

**Contribution by  
the Coalition of Francophone Associations in Flanders and by  
the Association for the Promotion of Human Rights and Minorities  
(CAFF-ADHUM)  
for Belgium's fourth UPR**

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Joint submission by :

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## **INTRODUCTION**

In Flanders, the unilingual Flemish region in northern Belgium, more than 300,000 citizens have French as their mother tongue<sup>1</sup>.

This French-speaking minority in Flanders (5% of the population) is not recognized as such, nor is it protected by the Council of Europe's Framework Convention for the Protection of National Minorities, which Belgium has still not ratified since its signing on July 31, 2001.

In the absence of recognized rights, particularly the right to subsidies for their cultural activities, and subject to continuous administrative harassment by the Flemish Region both in municipalities with special linguistic status (municipalities with facilities) and in municipalities without facilities, the French-speaking community in Flanders feels threatened by forced assimilation.

In order to finally obtain recognition and protection of their cultural and linguistic rights, the French-speaking community in Flanders is calling on the international community for help. The international community cannot remain indifferent to this situation and tolerate the fact that certain human rights (in particular those of national minorities) do not apply in part of Belgium.

## **METHODOLOGY**

This report is the result of the work of a coalition of four associations representing all French speakers in Flanders, including the Brussels periphery, the Fourons entity, and the city of Renaix (CAFF), as well as the Association for the Promotion of Human Rights and Minorities (ADHUM).

Active on the ground, the associations that make up CAFF-ADHUM regularly appear in the Belgian and foreign media to denounce the situation of the French-speaking minority in Flanders. They closely follow parliamentary debates. They also participate in the work of the UN and other organizations dedicated to the protection and promotion of human rights.

## **I. PROTECTION OF NATIONAL MINORITIES**

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<sup>1</sup> According to the "Study on the use of French by the inhabitants of Flanders" (p. 24), conducted by Dedicated Research in September 2009, in the absence of a linguistic census, <http://www.francophonie.be/ndf/main/pdf/rapportdr.pdf>. This estimate is confirmed by the Nieuwe Encyclopedie van de Vlaamse Beweging, Lannoo, 1998, which states: "In Flanders, a small part of the population has been French-speaking for centuries." According to the official Flemish organization Kind & Gezin, 6.5% of mothers in Flanders will be raising their children in French in 2024, <https://www.opgroeien.be/kennis/cijfers-en-onderzoek/taal-en-nationaliteit>.

1. In 2001, Belgium signed the Framework Convention for the Protection of National Minorities, accompanied by two declarations: in its first declaration, the Belgian government stated that its domestic law provisions would take precedence over the framework convention; in its second declaration, Belgium stated that it would entrust the Interministerial Conference on Foreign Policy (CIPE) with defining the concept of national minority.

2. The first declaration was challenged by the Council of Europe in its Resolution 1301 adopted the following year, on September 26, 2002, which considered it to be a reservation incompatible with international treaty law.

3. As regards the second declaration, the work of the CIPE conference has never been completed, nearly 25 years after the signing, despite the fact that the Council of Europe, in its Resolution 1301 of September 26, 2002, had already designated which national minorities were to be protected in Belgium, thereby rendering the work of the CIPE obsolete.

4. Thus, in point 18 of Resolution 1301<sup>2</sup>, based on the work of the Venice Commission, it was explicitly stated that *"The Assembly considers that the following groups are to be regarded as minorities in Belgium in the context of the Framework Convention: at the state level, the German-speaking community; at the regional level, French speakers living in the Dutch-speaking region and in the German-speaking region, and Dutch and German speakers living in the French-speaking region."*

5. In its resolution of February 7, 2018, on the protection and non-discrimination of minorities in the Member States of the European Union (2017/2937)<sup>3</sup>, the European Parliament recommended that all Member States commit to signing, ratifying, and ensuring the implementation of the Council of Europe Framework Convention for the Protection of National Minorities.

6. The Belgian federal government, which has been in office since February 2025, has not included any provisions in the 2025-2029 government agreement aimed at ratifying the Framework Convention, and in response to written parliamentary question No. 108, the Minister of Foreign Affairs indicated that he would relaunch the work of the "Minorities" working group set up within the CIPE (editor's note: Interministerial Conference on Foreign Policy) during this legislative term, but without any obligation to achieve results: clearly, Belgium does not intend to make any progress on this issue in the next five years.

