



European Network of
National Human Rights Institutions

Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

The situation in Belgium



Belgium Country Report

Overview

Name of NHRI and mandate:

- 1) Interfederal Centre for Equal Opportunity and the Fight Against Racism and Discrimination (UNIA): B-status accredited NHRI, also: Equality Body & NMM;
- 2) Federal Institute for the Protection and Promotion of Human Rights (FIRM-IFDH): B-status accredited NHRI, also: whistleblowers' information and support centre, as well as national focal point on Strategic Lawsuits against Public Participation (SLAPP);
- 3) Federal Migration Centre (Myria);
- 4) Combat Poverty, Insecurity and Social Exclusion Services

Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022](#) and [ENNHRI State of the Rule of Law in the European Union 2023](#)
- Sub-Committee on Accreditation (SCA): Unia – [SCA Report \(May 2018\)](#) ; FIRM-IFDH – [SCA Report \(March 2023\)](#).
- CoE Independent Bodies: [ECRI report on Belgium \(2019\)](#) ; [CPT Report on Belgium \(2021\)](#) (Original version in French)

Good practices and improvements:

- **CM Principle 12: awareness by relevant authorities** of the institutions addressing human rights is reported as being good, even while the Belgian institutional landscape is complex.

- **CM Principle 3, §6:** the legal mandates of the Belgian institutions provide important - be it diverse- avenues to **contribute to an effective justice system**, including strategic litigation (FIRM-IFDH, Unia, Myria) and individual complaints-handling (Unia). Yet, the complex institutional landscape is reported as a hurdle from the perspective of individuals.
- **CM Principle 13: functional immunity** is foreseen in the legal basis of the recently established FIRM-IFDH. As the SCA reports (2019), such functional immunity should also be foreseen for Unia.

Key areas where improvement is needed:

- **CM Principle 1: Belgium has no A-status accredited NHRI** although progresses have been made with regard to members accreditation, with Unia and FIRM-IFDH being B-status accredited NHRIs, still no NHRI enjoys full compliance with the Paris Principles.
- **CM Principle 2 & 3§3: none of the existing Belgian institutions has a mandate to fully address all human rights violations.** FIRM-IFDH believes, in particular, that its mandate should be enshrined in the constitution, and should be strengthened by expanding it to issues under the competence of the Belgian federated entities when they do not yet fall under the purview of specialized independent bodies.
- **CM Principle 9: there is no obligation or system to facilitate timely and reasoned response by relevant authorities to recommendations of the independent Belgian institutions.**

Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

I. Establishment of NHRIs

Principle 1	<p>Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles</p>
Assessment of implementation by the NHRI	<p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p. 78</i></p> <p>There are two institutions accredited as B-status NHRIs in Belgium (Unia and FIRM-IFDH). Myria and the Combat Poverty Service (also ENNHRI members) are not accredited, due to their restricted human rights mandate. All ENNHRI members in Belgium work collaboratively to promote and protect human rights in Belgium.</p>
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	<p><i>SCA Report May 2018, p. 9</i></p> <p>The SCA recommends that UNIA be accredited with B status. The SCA encourages UNIA to continue to advocate for the establishment of an NHRI that is in full compliance with the Paris Principles.</p> <p><i>SCA Report March 2023, p. 7.</i></p>

	<p>The SCA recommends that the FIHR (FIRM-IFDH) be accredited with B Status. FIRM-IFDH is encouraged to actively engage with OHCHR, GANHRI, ENNHRI, other NHRIs as well as other relevant stakeholders at international, regional and national levels, in order to continue to strengthen its institutional framework and working methods.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Belgium 2020, p. 10 (Para.7)</i></p> <p>A law was adopted in April 2019 which provides for the establishment of a human rights institution, the Federal Institute for the Protection and the Promotion of Human Rights. It is not clear from the law whether this will be a national human rights institution in line with the Paris Principles or a global body (an umbrella human rights body), which would co-ordinate the work of independent institutions. In either case, ECRI considers it essential that the sharing of tasks between this new institution and those already existing be clearly defined.</p>
<p>Principle 2</p>	<p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>
<p>Assessment of implementation by the NHRI</p>	<p>None of the Belgian institutions have a constitutional basis, but all are established by legislative enactments of the relevant legislatures in Belgium.</p> <p>Unia is established by Cooperation agreement between the federal authority, the Regions and the Communities aimed at creating an Interfederal Centre for Equal Opportunities and Opposition to</p>

	<p>Racism and Discrimination in the form of a joint institution, in the sense of article 92bis of the Special Act of 8 August 1980 on the Reform of the Institutions.</p> <p><i>Information provided by FIRM-IFDH in 2023^{1,2} (sources below)</i></p> <p>FIRM-IFDH has advocated for the constitutional enshrinement of its mandate.</p> <p>FIRM-IFDH is in favour of enshrining its mandate in the Constitution. A constitutional consecration would reinforce its independence and credibility, and would make its role in the Belgian institutional architecture more understandable. This recognition would thus greatly contribute to its mission to ensure the protection and promotion of human rights in Belgium.</p> <p>¹ <u>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act');</u></p> <p>² <u>FIRM-IFDH's Advisory Opinion on the Reform of Title II of the Constitution, 22 September 2021. (In French)</u></p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, p. 9</i></p> <p>The SCA recognises that UNIA operates in a federal state with a unique structure. The SCA notes that UNIA is established by an inter-federal agreement, and not by an explicit law. The SCA acknowledges that UNIA has indicated that an inter-federal agreement has the status of law in Belgium, as it has been adopted on the basis of legislative enactments by the eight (8) parliamentary assemblies that make up Belgium. The SCA further notes that UNIA indicates that this structure was chosen in order to promote the accessibility of the institution for all people in Belgium, and guarantees its independence and full geographic coverage</p>

