of a lack of representation of people of African descent in cultural institutions, universities and research centres and public bodies, and heard suggestions that quotas should be introduced. Another concern was the inability to promote artists of African descent because of the absence of any cultural centre dedicated to communities of African descent in Belgium and of any publishing house to facilitate the emergence of Afrodescendant authors and directors.

Racist hate speech and crimes, xenophobic discourse and harmful stereotypes

46. The Working Group is concerned about the rise of populist nationalism, racist hate speech and xenophobic discourse as a political tool, and reiterates the concerns raised by the Committee on the Elimination of Racial Discrimination in 2014 that the Government of Belgium had yet to adopt legislation declaring organizations which promote and incite racial discrimination illegal, in conformity with article 4 (b) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/BEL/CO/16-19, para. 9).

47. The use of blackface, racialized caricatures and racist representations of people of African descent is offensive, dehumanizing and contemptuous. Regrettably, the republication of *Tintin in the Congo*, unedited and without contextualization, perpetuates negative stereotypes and the book should be either withdrawn or contextualized with an addendum reflecting current commitments to anti-racism. Stereotypes of people of African descent that are rooted in enslavement, colonization and neocolonialism characterize the harmful image conveyed by the media. Such images are accompanied by a devaluation of African people – a devaluation of that which is African. Racist insults and other clichés accentuate the phenomenon.

48. The following incidents occurred in 2018. Cécile Djunga, a weather presenter of African descent with Radio-Télévision Belge de la Communauté Française, posted an online video, saying that she had endured racist comments regularly since she joined the station a year previously, including comments that she was “too black and all people could see were her clothes”. The video became the subject of national debate, with calls for action in the media and promises by the broadcaster of greater diversity among its presenters. Two women of African descent were harassed and subjected to racist chants including “Handjes kappen, de Congo is van ons” (“Chop off their hands, the Congo is ours”) by a group of young white men at the Pukkelpop music festival. There was also an incident of racist aggression against a man of African descent at Aarschot station.

49. The Working Group was informed about how racism and racial discrimination against people of African descent continues to be a serious concern. Almost 80 per cent of respondents to the King Baudouin Foundation study had experienced discrimination, unequal treatment or racial abuse. This affects many different areas of life: employment, housing, public spaces and contact with institutions. More than 7 out of 10 respondents considered the colonial question to be taboo in Belgian public debate, and 9 out of 10 thought that colonial history should be taught in schools. The Working Group supports this view and recommends a further study of the situation to evaluate the impact of the colonial legacy on the lives of Afrodescendants, African newcomers and other African migrants in Belgium.

B. Structural discrimination and disparities in employment, education, housing and health

Employment

50. The Working Group noted deficiencies in the enjoyment of economic, social and cultural rights among people of African descent in Belgium.

51. The Working Group heard repeatedly that Belgians of African descent faced “downgrading” and other employment challenges. People with university and graduate degrees reported working well below their educational levels, including in manual labour, despite possessing university certificates from Belgian universities. Unia has documented a pervasive downgrading of employment and the prevalence of people of African descent working well below their educational levels, even though they are among the most educated in Belgian society. Unia also highlighted difficulties in obtaining recognition of foreign diplomas, and reported systematic exclusions from job assistance, as job centre staff declined to refer people of African descent to employment opportunities at their educational levels.