7. Furthermore, it is unacceptable that French speakers in Flanders do not have guaranteed parliamentary representation in the Flemish Parliament, while the Dutch-speaking minority in Brussels has guaranteed representation in the Brussels Regional Parliament (17 seats out of 89, or 20%), even though there are more French speakers in Flanders than Flemish speakers in Brussels!

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<sup>2</sup> <https://pace.coe.int/fr/files/17048>

<sup>3</sup> [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0032\\_FR.pdf](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0032_FR.pdf)

8. Finally, the Special Rapporteur on minority issues and other human rights actors have regularly emphasized *"the importance of disaggregated data for the implementation and monitoring of the rights of persons belonging to minorities"*<sup>4</sup> : As the linguistic component of the decennial census has not been authorized since a 1961 law, again under pressure from Flanders, it is still not possible to monitor the rights of persons belonging to national minorities.

**9. RECOMMENDATION No. 1: Ratify without reservation and without further delay, with the consent of the Belgian Parliament and the regional and community parliaments, including that of the Flemish Region, the Framework Convention for the Protection of National Minorities, in accordance with Council of Europe Resolution 1301.**

**10. RECOMMENDATION No. 2: Guarantee minimum representation of the French-speaking minority in the Flemish Parliament.**

**11. RECOMMENDATION No. 3: Reinstate the language section in the decennial population census, which has been prohibited since a Belgian law of 1961.**

## **II. PROTOCOL No. 12**

12. Belgium has still not ratified Protocol No. 12 to the Convention for the Protection of Human Rights, which it signed 25 years ago (on November 4, 2000). Article 1 of the protocol stipulates that: *"The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."*

13. Protocol No. 12 to the European Convention on Human Rights is one of the most effective international instruments in the fight against discrimination, as it has direct effect in the domestic legal systems of the countries that have ratified it, enabling their citizens to invoke it directly before their national courts.

14. Thus, the federated entities, which already had anti-discrimination legislation in place, all gave their assent or introduced their draft legislation for assent, each time without the slightest reservation. The Walloon Parliament did so on November 18, 2003, the Parliament of the French Community (Wallonia-Brussels Federation) on April 21, 2004, the French Community Commission of the Brussels Region (editor's note: French-speaking Parliament of Brussels) on May 15, 2003, the Joint Community Commission of the Brussels Region on December 5, 2002, and the Parliament of the German-speaking Community on February 18, 2002.

15. The Flemish Parliament, for its part, introduced its draft decree of assent on

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<sup>4</sup> A/HRC/37/26

October 8, 2008, but has still not adopted it, no less than twelve years later, even though, on the one hand, the Belgian Council of State has not raised any objections to the ratification of the protocol by the federated entities and, on the other hand, the European Court of Human Rights has never interpreted a text as clear as Protocol 12, which is specifically intended to supplement and improve Article 14 of the European Convention on Human Rights, in a restrictive manner.

16. However, the European Parliament resolution of February 7, 2018, on the protection and non-discrimination of minorities in the Member States of the European Union (2017/2937)<sup>5</sup> specifies (§14) that the Parliament urges all Member States to sign, ratify, and ensure the implementation of Protocol No. 12.

17. In response to written question No. 120<sup>6</sup> recently submitted to the federal parliament, the Fédéral Minister of Foreign Affairs indicated that Flanders needed time to thoroughly analyze the legal implications of the protocol in domestic law. He also noted that it was necessary to wait for the case law of the European Court of Human Rights on this protocol, as its scope was not yet sufficiently clear.

18. This response is disappointing, as it shows that Belgium, like other instruments of international law, is blocked in the process of ratifying Protocol No. 12, which is a mixed treaty, through the federated entity of Flanders. However, the Federal Minister of Foreign Affairs did indicate that the preparation of Belgium's 4th Universal Periodic Review (UPR) was an appropriate opportunity to possibly re-examine this issue.