II. Strengthening of NHRIs

<p>Principle 3.1</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor and analyse the human rights situation in the country, publish reports on these findings and address recommendations to public authorities at national, regional and local levels and, when applicable, to private entities, and present an annual report to the relevant authorities, including before parliament, for its consideration.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by Unia in 2023</i></p> <p>As an interfederal body, Unia presents its annual report each year to six different parliaments (federal, regions, communities)</p> <p><i>Information provided by FIRM-IFDH in 2023</i></p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 5</i></p> <p>1° The Institute provides opinions, recommendations and reports on any matter relating to the promotion and protection of fundamental rights to the Federal Government, the Federal Parliament and any other public authority, either at their request or on its own initiative;</p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 19</i></p>

	<p>The Institute shall publish an annual report on its activities and the use of the budget made available to it. This report shall be drawn up in the three national languages and sent to the public authorities.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2023, p. 7.</i></p> <p>Article 19 of the Law provides that the FIHR publishes an annual report on its activities and the use of the budget made available to it, and that the report is to be transmitted to the public authorities. The law is silent on whether annual and special reports are to be discussed in the Parliament.</p> <p>(...)</p> <p>The SCA recommends that the FIHR advocates for the appropriate amendment to its enabling Law to ensure that the Parliament discusses and considers its annual, special, and thematic reports.</p> <p>While noting that the FIHR publishes an annual report on its activities and the use of the budget made available to it, the SCA stresses the importance for an NHRI to prepare, publicize and widely distribute an annual report on the national situation with regard to human rights in general and on more specific matters. Annual, special, and thematic reports serve to highlight key developments in the human rights situation in a country and provide a public account, and therefore public scrutiny, of the effectiveness of an NHRI. The reports also provide a means by which an NHRI can make recommendations to government and monitor respect for human rights by government.</p> <p>The SCA recommends that the FIHR ensures that its annual report highlights key developments in the human rights situation in the country and provides a public account, and therefore public scrutiny, of its effectiveness as an NHRI.</p>

<p>Principle 3.2</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - freely address public opinion, raise public awareness on human rights and carry out education and training programmes;
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by Unia in 2023</i></p> <p>Article 5 of cooperation agreement on Unia:</p> <p>'Unia is authorised to:...</p> <p>6° organise awareness-raising actions'</p> <p><i>Information provided by FIRM-IFDH in 2023</i></p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 5, 7°.</i></p> <p>The Institute shall promote fundamental rights. The Institute shall take and promote any initiative aimed at raising public awareness of fundamental rights, in particular through information and education. To this end, it may call on the press and support non-governmental organisations defending fundamental rights that contribute to this objective.</p> <p>The Institute may collaborate in the elaboration of teaching and research programmes on fundamental rights and participate in their implementation in schools, universities and professional</p>

	<p>circles, in consultation, if necessary, with the communities and regions exercising supervision over the competent bodies for teaching and research.</p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 6.</i></p> <p>The Institute shall carry out its tasks in complete independence, in accordance with the Paris Principles.</p> <p>In the course of its work, it shall: (...) 3° address public opinion directly or through any news organisation.</p>
<p>Principle 3.3</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- fully address all alleged human rights violations by all administrative authorities, other relevant State entities and, when applicable, private entities</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by ENNHRI in 2023</i></p> <p>None of the mandates of the Belgian institutions allow the institutions to address all human rights matters;</p> <p>FIRM- IFDH has a human rights mandate limited to federal matters that are not covered by pre-existing independent public bodies active in the field of human rights but works in collaboration or in complementarity with other public institutions to cover human rights as broadly as possible. FIRM-IFDH believes its mandate should be strengthened. The federal government announced its intention</p>

to expand its mandate to issues under the competence of the Belgian federated entities. This can be done by adopting a cooperation agreement between the federal state and federated entities.

On the contrary, the Flemish community has established a Flemish Human Rights Institute – see the [decree establishing a Flemish Human Rights Institute](#)

- **Unia** promotes equality and tackles discrimination while acting as NMM under the UN CRPD.
- The **Combat Poverty Service** approaches poverty and its eradication on the basis of different human rights.
- **Myria** analyses migration, defends the rights of foreigners and combats human smuggling and trafficking.

ENNHRI, State of the Rule of Law in the European Union in 2023

Information provided by FIRM-IFDH

FIRM-IFDH stated that an extension of its mandate, pursuant to EU Directive 2019/1937 (whistleblowers support), has been transposed into national law. The acts of 28 November 2022¹, and 8 December 2022² mandate FIRM-IFDH to provide support to whistle-blowers of the private and public sectors, including through legal, financial and psychological support, as well as media-training, IT-support and support and for the reintegration of whistleblowers in the labour market. Additionally, FIRM-IFDH will act as an information centre and promote whistleblowers' rights in Belgium.