52. According to the King Baudouin Foundation study, 60 per cent of Afro-Belgians are educated to degree level, but they are four times more likely to be unemployed than the national average. The rate of unemployment among people of African descent is four times higher than that among Belgians of European descent, and it is three times higher for the second generation of people of African descent born and educated in Belgium. The study shows that gender is also a strong discriminating factor, and that women are downgraded less than men but are subject to considerable stratification on ethnic grounds in the employment market. According to the Government of Belgium, a recent study by the Brussels employment service, Actiris, entitled “Profil et trajectoire des chercheuses et chercheurs d’emploi en région de Bruxelles-Capitale: monitoring selon l’origine nationale” (“Profiles and pathways of job seekers in the Brussels-Capital Region: monitoring according to national origin”) confirmed that people from sub-Saharan Africa (including Burundi, the Democratic Republic of the Congo and Rwanda) were overrepresented in unemployment statistics. The most affected populations include those whose origin falls under “other African countries” (41.3 per cent) and the population of Burundian, Congolese or Rwandan origin (39.3 per cent). The unemployment rate for people of Belgian origin (“Belgo-Belgians”) is 11.8 per cent. The Working Group welcomes the intention of the Government of Belgium to develop levers in this area to strengthen existing instruments for the promotion of diversity and the fight against discrimination in employment.

53. The Actiris study shows in detail that people of African descent are strongly affected by ethnoracial discrimination and racism, and that this exacerbates their feeling of not having the same opportunities as Belgo-Belgians. Almost 80 per cent of respondents indicated that they had experienced discrimination, unequal treatment or insults for at least one of two reasons (their skin colour or origin), and 80 per cent said that they had been victims of discrimination from a very young age. Public officials consistently rationalized the systematic exclusion of people of African descent with references to language and culture, even in cases involving second-generation Belgians.

54. Various studies, including the socioeconomic monitoring conducted by Unia and the Federal Public Service for Employment, Labour and Social Dialogue, show that people of African descent are systematically disadvantaged, especially compared with people of Belgian or European origin, whatever the reference used – the employment rate, the unemployment rate, the duration of employment for graduates or levels of precarious employment.

55. The European Commission reports that inactivity and unemployment are largely concentrated among specific population groups, with differences depending on age, educational attainment level and origin. People with a migrant background are overrepresented among the unemployed. The employment gap between people born outside

the European Union and people born in Belgium is among the highest such gap in the European Union, with a 21 per cent difference (27 per cent for women).¹¹

56. Some measures are reported to have been taken at both the federal level and the regional level (in Flanders, Wallonia and Brussels) to integrate people of a migrant background into the labour market and to tackle discrimination, including on the basis of ethnic origin. The federal Government informed the Working Group that, in order to combat discrimination, the Government of the Brussels-Capital Region was using “mystery calls”, a process involving the use of testers, whereby employers may be identified as potentially discriminating unlawfully. Social inspectors are now able to present themselves as jobseekers in order to investigate offences under the Anti-Discrimination Law. The Attorney-General has circulated legal guidance for inspectors regarding the relevant techniques for establishing evidence pursuant to the new legislation. The mystery call programme had only recently been commenced at the time of the visit, however, and few cases had been completed, so it was too early to assess its effectiveness. The Working Group was informed that local authorities were able to implement similar policies. Nevertheless, there is a lack of coordination across policy domains and between political levels to address the challenge of integrating people with a migrant background into work. Unia has stated that 27 per cent of complaints of employment discrimination received in 2017 involved “racial” criteria, and that most complaints concerned employment opportunities.¹²

Education

57. At every interaction with representatives of civil society, the Working Group heard testimonies of the systematic practice of diverting children of African descent to vocational or manual training and out of the mainstream, general educational trajectory. Such practices severely impact the right of young persons to education and to childhood and the right of parents to free choice with respect to their children’s education. Parents reported that they were struggling to keep their children from being diverted, resisting transfers to vocational education and fighting to avoid having their children diagnosed with behavioural or learning disorders, and that they were being threatened with the involvement of child protection services. A few parents discussed creative strategies to navigate these systems and secure their children’s education, which included using the home school testing process and enrolling their children in boarding school. University students also reported being discouraged from continuing their education or progressing.