**19. RECOMMENDATION No. 4: Ratify Protocol No. 12 to the European Convention on Human Rights without delay.**

### **III. NATIONAL HUMAN RIGHTS INSTITUTION (NHRI)**

20. During its third Universal Periodic Review (UPR) in 2021, more than 30 states recommended that Belgium accelerate the creation of a national human rights institute (NHRI) in accordance with the Paris Principles.

21. The Federal Institute for the Protection and Promotion of Human Rights, Belgium's NHRI, was established by the law of May 12, 2019, before the last federal elections in Belgium, and has just been set up. Unfortunately, it does not offer any progress in the fight against linguistic discrimination. Indeed, the Institute will not deal with individual complaints.

22. In October 2019, during its review of Belgium's sixth periodic report<sup>7</sup>, the Human Rights Committee (CCPR) questioned the coordination between sectoral human rights institutions and the new Federal Institute. The Committee recommends

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<sup>5</sup> [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0032\\_FR.pdf](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0032_FR.pdf)

<sup>6</sup> QO 005378C

<sup>7</sup> CCPR/C/BEL/CO/6, paras. 9 and 10

that Belgium give the Institute *"a comprehensive mandate and all the necessary means to fully carry out its mandate, including the possibility of receiving complaints."*

23. When examining Belgium's fifth periodic report<sup>8</sup>, the Committee on Economic, Social and Cultural Rights (CESCR) expressed its *"concern that the mandate of the Federal Institute of Human Rights is currently limited to the federal level and that it does not have the authority to receive individual complaints."* The Committee recommends that the Belgian State expand the mandate of the national human rights institution, in accordance with the Paris Principles, to apply to the federal State and the Regions. It also encourages the Belgian State to consider giving the Institute the capacity to receive and examine complaints and requests concerning individual situations. The Committee on the Elimination of Racial Discrimination (CERD) made a similar recommendation during its review of Belgium in April 2021.

**24. RECOMMENDATION No. 5: Interfederalize the Federal Institute for the Protection and Promotion of Human Rights and enable it to receive and examine individual complaints and requests.**

#### IV. LINGUISTIC DISCRIMINATION

25. Since the 2007 anti-discrimination laws, language has been listed as one of the grounds for discrimination that the law seeks to combat<sup>9</sup> (Article 3). The Belgian legislature has entrusted the Interfederal Center for Equal Opportunities (known as UNIA) with the task of ensuring the proper application of the anti-discrimination law.

26. However, an exception has been made to this jurisdiction for disputes or litigation based on discrimination on the grounds of language. Article 29 §2 of the law provides that the King (i.e., the federal executive power, represented by the federal government) must designate the body that will be competent for discrimination based on language, a provision that has never been implemented.

27. As a result, UNIA (editor's note: the Belgian Interfederal Center for Equal Opportunities and the Fight Against Discrimination) cannot process reports when discrimination is based on language. UNIA explained to the federal parliament that it receives an average of 135 reports per year concerning language criteria. Victims of linguistic discrimination are still left to fend for themselves.

28. Furthermore, at its 2821st meeting on April 29, 2021, the Committee on the Elimination of Racial Discrimination recommended that Belgium (point 8): *"... Entrust the Institute with the mandate to receive and process individual complaints, including cases of linguistic discrimination against minorities, and allocate sufficient human and financial resources to enable it to carry out its mandates."*

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<sup>8</sup> E/C.12/BEL/CO/5, paras. 7 and 8

<sup>9</sup> [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=2007051035&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2007051035&table_name=loi)

29. In 2017, in the first evaluation report on anti-discrimination laws in 2007<sup>10</sup>, experts, chaired by Françoise Tulkens—who was a Belgian judge at the European Court of Human Rights from 1998 to 2012—pointed to the lack of a competent body to deal with linguistic discrimination. *"Article 29 §2 of the law entrusts the King with the task of designating the body that will be competent for discrimination based on language. However, to date, this designation has still not been made."*

30. *As a result, victims of discrimination based on language cannot, unlike victims of discrimination based on other grounds mentioned in the legislation, benefit from the assistance, information, and advice of a public institution specially created for this purpose. "This inconsistency in the system of protection against discrimination, which creates inequality between victims, should be remedied."* They recommend *"implementing Article 29 §2 of the Anti-Discrimination Act and designating a body to promote equal treatment that is competent for the ground of language."*