FIRM-IFDH believes there is need for further strengthening of its regulatory framework.

The Act of 12 May 2019 – which created FIRM-IFDH – explicitly envisages its future interfederalisation, i.e. the expansion of FIRM-IFDH 's mandate to include matters that fall within the competence of the

	<p>Communities and Regions. The future interfederalisation of FIRM-IFDH has been announced in the Governmental Declaration of 30 September 2020³, but has not yet taken place. Yet, the full interfederalisation of FIRM-IFDH is compromised by the recent establishment of the Flemish Human Rights Institute in the Flemish Community. Nevertheless, FIRM-IFDH’s asymmetric interfederalisation, i.e. the extension of its mandate to issues under the competence of the other federal states, remains on the political agenda.</p> <p>Belgium has signed the Optional Protocol regarding NPM under OPCAT in 2005 but has not yet ratified it. Negotiations regarding the establishment of an NPM are ongoing. It is expected that the protocol will be ratified once the outcome of this discussion becomes clear.</p> <p>¹ <i>Act of 28 November 2022 on the protection of persons reporting violations of Union or national law within a private sector legal entity, Belgian official Bulletin, 15 December 2022.</i></p> <p>² <i>Act of 8 December 2022 on reporting channels and the protection of whistleblowers in federal public sector bodies and the integrated police, Belgian official Bulletin, 23 December 2022.</i></p> <p>³ <i>Federal Government Declaration of 30 September 2020, p. 85.</i></p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, p. 9</i></p> <p>The SCA notes that the mandate provided to UNIA by the inter-federal agreement is limited and does not cover the full range of human rights. Rather, it is limited to activities to combat racism and discrimination, and activities undertaken as the National Monitoring Mechanism under the Convention on the Rights of Persons with Disabilities. The SCA notes that, in practice, UNIA interprets its mandate broadly and undertakes a range of activities to promote and protect human rights, both on their own and in cooperation with other human rights bodies.</p>

	<p><i>SCA Report March 2023, p. 7.</i></p> <p>The SCA is of the view that [FIRM-IFDH's] the mandate as it is currently enshrined in the enabling Law is not sufficiently broad. The SCA emphasizes that a national institution should possess as broad a mandate as possible, which is to be clearly set forth in a constitutional or legislative text, specifying its sphere of competence.</p> <p>An NHRI's mandate should be interpreted in a broad and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional, and domestic instruments, including economic, social, and cultural rights. Specifically, the mandate should authorize the full investigation into all alleged human rights violations, including the military, police, and security officers.</p> <p>The SCA recommends that the FIHR advocates for amendments to its enabling Law, or for the enactment of other legal instruments, to expand and strengthen its mandate beyond the residual-federal level.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Belgium 2020, p. 9 (Para.1)</i></p> <p>Apart from the powers concerning discrimination on the ground of language and powers of investigation to obtain evidence, Unia has all the powers recommended by ECRI in paragraphs 13 and 14 of General Policy Recommendation (GPR) No. 2 on equality bodies.</p>

<p>Principle 3.4</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - have unfettered access to all relevant premises, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>UNIA is granted the power to access and monitor prisons through its mandate under the Convention on the Rights of Persons with Disabilities (CRPD). [...] Unia believes its regulatory framework should be strengthened, by including investigation powers when allegations of discrimination are made, including the creation of an obligation to receive an answer to questions submitted by the NHRI, and to receive any useful document while respecting the provisions relating to privacy.</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p.86</i></p> <p>Although FIRM-IFDH has not (yet) actively advocated for the implementation of Recommendation 2021/1, it would recommend that its mandate be strengthened by aligning the law with the following recommendations:</p> <p>(...)</p>

	<ul style="list-style-type: none"> - Provide a right to access to all relevant premises, including places of deprivation of liberty, and to all relevant individuals, in the Act. Such a provision is currently not foreseen. <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 6 § 2. § 2</i> In the course of its work, [FIRM-IFDH] shall</p> <p>(...)</p> <p>2° hears any person, obtains any information and any document necessary to assess situations falling within its competence;</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2023, pp. 7-8.</i></p> <p>In addition, according to Article 6 (2)(2) of the enabling Law, the FIHR may hear any person, obtain any information and any document necessary for the assessment of situations falling within its jurisdiction. The enabling Law is, however, silent on the FIHR's ability to access public premises, including places of deprivation of liberty. [...]</p> <p>The SCA recommends that the FIHR advocates for amendments to its enabling Law to provide it with unannounced and free access to inspect and examine any public premises, such as places of deprivation of liberty, as well as any documents, equipment, and assets without prior notice.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>CPT Report on Belgium 2022, p. 29 Original Version in French (Para.48)</i></p> <p>the CPT was informed by the government that it would establish an NPM soon, within a delay of one year, and that the NPM would probably be installed under the FIRM- IFDH, supported by a</p>