58. The European Commission has confirmed these reports and has stated that there are major inequalities in education, rooted in structural problems relating to equal opportunities and inclusive education. Disadvantaged pupils are more likely to be steered towards certain schools and lower educational pathways, and the Commission notes: “Wide performance gaps between schools go hand-in-hand with unequal educational opportunities.”¹³

59. In 2018, Unia published its *Diversity Barometer: Education*, which found disparities between students of Belgian origin and students of foreign origin throughout all levels of schooling. Areas of concern included regular attendance at nursery school, test scores, leaving school without a diploma and underrepresentation in higher education. The *Diversity Barometer* noted that 46 per cent of North African boys began school late; that only 7 per cent of girls of Belgian origin left school without a diploma, while 41 per cent of North African girls left school without a diploma; that whereas 50 per cent of girls of Belgian origin continued to study following their last year of high school, this was the case for only 30 per cent of North African girls; and that while only 13 per cent of boys of Belgian origin left school without a diploma, this was the case for 45 per cent of boys of Turkish and North African origin.¹⁴

¹¹ See ec.europa.eu/info/sites/info/files/2018-european-semester-country-report-belgium-en.pdf.

¹² See www.unia.be/en/articles/more-employment-discrimination-cases-reported-to-unia-in-2017.

¹³ See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0401>.

¹⁴ Unia, *Baromètre de la diversité – Enseignement* (Brussels, 2018).

Housing

60. Civil society representatives reported frequent discrimination in the housing and rental markets. For instance, they would be immediately rejected by landlords who could detect an African accent over the phone or recognized their names as African. Some were informed that an apartment was unavailable once they had met the landlord face to face.

61. In its *Diversity Barometer: Housing*, published in 2014, Unia stated that landlords named Moroccans and sub-Saharan Africans, among others, as being undesirable. This was often due to negative and incorrect stereotypes and prejudices, such as a belief that sub-Saharan Africans lacked hygiene. Furthermore, sub-Saharan Africans received explicitly racist and offensive statements from neighbours and landlords, which was linked to the negative image conveyed through the media and political discourse about Muslims and French-speaking Africans. The area of Belgium and the language spoken in that area also played a part. French-speaking Africans encountered particular difficulties in the Flemish Region.¹⁵

Health

62. Several community members discussed the severe impact on their mental health due to racial discrimination. This included individualized racial slurs and hostile treatment, and several young people from different locations mentioned the dramatic impact of daily racism on their lives – including depression and becoming withdrawn – and the fact that no one in authority in their schools ever noticed or intervened.

C. Multiple forms of discrimination

63. The Working Group found that people of African descent in Belgium often faced multiple forms of discrimination on the grounds of their race, colour, gender, sexual orientation and religious beliefs. The Working Group heard considerable testimony from civil society representatives and community members on intersectionality. People who meet the criteria for multiple marginalized groups may be particularly vulnerable and face extreme violence and harassment, yet they often remain invisible or deprioritized even within communities of African descent. This is particularly true for undocumented people of African descent, whose lives are particularly precarious and who have lacked regularization for years. In addition, women of African descent, particularly recent migrants, have faced challenges pursuing justice, social support and even shelter from domestic violence.

64. People of African descent with Muslim religious identity questioned why law enforcement authorities assumed they had terrorist ties. Some public officials implicitly acknowledged their role in this, including by defending the use of racial profiling as a counter-terrorism tactic and suggesting a false equivalence between anti-radicalism efforts and anti-racism programmes. They failed to understand that race-based assumptions regarding radicalism were inaccurate and grounded in bias, and that they diverted key resources away from protecting Belgian society from actual threats.

V. Conclusions and recommendations

A. Conclusions

65. **The Working Group is concerned about the human rights situation of people of African descent in Belgium and concludes that inequalities are deeply entrenched because of structural barriers that intersect and reinforce each other. In its fact-finding mission, the Working Group found clear evidence that racial discrimination is endemic in institutions in the country. Civil society representatives reported common**

¹⁵ Unia, *Baromètre de la diversité – Logement* (Brussels, 2014).

manifestations of racial discrimination, xenophobia, Afrophobia and related intolerance faced by people of African descent.