31. During its review of Belgium's fifth periodic report in 2020<sup>11</sup>, the Committee on Economic, Social and Cultural Rights (CESCR) asked Belgium *"to implement the recommendations made by the Commission for the Evaluation of Federal Legislation on Combating Discrimination. It also recommended that Belgium designate a body responsible for handling complaints of discrimination based on language."*

32. In February 2022, the Commission for the Evaluation of Federal Legislation on Combating Discrimination noted in its final report<sup>12</sup> that a body competent to deal with discrimination based on language had still not been designated and reiterated its recommendation in this regard.

33. The federal coalition agreement of February 2025 (Editor's note: agreement of the Belgian federal government for the 2025-2029 legislative term) makes no mention of any desire or determination on the part of the Belgian state to set up a public body responsible for ruling on linguistic discrimination, which means that Belgium does not intend to move in the desired direction on this issue under pressure from the Flemish wing of its government and from Flanders, a federated entity.

**34. RECOMMENDATION No. 6: Designate the body competent for discrimination based on language, as provided for in Article 29 § 2 of the Anti-Discrimination Act of May 10, 2007.**

## V. RESPECT FOR LANGUAGE FACILITIES

35. Since 1997, circulars adopted by the Flemish Government, applicable to both

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<sup>10</sup> <https://www.unia.be/files/Commission-dévaluation-Lois-antidiscrimination-premier-rapport-2017.pdf>

<sup>11</sup> E/C.12/BEL/CO/5, paras. 18 and 19

<sup>12</sup> [https://www.unia.be/files/Commission\\_Evaluation\\_Lois\\_Antidiscrimination\\_-\\_Rapport\\_2022.pdf](https://www.unia.be/files/Commission_Evaluation_Lois_Antidiscrimination_-_Rapport_2022.pdf)

local services and Flemish Government services, have sought to impose a restrictive regime on the use of French in administrative matters in municipalities with a special language regime in the Dutch-speaking region, contrary to the interpretation that had always been valid, namely that this system of facilities is permanent and non-repetitive, i.e. that beneficiaries do not have to renew their request to obtain documents in their language.

36. However, Article 129 §2 of the Belgian Constitution stipulates that only the federal legislature, acting by a special majority, may modify the existing legal regime in municipalities with facilities, which means, a contrario, that any other level of government, and in particular the Flemish Government, is materially incompetent under the Constitution to modify it by means of a circular.

37. The Flemish interpretation contained in these circulars has been challenged in the courts and tribunals, and before the administrative courts, since early 1998. The culmination of this dispute was the ruling of December 6,<sup>2018</sup><sup>13</sup>, by the Court of Cassation, the highest court in the Belgian judicial system (twenty years later), which established the correct interpretation of the language facilities regime at the judicial level.

38. A few years earlier, the Council of State, in general assembly, the highest administrative court in the country, had ruled, in a judgment of June 20, 2014<sup>14</sup>, that the same "Peeters" circular, as well as *"the interpretation that requires the person concerned to take specific steps each time they wish to use French disproportionately restricts the rights guaranteed in Articles 25, 26, and 28 (editor's note: of the laws on the use of languages in administrative matters) and is contrary to the law."*

39. This dual case law is therefore legally indisputable and determines the Flemish Community's lack of jurisdiction to regulate the use of languages in municipalities with a special regime: once they have requested the use of French, French-speaking individuals residing in a municipality with a special regime must have their choice confirmed by the relevant administration once and for all.

40. With Flanders already refusing to apply the language facilities by reducing their scope, some Flemish parties want to put an end to this regime altogether, which is clearly unconstitutional (see above, 40); several special bills have been tabled in the House and Senate by the far right and Flemish nationalists with a view to abolishing the facilities.