	<p>coordination mechanism composed of the Belgian prison service and the federal and regional ombuds.</p>
<p>Principle 3.5</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor existing and draft policies and legislation with human rights implications before, during and after their adoption in order to advise the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by making relevant and concrete recommendations.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 8</i></p> <p>Unia is regularly invited to take part in different parliamentary assemblies and is regularly consulted by the ministerial cabinets regarding draft legislation when it falls in its mandate.</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023, p. 83</i></p> <p>FIRM-IFDH is regularly solicited by the executive and Parliament to issue advisory opinions on legislative proposals and initiatives. In 2022, FIRM-IFDH issued 15 advisory opinions (of which 11 upon request of Parliament or the executive; and 4 at FIRM-IFDH's own initiative)¹. In practice FIRM-IFDH is regularly in contact with parliamentarians, the executive and public authorities to present and discuss its recommendations.</p> <p>(...)</p>

	<p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 6 § 2. § 2</i></p> <p>In the course of its work, [FIRM-IFDH] shall</p> <p>1° freely examine any question falling within its competence, whether submitted by the Government or by the Federal Houses, decided on its own initiative or on the proposal of members of the Board of Directors</p> <p>¹ <i>All advisory opinions can be consulted on FIRM-IFDH's website.</i></p>
<p>Principle 3.6</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - contribute to an effective justice system for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>While the FIRM-IFDH does not handle individual complaints and does not provide legal assistance to individuals, it has the power to conduct strategic litigation before courts as well as awareness raising initiatives. FIRM-IFDH is also entrusted a general mandate to issue advices and reports on, monitor the respect of and promote human rights, including with regards to access to justice. Mandate includes follow-up on the decisions and recommendations of international courts and mechanisms, including on access to justice.</p>

	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>UNIA has the mandate to contribute to access to justice for individuals, including through complaints handling, strategic litigation before courts, providing legal assistance to individuals. The creation of a new institution intended to be the regional human rights institution in Flanders in 2023 (for regional competences) may further increase the complexity of the Belgian institutional landscape and access to justice for victims of human rights abuse.</p> <p><i>Information provided by FIRM in 2023</i></p> <p>FIRM-IFDH still does not handle complaints, but its recent competence regarding whistleblowers' support can be considered a form of limited assistance, targeted at a specific group of individuals whose human rights are at risk.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Belgium 2020, p. 7 (Summary)</i></p> <p>As a result of its interfederal status, since 2014 Unia has been able to provide access to services within its remit to every individual in the country regardless of the legislation that applies to them [...] <i>p. 18</i> Unia supports victims of hate speech by processing individual complaints and, in some cases, acting as a civil party in court proceedings.</p> <p><i>ECRI Report 2020, p. 14:</i></p> <p>Myria and some organisations representing workers and employers are entitled to appear in court to support victims.</p>

<p>Principle 3.7</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- encourage the signature, ratification of and accession to international human rights treaties and contribute to the effective implementation of such treaties, as well as related judgments, decisions and recommendations as well as to monitor States' compliance with them.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information Provided by FIRM-IFDH in 2023</i></p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 5.</i></p> <p>(...) the Institute shall carry out the following missions:</p> <p>(...)</p> <p>2° The Institute promotes the harmonisation of legislation, regulations and practices with international instruments relating to fundamental rights to which the State is a party;</p> <p>3° The Institute monitors the implementation by the Belgian authorities of their international obligations;</p> <p>4° The Institute encourages the ratification of new international instruments for the promotion and protection of fundamental rights or the accession to them;</p>

<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, p. 10</i></p> <p>The SCA acknowledges that UNIA is active in various regional human rights organizations and has engaged with the international human rights system. However, there is no specific legal provision that mandates UNIA to engage with these systems, nor is UNIA explicitly mandated to encourage ratification or accession to international human rights instruments.</p> <p>The SCA encourages UNIA to strengthen its engagement with the international human rights system, and to advocate for changes to its enabling law to mandate it with explicit responsibility to encourage ratification or accession to international instruments.</p>
<p>Principle 4</p>	<p>The process of selection and appointment of the leadership of a NHRI should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information Provided by Unia in 2023</i></p> <p>Unia</p> <p>All parliaments that have renewed (2021) the Management board have done so following a public call for candidates published in the Moniteur belge</p>

Information Provided by FIRM-IFDH in 2023

Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 11.

§ 1. The Board of Directors is composed of twelve members, appointed by the House of Representatives, of whom no more than two thirds are of the same sex, and of whom six belong to the Dutch-speaking and six to the French-speaking language groups.

At least one member must have knowledge of German.

The language in which the application is submitted shall determine the language role.

§ 2 The members of the Board of Directors are appointed on the basis of their competence, experience, independence and moral authority. They are drawn from the academic world, the judiciary, civil society and the social partners.

The Board of Directors shall be composed in the most pluralist manner possible. Each category referred to in paragraph 1 must be represented with a maximum of four members for each category.

§ 3 The House of Representatives shall organise a procedure for calling for candidates. Vacancies shall be made public no later than six months before the expiry of the term of office by publication in the Belgian Official Bulletin, on the website of the Institute and the House and in the press. (...)