66. The root causes of present-day human rights violations lie in a lack of recognition of the true scope of the violence and injustice of colonization. As a result, public discourse does not reflect a nuanced understanding of how institutions may drive systemic exclusion from education, employment and opportunity.

67. The Working Group is of the view that, if this dark chapter in the country's history is to be closed and reconciliation and healing are to be achieved, Belgians should finally confront and acknowledge the role of King Leopold II and of Belgium in colonization, and its long-term impact on Belgium and Africa.

68. The Working Group noted clear disparities in the enjoyment of economic, social and cultural rights among people of African descent in Belgium. The research underlines the need for urgent action to be taken. Around 80 per cent of respondents to one study said that they had been victims of discrimination from a very young age and, although 60 per cent of Afro-Belgians are educated to degree level, they are four times more likely to be unemployed than the national average.

69. The most visible postcolonial discourse in a Belgian public institution is that taking place at the Royal Museum for Central Africa, which has sought to include critical postcolonial analysis – a marked shift for an institution originally tasked with promulgating colonial propaganda. The Working Group is of the view that the reorganization of the museum has not gone far enough. For the communities that engage in vibrant postcolonial discourse, the reorganization falls short of providing adequate context and critical analysis. The Working Group notes the importance of removing all colonial propaganda and accurately presenting the atrocities of the colonial past.

70. Belgium often refers to intercultural rather than multicultural goals, with the idea of preserving individual cultural heritage and practices while coexisting in peace and prosperity with respect and regard for the intersection and interaction of diverse cultures. This diversity includes citizens, migrants, people of first-, second- and third-generation residency, highly educated people and groups that have contributed enormously to the modern Belgian State. Interculturality requires reciprocity, the rejection of harmful cultural stereotypes and the valuing of all cultures, including those of people of African descent.

71. The Working Group welcomes the recent analysis and studies on the human rights situation of people of African descent in Belgium conducted by the King Baudouin Foundation and by Unia through its diversity barometer. These illustrate the gravity of the situation and the need for specific measures to overcome the racial discrimination this group faces.

72. The Working Group is hopeful that the launch of the International Decade for People of African Descent in Belgium in June 2019 and the development of a national action plan against racism together with people of African descent will bring renewed commitment and additional resources to the country's human rights work at the national level, in particular in addressing the concerns of people of African descent.

73. The complex political system of Belgium must not impede fulfilment of the country's obligations to combat racism, racial discrimination, xenophobia and related intolerance. The lack of an A status national human rights institution and of a national action plan to combat racism, racial discrimination, xenophobia, Afrophobia and related intolerance must be addressed. Belgium should engage actively in partnership with people of African descent, particularly those with expertise in navigating these complexities, in order to promote equality and tackle entrenched racial disparity.

B. Recommendations

74. The following recommendations are intended to assist Belgium in its efforts to combat all forms of racism, racial discrimination, xenophobia, Afrophobia and related intolerance.

75. The Government of Belgium should:

(a) Adopt a comprehensive national action plan against racism, upholding the commitments it made in 2002 following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The action plan should be developed in partnership with people of African descent;

(b) Adopt a national strategy for the inclusion of people of African descent in Belgium, including migrants, and create a national platform for people of African descent. The national strategy should be developed in partnership with people of African descent;

(c) Establish an independent national human rights institution, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and in partnership with people of African descent;

(d) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(e) Implement the recommendations made by Unia, including those on combating racism, racial discrimination, xenophobia and related intolerance;

(f) Fund creative projects by people of African descent, such as the House of African Culture, with the aim of raising the visibility of all forms of African expression and preserving the history and memory of the African diaspora;

(g) Endow university chairs in African studies throughout Belgium and prioritize the hiring of faculty members of African descent so as to foster research, aid the dissemination of knowledge in this area and diversify Belgian academia. The Working Group recognizes the prominence of the Royal Museum for Central Africa as a research institution and its potential to facilitate the development and inclusion of scholars of African descent in Belgian academia;