41. In Renaix, a municipality with special status in the Dutch-speaking region offering facilities for French speakers, the *Renaix Bilingual* Collective took the City of Renaix to court in September 2023 before the Court of First Instance in Oudenaarde for non-compliance with language legislation. The collective has just won its case: in a

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<sup>13</sup> [http://jure.juridat.just.fgov.be/pdfapp/download\\_blob?idpdf=F-20181206-11](http://jure.juridat.just.fgov.be/pdfapp/download_blob?idpdf=F-20181206-11)

<sup>14</sup> [http://www.raadvst-consetat.be/?page=news\\_archive&lang=en&newsitem=225&year=2014](http://www.raadvst-consetat.be/?page=news_archive&lang=en&newsitem=225&year=2014)

ruling dated June 24, 2025<sup>15</sup>, the Court of First Instance of Oudenaarde, following the opinion of the Constitutional Court<sup>16</sup>, ruled against the city of Renaix. From now on, Renaix will have to communicate in Dutch and French, as required by law, with priority given to Dutch (street name signs, inscriptions on public buildings (library, swimming pool, cemetery, CPAS, etc.), municipal magazine, city website, etc.), under penalty of a fine of €1,000 per week of delay.

42. Renaix has decided to comply with the judgment but has appealed its conviction for non-compliance with the facilities.

**43. RECOMMENDATION No. 7: Enforce the permanent and non-repetitive legal regime of language facilities, as confirmed by the Belgian administrative and judicial courts.**

**44. RECOMMENDATION No. 8: Remove from the internal legal system the restrictive circulars of the Flemish government that have been declared illegal by the Belgian administrative and judicial courts.**

## VI. ACCESS TO FRENCH-LANGUAGE EDUCATION

45. On July 23, 1968, a ruling by the European Court of Human Rights<sup>17</sup>, highlighted the failure of a provision of Belgian language legislation in administrative matters to comply with the European Convention on Human Rights. In the case known as "the language regime in education in Belgium," the Court ruled that Article 7, §3, of the Belgian law of August 2, 1963, on the use of languages in administrative matters *"was not in conformity with the requirements of Article 14 of the European Convention on Human Rights, read in conjunction with the first sentence of Article 2 of the Additional Protocol, in that it prevented certain children, solely on the basis of their parents' residence, from accessing French-language schools in the six municipalities on the outskirts of Brussels that have their own status (...)"*.

46. This legal provision prohibits French-speaking children whose parents reside in a unilingual Flemish municipality without linguistic "facilities" on the outskirts of Brussels from enrolling in a French-speaking school in one of the six municipalities with "facilities" (municipalities with a special status provided for by law), solely on the grounds that their residence is not in one of these municipalities: The Court concluded that this constituted discrimination based in particular on language.

47. More than 55 years after this ruling, it is clear that the situation in these six municipalities remains unchanged with regard to the impossibility for children whose parents reside outside these six municipalities to access the French-language nursery and primary schools established there: the provision deemed contrary to the ECHR is

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<sup>15</sup> Case No.: 23/147/A

<sup>16</sup> Decision No. 134/2024

<sup>17</sup> [https://hudoc.echr.coe.int/fre#{"itemid":\["001-62083"\]}](https://hudoc.echr.coe.int/fre#{)

still present in the Belgian domestic legal system and continues to be applied there.

48. On September 26, 2002, the Parliamentary Assembly of the Council of Europe reiterated that the residence requirement for access to French-language education, which was expressly condemned in the 1968 judgment, was discriminatory. It therefore called on *"the Kingdom of Belgium to implement fully and without further delay the judgment of the European Court of Human Rights of July 23, 1968, according to which, among other things, children of parents who do not reside in the six municipalities on the outskirts of Brussels with language facilities must nevertheless be allowed to attend French-language schools in those municipalities ."*

**49. RECOMMENDATION No. 9: Remove the residence requirement from Belgian law in order to allow French-speaking students residing in another municipality to enroll in a French-speaking school in a suburban municipality with language facilities.**

## VII. USE OF FRENCH IN DELIBERATIVE ASSEMBLIES

50. Since the 1970s, French-speaking municipal councilors in municipalities with special language arrangements in the Dutch-speaking region have still not been able to speak in their own language during deliberative assemblies.