§ 4 The Administrative Council shall be presided over by a Chairman and a Vice-Chairman of different linguistic groups and of the opposite sex, appointed by the Administrative Council for a period of two years; a first year as Vice-Chairman followed by a year as Chairman.

§ 5 The President, Vice-President and members of the Board of Directors shall serve in their individual capacity. They shall be appointed for a period of six years. They may be reappointed once.

§ 6 Every two years, one third of the Board of Directors shall be renewed.

§ 7 Each full member shall have an alternate member who shall replace him/her in case of absence. Alternate members shall be appointed in accordance with this Article.

Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 16.

The Institute is headed by a Director, appointed by the Board of Directors for a period of six years.

The Director is appointed on the basis of his/her competence and experience in the field of fundamental rights.

The Director alternates between different language roles. He/she must have a working knowledge of Dutch and French as well as English, in accordance with the laws on the use of languages in administrative matters coordinated on 18 July 1966.

The Interfederal Board and the chambers

§ 1. The Centre shall be managed by an Interfederal Board of Directors composed of 20 members, to which is added the member of the German-speaking Community for matters concerning the German-speaking Community, including :

- 10 members are appointed by the House of Representatives, of whom a maximum of 5 are of the same sex, 5 members belonging to the Dutch-speaking role, 5 members belonging to the French-speaking role ;

- 10 members plus 1 member, of whom a maximum of 6 are of the same sex are appointed by the regions and communities according to the following distribution;

- 4 members are appointed by the Flemish Parliament, of whom a maximum of 2 are of the same sex;
- 2 members are appointed by the Parliament of the Walloon Region of which one woman and one man;
- 2 members are appointed by the Parliament of the French Community, one of whom is a woman and one a man;
- 2 members are appointed by the Parliament of the Brussels-Capital Region, one of whom is a woman and one a man, and one of whom belongs to the Dutch-speaking language group and one member to the French-speaking
- 1 member is appointed by the Parliament of the German-speaking Community

The member appointed by the Parliament of the German-speaking Community takes part in the debates of the Interfederal Board of Directors and participates exclusively in the decisions concerning the competences of the German-speaking Community.

This member is part of the French-speaking chamber.

§ 2 The members of the Interfederal Board of Directors are appointed by the respective parliaments of the federated entities and the House of Representatives for the Federal State, on the basis of their competence, experience, independence and moral authority.

They are drawn from the academic world, the judicial world, civil society and the social partners.

The Interfederal Board and its chambers must be composed in the most pluralist way possible.

	<p>(...)</p> <p>§ 4 The Interfederal Board shall be chaired by two co-chairmen of different linguistic roles and of the opposite sex. The two co-presidents shall alternate the function of president and vice-president each year. The co-presidents shall be appointed by the Interfederal Board of Directors. One is appointed by the representatives appointed by the House of Representatives and the other by the other by the members appointed by the parliaments of the Communities and Regions.</p> <p>§ 5 The presidents and members of the Interfederal Board of Directors shall be appointed for 6 years. Their mandate is renewable twice.</p> <p>§ 6 Each full member shall have a deputy who shall replace him/her in case of absence.</p> <p><i>Cooperation Agreement establishing an Interfederal Centre for Equal Opportunities (Unia), art. 12.</i></p> <p>The College</p> <p>§ 1. The Centre shall be directed by a college of two co-directors, who may not belong to the same linguistic group, are of different sexes, who shall be placed under the supervision of the Interfederal Board of Directors and who shall take their decisions as a collegium. They are assisted by coordinators.</p> <p>§ 2 The College and the coordinators shall be appointed by the Interfederal Board for a period of 6 years. Their mandate is renewable twice, subject to an evaluation by an external audit</p>
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<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, pp. 10-11</i></p> <p>The SCA encourages UNIA to advocate for the formalization of a uniform process that includes requirements to: a) Publicize vacancies broadly; b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications; c) Promote broad consultation and / or participation in the application, screening, selection and appointment process; assess applicants on the basis of pre-determined, objective and publicly-available criteria; and d) Select members to serve in their individual capacity rather than on behalf of the organization they represent</p> <p><i>SCA Report March 2023, p. 8-9.</i></p> <p>Article 11 of the enabling Law provides for pluralism among the Executive Board of the FIHR in terms of gender, language, and professional background. The law is, however, silent on pluralism in terms of other aspects of the Belgian society.</p> <p>The SCA recommends that the FIHR advocates for the formalization of processes that ensure that the principles of pluralism and diversity are reflected in its composition and/or work. The SCA further recommends that the FIHR take steps to ensure that these principles are implemented in practice.</p> <p>The SCA emphasizes that pluralism refers to broader representation of national society. Consideration must also be given to ensuring pluralism in the context of ethnicity, minority status, and persons with disability. This facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI.</p>
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	<p><i>SCA Report March 2023, p. 9.</i></p> <p>While Article 11 of the enabling Law provides that a third of the members of the Executive Board of the FIHR shall come from civil society/social partners, the enabling Law is silent on the formal involvement of civil society organizations in the selection process. [...]</p> <p>The SCA recommends that the FIHR advocates for the formalization and application of a process that includes the requirement to promote broad consultation and/ or participation, including of civil society organizations, in the application, screening, selection and appointment process.</p>
<p>Principle 5</p>	<p>To ensure independence, the enabling legislation of a NHRI should contain an objective dismissal process for the NHRI leadership, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information Provided by FIRM-IFDH in 2023</i></p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 11.</i></p> <p>§ 10. The House of Representatives may only remove a member of the Board of Directors from office if he or she has committed a serious offence or no longer fulfils the conditions necessary for the performance of his or her duties.</p> <p>A member of the Board of Directors may not be relieved of his/her duties for opinions expressed in the performance of his/her duties.</p>