(h) Ensure funding for anti-racism associations run by people of African descent to enable them to be partners in combating racism. The Working Group also recommends inclusive financing mechanisms for entrepreneurs of African descent;

(i) Encourage further, durable commemoration of the contributions of people of African descent, and the removal of markers of the colonial period;

(j) In consultation with civil society, give recognition and visibility to those who were killed during the period of colonization and to Congolese soldiers who fought during the two world wars, and acknowledge the cultural, economic, political and scientific contributions of people of African descent to the development of Belgian society, through the establishment of monuments, memorial sites, street names, schools and municipal, regional and federal buildings;

(k) Issue an apology for the atrocities committed during colonization. The Working Group recommends reparatory justice, with a view to closing what is a dark chapter in Belgian history and as a means of reconciliation and healing. The right to reparations for past atrocities is not subject to any statute of limitations. The Working Group recommends the Caribbean Community's 10-point plan for reparatory justice as a guiding framework;

(l) Establish a truth commission. The Working Group supports the bill laid before Parliament in 2017 on a memorial workplan to establish facts and the involvement of Belgian institutions in the Congo, Rwanda and Burundi;

(m) Ensure full access to archives relevant to research on Belgian colonialism;

(n) Provide the Royal Museum for Central Africa with appropriate financial and human resources so as to fully exercise the potential of this institution, improving and enriching its narrative and thus contributing to a better awareness and understanding of the tragic legacies of Belgian colonialism and of the past, and of the contemporary human rights challenges of people of African descent. The Working Group urges the relevant authorities to ensure that the museum is entrusted with tasks and responsibilities in the context of the International Decade for People of African Descent;

(o) Remove all offensive racist exhibits from the Royal Museum for Central Africa, in collaboration with historians from Africa and members of the diaspora, and provide richly detailed explanations and context to educate visitors accurately about the colonial history of Belgium and its exploitation of Africa. Given that the physical institution of the museum strongly manifests the colonial lens, additional efforts are required to achieve balance;

(p) Provide specific, directed funding to the museum so that it may enrich its postcolonial analysis. This funding should allow for innovations such as QR codes on museum signs to provide more context and to enrich intersectional analysis, including of the historical and current interplay of race, gender, sexuality, migration status, religion and other relevant criteria;

(q) Financially support a public education campaign, in partnership with people of African descent, so that people may learn about and better understand the legacies of Belgian colonialism;

(r) Collect, compile, analyse, disseminate and publish reliable statistical data, disaggregated by race and on the basis of voluntary self-identification, and take all necessary measures to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance;

(s) Address racial profiling and institute a policy of documenting and analysing stops and searches nationwide, including by race and skin colour, in order to promote and ensure equality and fairness in policing; mitigate selective enforcement of the law; and address enduring bias, stereotypes and beliefs about the need to survey and monitor people of African descent;

(t) Ensure that the robust framework set up for the prosecution of hate crimes is used more in practice;

(u) Review diversity initiatives within justice institutions and in other sectors including education and the media in order to develop clear benchmarks, to increase diversity measurably and to overcome structural discrimination and unconscious bias through positive measures, in accordance with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

(v) Clarify and simplify the jurisdiction of the anti-discrimination authorities, creating one point of entry to make reporting easier for victims, allowing for more coordination and making perpetrators of racist harassment and violence more accountable, including through accelerated judicial procedures;

(w) Review textbooks and educational materials and ensure that they accurately reflect historical facts as they relate to past tragedies and atrocities such as enslavement, the trade in enslaved Africans and colonialism. Belgium should use the *General History of Africa* by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to inform its educational curriculum, among similarly oriented authoritative texts.¹⁶ The Working Group urges the Government to promote

¹⁶ See, in particular, UNESCO, International Scientific Committee for the Drafting of a General History of Africa, "Africa under colonial domination 1880–1935", *General History of Africa*, vol. VII (1985).