51. However, the established case law of the Permanent Language Control Commission (the federal body responsible for monitoring the application of language laws) states that *"the oral use of languages within the municipal council is free, both in public and closed sessions"* and that *"municipal councilors of the municipalities referred to in Article 23 of the laws on the use of languages in administrative matters are free to use Dutch or French when addressing the council orally or in writing."*

52. The ruling of the Court of Arbitration (now the Constitutional Court) of March 10, <sup>1998</sup><sup>18</sup>, states *"expressis verbis"* that *"the obligation to use Dutch during municipal council meetings applies exclusively to the mayor and other members of the college of mayor and aldermen, and therefore does not apply to other members of the municipal council."*

53. Recommendation No. 258 of the Congress of Local and Regional Authorities of the Council of Europe, dated December 2, 2008, entitled "Local democracy in Belgium: the non-appointment of three mayors by the Flemish authorities <sup>19</sup>, highlighted this practice as contrary to the European Charter of Local Self-Government, considering that the persistent refusal of the Flemish authorities to recognize the opinions and recommendations of the Council of Europe and to apply

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<sup>18</sup> [https://www.ejustice.just.fgov.be/cgi/article\\_body.pl?language=fr&caller=summary&pub\\_date=98-05-21&numac=1998021201](https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=98-05-21&numac=1998021201)

<sup>19</sup> <https://rm.coe.int/democratie-locale-en-belgique-la-non-nomination-de-trois-bourgmestres-/168071938f>

the ruling of the Constitutional Court borders on arbitrariness, and that the Flemish authorities are seriously disregarding the democratic standards set by the Council of Europe in the field of local democracy.

**54. RECOMMENDATION No. 10: Enforce the authority of the Constitutional Court's ruling of March 10, 1998, as confirmed by the Council of Europe, and allow French-speaking municipal councilors in municipalities with facilities to express themselves freely, without constraint, in the language of their constituents, who are in the majority in most municipalities with facilities.**

**55. RECOMMENDATION No. 11: Recognize the full legal effect of statements made in French by municipal councilors of all municipalities with facilities located in the Flemish Region.**

## **VIII. CIVIL SOCIETY – FOLLOW-UP TO THE UPR**

56. During its second UPR in 2016, Belgium emphasized that collaboration with civil society could be improved. *"We have taken note of civil society's comments on Belgium's approach to drafting its report for the Universal Periodic Review and we will be sure to consult with all the relevant authorities on how to further improve the process in the future"*<sup>20</sup>.

57. In addition, Belgium accepted several recommendations on collaboration with civil society, including Poland's recommendation (2016) *to "involve civil society in the process of following up and implementing the recommendations resulting from the UPR"*<sup>21</sup>, Malaysia's recommendation (2021) *to "cooperate regularly with civil society in following up on the recommendations resulting from the Universal Periodic Review"*<sup>22</sup> and Albania's recommendation (2021) *to "collaborate actively and regularly with civil society"*<sup>23</sup>.

58. It took more than three and a half years before the FPS Foreign Affairs organized an information and dialogue session with civil society at the Egmont Palace on December 19, 2019.

59. The lack of collaboration with civil society has only been repeated. In preparation for Belgium's third UPR, civil society was consulted only once, on January 12, 2021, at the end of the process. This was just before the deadline for submitting the national report to the UN, set for February 1, 2021, thus limiting the role of civil society to endorsing a report written exclusively in-house, which is unacceptable!

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<sup>20</sup> A/HRC/32/8 §20

<sup>21</sup> A/HRC/32/8 §138.53

<sup>22</sup> A/HRC/48/8 §35.48

<sup>23</sup> A/HRC/48/8 §35.49

60. During the debriefing of civil society and stakeholders organized by the FPS Foreign Affairs on June 11, 2021, at the end of the third UPR, CAFF-ADHUM made several concrete proposals, namely:

- the establishment of thematic groups to follow up on both the UPR recommendations and the recommendations of other UN committees;
- the organization of at least one annual meeting—ideally two—to ensure active and regular collaboration with civil society. The response to this was: *"The request for more consultation is a point that has been noted."*

61. Despite this, it took another two years before an information and dialogue session with civil society was organized on June 22, 2023, on the implementation of the recommendations accepted by Belgium during its third UPR. As in the second cycle, this is the only follow-up meeting to which civil society actors have been invited to participate since the debriefing in June 2021.