	<p>The mandate may only be terminated by a two-thirds majority of the votes cast after a hearing of the person concerned on the grounds put forward.</p> <p>Prior to the hearing, the House of Representatives prepares a file containing all the documents relating to the grounds invoked.</p> <p>At least five days before the hearing, the person concerned is summoned by registered mail, mentioning at least</p> <ul style="list-style-type: none"> 1° the serious grounds invoked; 2° the fact that the removal of his or her mandate is envisaged 3° the place, date and time of the hearing 4° the right of the person concerned to be assisted by a person of his or her choice 5° the place where he or she may consult the file and the time limit for doing so 6° the right to call witnesses. <p>From the time of the summons until the day of the hearing, the person concerned and the person assisting him or her may consult the file.</p> <p>A record of the hearing shall be drawn up.</p> <p>No appeal shall lie against this decision.</p>
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<p>Principle 6</p>	<p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information Provided by Unia in 2023</i></p> <p><i>Unia</i></p> <p>Article 16 of the cooperation agreement</p> <p>§ 2. The amount of the contributions the different entities must pay is set according to the following principles:</p> <ul style="list-style-type: none"> - except for the Centre’s own revenue which the Centre has acquired, including the means for the ‘handicap’ mission, the Centre’s budget is set at EUR 7.84 M as of 2015. This amount is indexed annually (on the basis of the health index). <p><i>Information Provided by FIRM-IFDH in 2023</i></p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute (‘FIRM-IFDH’s Act), art. 20.</i></p> <p>A grant, allocated by the Chamber, is included in the general State expenditure budget to finance the Institute's operation. This allocation must allow the Institute to function, independently of any pooling of services and infrastructures between the Institute and other sectoral bodies with federal competence for the protection and promotion of human rights.</p>

	<p>The Institute draws up an annual draft budget for its operation. Assisted by the Court of Audit, the House of Representatives examines the Institute's detailed budget proposals. It approves them and controls the execution of its budget, and also examines and approves the detailed accounts.</p> <p>For its budget and accounts, the Institute uses a budget and accounts scheme comparable to the one used by the House of Representatives.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2023, p. 9.</i></p> <p>The FIHR informed that it has been entrusted with additional mandates, such as to provide support to individual whistle-blowers, through the Laws of 28 November 2022 (for the private sector) and 8 December 2022 (for the public sector), and that the FIHR has been formally appointed as the Belgian focal point on the fight against SLAPP (strategic litigation against public participation). [...]</p> <p>Provision of adequate funding by the State should include the allocation of a sufficient amount of resources for mandated activities. Where the National Institution is designated with additional responsibilities by the State, additional financial resources should be provided to enable it to assume the responsibilities of discharging these functions.</p> <p>The SCA recommends that the FIHR advocates for the funding necessary to ensure it can effectively carry out its mandate.</p>
<p>Principle 7</p>	<p>NHRIs should have the authority to determine their staffing profile and recruit their own staff, as well as sufficient resources available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 8</i></p> <p>FIRM-IFDH</p> <p>FIRM-IFDH's independence is well established and guaranteed by law. Yet, a point of attention is the ongoing exercise of Parliament to create more synergy between the various public institutions created by Parliament, in view of centralising certain support services. FIRM-IFDH has recently sent a position paper to Parliament drawing attention to the fact that this exercise, if taken too far, may affect FIRM-IFDH's independence under the Paris Principles, with reference to the SCA-GANHRI General Observations. It notably highlighted the need to ensure the independence of the shared service centre from Parliament and also emphasized the need for FIRM-IFDH to retain its independence with respect to the recruitment of future staff. Finally, it stressed the need to make sure that proposed new staff regulations respect the independence and freedom of expression of FIRM-IFDH's staff.</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023.</i></p> <p>FIRM-IFDH would recommend that its mandate be strengthened by aligning the law with the following recommendations:</p> <p>(...)</p> <ul style="list-style-type: none"> - Confirm that FIRM-IFDH has the authority to determine its staffing profile and recruit its own staff [as stated in the Act of 12 May 2019], and needs to have sufficient resources available, in order to fulfil its mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.
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<p>Principle 8</p>	<p>Member States should ensure that NHRIs enjoy adequate access to information and to policy makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>See Principle 3 para. 3 and 3.5</i></p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023</i></p> <p>The Act of 12 May 2019 provides for FIRM-IFDH to collaborate with sectoral bodies for the protection and promotion of fundamental rights. In practice, FIRM-IFDH closely collaborates with public bodies promoting human rights, for example by issuing joint opinions and recommendations, joint submissions; cooperation for inputs to parallel reports to UN Treaty bodies; joint submissions to the enforcement department of the ECtHR; etc. FIRM-IFDH has also concluded cooperation protocols with several organizations, including Unia, while several others are under negotiation.</p>
<p>Principle 9</p>	<p>Member States should implement the recommendations of NHRIs and are encouraged:</p> <ul style="list-style-type: none"> - to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame, - to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and - include information thereon in their relevant documents and reports.