greater knowledge and recognition of and respect for the culture, history and heritage of people of African descent living in Belgium. This should include the mandatory teaching of the colonial history of Belgium at all levels of the education system;¹⁷

(x) Investigate and redress any disparity in the diversion of children of African descent from general secondary education into vocational or technical education streams, as compared with white Belgian children, via the education ministries and authorities in the regions and communities;

(y) Require anti-racism training for all teachers, including training on implicit bias and specific manifestations of racism in the context of their work. The training should involve testing to evaluate the understanding of diversity among teachers;

(z) Require all public officials with education responsibilities to develop clear, objective and transparent processes and criteria that govern when a child should be diverted from general secondary education, noting the need to guard against implicit bias and race-based outcomes in decision-making, and the right of parents to resist or overrule the recommendations of teachers without harassment. To the degree that procedures and criteria already exist, the Government should require all public officials with education responsibilities to respect transparent processes and criteria around student orientation, including with regard to the diversion of children from general education, the need to guard against implicit bias and race-based outcomes in decision-making, and the importance of informing parents of their right to a free choice of school and educational programme for their children, of the legal procedures for appeal and of their right to resist or overrule the recommendations of teachers without harassment;

(aa) Take all necessary measures to combat racial discrimination and ensure full implementation of the right to an adequate standard of living, including the right to adequate housing and access to affordable health care, employment and education for people of African descent;

(bb) Invest in integrated trust-building measures between the police, judicial institutions, Unia, social integration bodies, anti-racist associations and victims of racial discrimination and race- and gender-based violence to ensure that racist acts, violence and crimes are systematically reported, prosecuted and compensated for;

(cc) Conduct a racial equity audit within its public institutions and incentivize private employers and institutions to do the same in order to ensure that the principles of equality and non-discrimination, which are grounded in the Constitution and are cornerstones of Belgian society, apply irrespective of race or ethnicity. The purpose of the audit shall be to look for specific manifestations of racism and qualitative contributors to systemic bias and discrimination within regular and routine operations. Belgium should commit to publishing the findings of the audit and to implementing the recommendations developed in the audit process;

(dd) Examine existing statistics and proxy data to determine whether people of African descent in Belgium, including Belgian citizens of African descent, experience and exercise their human rights consistently with the averages for all Belgians. This should cover data on citizenship, parents' place of birth and family reunification;

(ee) Adopt clear, objective and transparent protocols for job centres to ensure that they do not perpetuate stereotype and bias, including requiring referrals to be based on levels of education or experience and recognizing that language should not be a disqualifying factor once a measurable competence is determined;

¹⁷ The Government noted that, in the Flemish Community, teaching of the colonial history of Belgium will be mandatory at all levels of the education system from 2019 onwards, given the new attainment targets for secondary education.

(ff) Support and facilitate an open debate on the use of blackface, racialized caricatures and racist representations of people of African descent. The republished *Tintin in the Congo* should be withdrawn or contextualized with an addendum reflecting current commitments to anti-racism;

(gg) Involve civil society organizations representing people of African descent when framing important legislation concerning them and provide those organizations with adequate funding;

(hh) Further implement the 2030 Agenda for Sustainable Development in Belgium, focusing on indicators relevant to people of African descent, in partnership with civil society. In view of Statbel's 2018 report on poverty, the Working Group calls on the Government to eradicate structural racism in order to attain the relevant Sustainable Development Goals.

76. The Working Group calls on politicians at all levels of society to avoid instrumentalizing racism, xenophobia and hate speech in the pursuit of political office and to promote inclusion, solidarity, non-discrimination and meaningful commitments to equality. The media are also reminded of their important role in this regard.

77. The Working Group reminds the media of their important role as a public watchdog with special responsibilities for ensuring that factual and reliable information about people of African descent is reported.

78. The Working Group reiterates its satisfaction at the Government's willingness to engage in dialogue, cooperation and action to combat racial discrimination. The Working Group hopes that the present report will support the Government in this process and expresses its willingness to assist in this important endeavour.