62. In response to a parliamentary question (written question No. 118)<sup>24</sup>, the Minister of Foreign Affairs replied, with regard to the fourth cycle and the preparation of the national report due on February 1, 2026, that there would be a consultation with civil society on the draft report in due course, probably at the end of this year, which once again limits civil society's contribution to a restricted, essentially formal and belated advisory role, contrary to the guidelines of the UPR Info organization, which stipulate that national consultations should begin one year before the review.

63. Finally, one additional factor deserves to be highlighted: the lack of simultaneous translation during meetings between civil society and the authorities. Although the representatives of the authorities are courteous enough to respond in the language of the speakers, in the absence of translation, a whole series of useful exchanges may not be understood when they take place in Dutch and the speaker is French-speaking, and vice versa. Translating exchanges into national languages would be a relatively easy investment that would increase the scope of the debates.

**64. RECOMMENDATION No. 12: Collaborate actively and regularly with civil society in following up on the recommendations of the Universal Periodic Review (UPR) and drafting national reports.**

**65. RECOMMENDATION No. 13: Provide simultaneous translation of speeches into the three national languages during meetings between civil society and the authorities.**

## **IX. LIST OF RECOMMENDATIONS**

**1. Ratify without reservation and without further delay, with the consent of the Belgian Parliament and the regional and community parliaments, including**

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<sup>24</sup> QO 005711C

**that of the Flemish Region, the Framework Convention for the Protection of National Minorities, in accordance with Council of Europe Resolution 1301.**

- 2. Guarantee minimum representation of the French-speaking minority in the Flemish Parliament.**
- 3. Reinststate the language section in the decennial population census, which has been prohibited since a Belgian law of 1961.**
- 4. Ratify Protocol No. 12 to the European Convention on Human Rights without delay.**
- 5. Interfederalize the Federal Institute for the Protection and Promotion of Human Rights and enable it to receive and examine individual complaints and requests.**
- 6. Designate the competent body for discrimination based on language, as provided for in Article 29 § 2 of the Anti-Discrimination Act of May 10, 2007.**
- 7. Enforce the permanent and non-repetitive legal regime of language facilities, as confirmed by the Belgian administrative and judicial courts.**
- 8. Remove from the domestic legal system the restrictive circulars issued by the Flemish government that have been declared illegal by the Belgian administrative and judicial courts.**
- 9. Remove the residence requirement enshrined in Belgian law in order to allow French-speaking pupils residing in another municipality to enroll in a French-speaking school in a neighboring municipality known as a "facilities municipality."**
- 10. Enforce the authority of the Constitutional Court ruling of March 10, 1998, as confirmed by the Council of Europe, and allow French-speaking municipal councilors in municipalities with facilities to express themselves freely, without constraint, in the language of their constituents, who are in the majority in most municipalities with facilities.**
- 11. Recognize the full legal effect of statements made in French by municipal councilors of all municipalities with facilities located in the Flemish Region.**
- 12. Actively and regularly collaborate with civil society in following up on the recommendations of the Universal Periodic Review (UPR) and in drafting national reports.**
- 13. Provide simultaneous translation of statements into the three national languages during meetings between civil society and the authorities.**

## **X. RESUME EN FRANÇAIS**

### **INTRODUCTION**

En Flandre, région unilingue flamande située au nord de la Belgique, plus de 300.000 citoyens ont pour langue maternelle le français<sup>25</sup>.

Cette minorité francophone en Flandre (5% de la population) n'est pas reconnue comme telle, ni protégée par la Convention-cadre du Conseil de l'Europe pour la protection des minorités nationales, que la Belgique n'a toujours pas ratifié à ce jour, depuis sa signature le 31 juillet 2001.

En l'absence de droits reconnus, notamment de disposer de subventions pour leurs activités culturelles, et soumis de manière continue aux tracasseries administratives imposées par la Région Flamande tant dans les communes à statut linguistique spécial (les communes à facilités) que dans les communes dites « sans facilités », les francophones de Flandre se sentent menacés d'assimilation forcée.