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i></p> <p>There is no legal obligation to provide a response to FIRM-IFDH’s recommendations or to consider FIRM-IFDH’s advisory opinions. There is no obligation for Parliament to organize a public hearing on FIRM-IFDH’s annual report or its recommendations.</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 8</i></p> <p>Unia’s recommendations are generally taken into account, although not always in a timely nor a systematic manner. There are no measures or practices in place in Belgium to ensure timely and reasoned response to Unia’s recommendations</p> <p><i>Information provided by FIRM-IFDH in 2023</i></p> <p>In practice FIRM-IFDH is regularly in contact with parliamentarians, the executive and public authorities to present and discuss its recommendations. Nevertheless, FIRM-IFDH does not automatically receive feedback from the authorities regarding the consideration of its recommendations. While the law allows FIRM-IFDH to request written explanations regarding the follow-up of these opinions, recommendations and reports (article 6 §3), the Institute has not yet used this possibility.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2023, p. 8.</i></p> <p>The SCA considers it important that the enabling Law of an NHRI establishes a process whereby its reports are required to be discussed and considered by the legislature, to ensure that relevant public authorities properly consider its recommendations.</p>

<p>Principle 10</p>	<p>When member States grant NHRIs additional competences to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should have access to sufficient resources to develop the capacity to effectively discharge its functions, including having appropriately qualified and trained staff.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information Provided by Unia in 2023</i></p> <p><i>Unia</i> According to art. 15 § 4. Of the cooperation agreement:</p> <p>“Additional tasks, except for the annual operations plan, may be entrusted to the Interfederal Centre, within the limits of the missions as described in the cooperation agreement and on condition that the party making the request assumes financial responsibility for them.”</p> <p>In the past, the Institution interpreted this provision to ask additional budget when has been appointed with new competences/tasks. This allowed getting more resources for three years, even though not structurally.</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023.</i></p> <p>FIRM-IFDH stated that an extension of its mandate, pursuant to EU Directive 2019/1937 (whistleblowers support), has been transposed into national law. The acts of 28 November 2022², and 8 December 2022³ mandate FIRM-IFDH to provide support to whistle-blowers of the private and public sectors, including through legal, financial and psychological support, as well as media-training,</p>

	<p>IT-support and support and for the reintegration of whistleblowers in the labour market. Additionally, FIRM-IFDH will act as an information centre and promote whistleblowers' rights in Belgium.</p> <p>To accomplish this new mission, FIRM-IFDH has received additional funding from the Federal State.</p> <p>[No additional funding has been received for the mandate to act as the national focal point for Strategic Lawsuits against Public Participation</p>
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III. Safe and Enabling Environment

<p>Principle 11</p>	<p>Member States should ensure that NHRIs can operate independently, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of impartiality, integrity, transparency and fairness.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information Provided by FIRM-IFDH in 2023</i></p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 6.</i></p> <p>§ 1. The Institute shall carry out its tasks independently in accordance with the Paris Principles.</p> <p><i>Cooperation Agreement establishing an Interfederal Centre for Equal Opportunities (Unia), art. 3 §3.</i></p> <p>The Centre shall carry out its tasks independently, in accordance with the Paris Principles as set out in the Annex to United Nations Resolution 48/138 of the General Assembly of the United Nations of 20 December 1993.</p> <p><i>ENNHRI, State of the Rule of Law in the European Union in 2023.</i></p> <p>In its study "Room for human rights defenders in Belgium – 2022/2023"¹ FIRM-IFDH asked public human rights bodies and a broad range of Belgian civil society organisations about their experiences with threats and attacks in 2021 and 2022. The results of this study will be published in 2023, following qualitative interviews.</p> <p>Out of 167 organisations, 106 reported to have experienced verbal or written threats or harassment in 2021-2022, while about 25 organisations experienced this more than twice a month on average. Online threats and abuse is not necessarily more common than offline threats and abuse. About 34</p>

	<p>organisations (including public human rights bodies) reported having been the target of one or more negative media campaigns, several times for more than half of them. Physical attacks against staff and volunteers were experienced by at least 15 organisations, damage to private property by at least 19 organisations, while excessive administrative controls and surveillance by Belgian or foreign authorities were less prevalent, but not inexistent.</p>
<p>Principle 12</p>	<p>Member States should foster awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i></p> <p>FIRM-IFDH only became operational in February 2021. We have had introductory meetings with all relevant Parliamentary commissions and political groups, several relevant administrations and public institutions. So far, there seems to be a good understanding of our mandate, role and independence.</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 8</i></p> <p>Although the authorities are generally well informed of Unia's interfederal mandate, role and independence, the multiplicity of human rights institutions in Belgium contributes to the confusion of the message.</p> <p><i>Information Provided by Unia in 2023</i></p> <p>Unia is regularly invited to take part in different parliamentary assemblies and is sometimes consulted by the ministerial cabinets regarding draft legislation.</p>