Pour obtenir enfin la reconnaissance et la protection de leurs droits culturels et linguistiques, les francophones de Flandre appellent à l'aide la Communauté internationale. Celle-ci ne peut rester indifférente à cette situation et tolérer que certains droits de l'homme (notamment ceux des minorités nationales) ne s'appliquent pas dans une partie de la Belgique.

### **METHODOLOGIE**

Ce rapport est le fruit du travail de la coalition de 4 associations représentatives de l'ensemble des francophones de Flandre, en ce compris la périphérie de Bruxelles, l'entité des Fourons et la ville de Renaix (CAFF), ainsi que de l'Association de Promotion des Droits Humains et des Minorités (ADHUM).

14. Présentes sur le terrain, les associations qui composent la CAFF-ADHUM, interviennent régulièrement dans les médias belges et étrangers pour dénoncer la situation de la minorité francophone en Flandre. Elles suivent attentivement les débats parlementaires. Elles participent également aux travaux de l'ONU et d'autres organisations vouées à la protection et à la promotion des droits humains.

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<sup>25</sup> d'après l'« Etude sur la pratique du français par les habitants de Flandre » (p. 24), réalisée par Dedicated Research en septembre 2009, en l'absence de recensement linguistique, <http://www.francophonie.be/ndf/main/pdf/rapportdr.pdf>. Cette estimation est confirmée par la « Nieuwe Encyclopedie van de Vlaamse Beweging », Lannoo, 1998, qui précise : « En Flandre, il y a, depuis des siècles, une petite partie de la population qui est francophone ». Selon l'organisme officiel flamand « Kind & Gezin », 6,5% des mères élèvent leurs enfants en français en Flandre en 2024, <https://www.opgroeien.be/kennis/cijfers-en-onderzoek/taal-en-nationaliteit>.

## **LISTE DES RECOMMANDATIONS**

- 1. Ratifier sans réserve et sans nouveaux délais, avec l'assentiment du Parlement belge et des parlements régionaux et communautaires, y compris celui de la Région flamande, la Convention-cadre pour la protection des minorités nationales, conformément à la résolution 1301 du Conseil de l'Europe.**
- 2. Garantir une représentation minimale de la minorité francophone au Parlement flamand.**
- 3. Rétablir le volet linguistique dans le recensement décennal de la population, interdit depuis une loi belge de 1961.**
- 4. Ratifier sans délai le Protocole n° 12 à la Convention européenne des droits de l'homme.**
- 5. Interfédéraliser l'Institut fédéral pour la protection et la promotion des droits humains et lui permettre de recevoir et d'examiner des plaintes et requêtes individuelles.**
- 6. Désigner l'organe compétent pour les discriminations fondées sur la langue, tel que prévu par la loi antidiscrimination du 10 mai 2007 en son article 29 § 2.**
- 7. Faire respecter le régime légal permanent et non-répétitif des facilités linguistiques, tel que confirmé par les juridictions administratives et judiciaires belges.**
- 8. Retirer de l'ordre juridique interne les circulaires du gouvernement flamand restrictives qui ont été déclarées illégales par les juridictions administratives et judiciaires belges.**
- 9. Supprimer la condition de résidence inscrite dans la loi belge afin de permettre aux élèves francophones domiciliés dans une autre commune, de s'inscrire dans une école francophone d'une commune périphérique dite « à facilités ».**
- 10. Faire respecter l'autorité de l'arrêt de la Cour constitutionnelle du 10 mars 1998, telle que confirmée par les instances du Conseil de l'Europe, et de permettre librement, sans contraintes, aux conseillers communaux francophones des communes à facilités de s'exprimer dans la langue de leurs électeurs, majoritaires, dans la plupart des communes à facilités.**
- 11. Faire reconnaître plein effet juridique aux interventions formulées en français par les conseillers communaux de toutes les communes à facilités situées sur le territoire de la Région Flamande.**
- 12. Collaborer activement et régulièrement avec la société civile lors du suivi des recommandations de l'Examen périodique universel (EPU) et de la rédaction des rapports nationaux.**

**13. Prévoir la traduction simultanée des interventions, dans les trois langues nationales, lors des réunions de la société civile avec les autorités.**