<p>Principle 13</p>	<p>Member States should take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i></p> <p>As regards measures to protect and support the FIRM-FIDH, heads of institution and staff against threats and harassment and other forms of intimidation, board members and staff have been granted immunity by law and cannot be held accountable under civil or criminal law for any decisions, acts or activities within the limits of their mandate.</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 8</i></p> <p>As regards measures to protect and support Unia, heads of institution and staff against threats and harassment and other forms of intimidation, there is no functional immunity from threats, pressure or coercion guaranteed, even for persons in managerial or supervisory positions, for acts related to the exercise of their mandate. Such functional immunity should be introduced in the legislation.</p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 18.</i></p> <p>The Institute shall carry out its tasks exclusively in the public interest.</p> <p>The members of its organs and the members of its staff shall not incur any civil or criminal liability for their decisions, acts or behaviour in the performance of the legal tasks of [FIRM-IFDH], except in the</p>

	<p>cases provided for by law and unless decided by the House of Representatives by a two-thirds majority. The procedure provided for in Article 11 shall therefore apply.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, p. 12</i></p> <p>The inter-federal agreement is silent on whether and how members of the Board are protected from criminal and civil liability for official actions and decisions taken in their official capacity in good faith. It therefore encourages UNIA to advocate for amendments to its enabling law to explicitly provide protections for Board members and staff from civil and criminal liability for official actions undertaken in good faith.</p>
<p>Principle 14</p>	<p>Member States should ensure that confidential information collected by NHRIs in the context of their mandate is privileged and is not unduly made public.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by FIRM in 2023</i></p> <p><i>Whistleblower Protection Act of 28 November 2022 (private sector, art. 25) and of 8 December 2022 (public sector, art. 30)</i></p> <p>§ (2) Article 458 of the Criminal Code [on professional secrecy] shall apply to the Federal Institute for the Protection and Promotion of Human Rights and its staff in the performance of their duties under this Act.</p> <p>§ (3) In accordance with Article 29 of the Code of Criminal Procedure, members of the Federal Institute for the Protection and Promotion of Human Rights who, in the performance of their duties, observe a fact that may constitute a crime or an offence shall inform the Public Prosecutor, with the exception of facts of which they have become aware as a result of reports for which a competent</p>

	authority has been designated for which a derogation from the aforementioned Article is provided and/or whose staff members benefit from such a derogation.
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IV. Co-operation and Support

<p>Principle 15</p>	<p>Member States should take effective measures to enable NHRIs to communicate and co-operate with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI; b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment; c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities; d. international and regional organisations working in related or similar fields.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by FIRM-IFDH in 2023</i></p> <p><i>Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 7.</i></p> <p>Development of a dialogue for the promotion and protection of fundamental rights</p>

§ 1. In the exercise of its tasks and within the limits of its mandate, the Institute stimulates a dialogue with and between all actors dealing with issues relating to fundamental rights.

§ 2 To this end, this provision covers legislative, administrative and jurisdictional bodies as well as civil society organisations and sectoral bodies for the promotion and protection of human rights.

Act of 12 May 2019 instituting a Federal Human Rights Institute ('FIRM-IFDH's Act), art. 13-14.

Art. 13 Consultation Council - tasks

A Consultation Council is established whose mission is to facilitate the work of the various sectoral bodies for the promotion and protection of fundamental rights, under federal jurisdiction, and to ensure coordinated action on issues that may fall within the competence of several of them.

The competences and functioning of the Consultation Council are regulated in a memorandum of understanding drawn up and adopted by its members.

The Consultation Council may organise the representation of the organisations before a United Nations body or a regional human rights organisation.

Art. 14 Consultation Council - composition

The Consultation Council is composed of each sectoral organisation for the protection and promotion of human rights and the Institute. These bodies are represented by the Director or the person he or she designates for this function.

The Director of the Institute shall chair the Consultation Council. The Director shall appoint a member of staff.

<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, p. 10</i></p> <p>In considering its engagement with the international and regional human rights system, UNIA is encouraged to actively engage with OHCHR, GANHRI, ENNHRI, and other NHRIs, as well as international and national NGOs and civil society organisations</p> <p><i>SCA Report May 2023, p. 7.</i></p> <p>The SCA welcomes the establishment of the FIHR and the efforts it has made to promote and protect human rights.</p> <p>The FIHR is encouraged to actively engage with OHCHR, GANHRI, ENNHRI, other NHRIs, as well as other relevant stakeholders at international, regional, and national levels, in order to continue to strengthen its institutional framework and working methods.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Belgium 2020, p. 10 (Para. 7)</i></p> <p>A law was adopted in April 2019 which provides for the establishment of a human rights institution, the Federal Institute for the Protection and the Promotion of Human Rights. It is not clear from the law whether this will be a national human rights institution in line with the Paris Principles or a global body (an umbrella human rights body), which would co-ordinate the work of independent institutions. In either case, ECRI considers it essential that the sharing of tasks between this new institution and those already existing be clearly defined.</p>