

BELGIUM

SUBMISSION TO THE UN Human rights committee

145th session, 6-10 October 2025, list of issues prior to reporting

By the Belgian trade unions



Fédération Générale des travailleurs de Belgique (FGTB)	Confédération des syndicats chrétiens (CSC)	Centrale générale des syndicats libéraux de Belgique (CGSLB)
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Introduction

The Belgian trade unions (the Fédération Générale des Travailleurs de Belgique (FGTB), the Confédération des Syndicats Chrétiens (CSC) and the Centrale Générale des Syndicats Libéraux de Belgique (CGSLB)), submit this briefing to the UN Human Rights Committee, in advance of the adoption of the List of Issues Prior to Reporting for Belgium's seventh periodic report under the International Covenant on Civil and Political Rights ('the Covenant'). This submission is not an exhaustive account of the Belgian trade unions' concerns but highlights several of these organizations' key concerns in relation to the implementation of the Covenant in Belgium.

They wish to stress that they fully endorse and fully reproduce in their own submission the submission of Amnesty International regarding the application of article 21 by Belgium of the Covenant on the right to freedom of peaceful assembly.

Next to the application of article 21 of the Covenant, the Belgian trade unions wish to submit observations on the application of article 22 of the Covenant on the right to freedom of association by Belgium.

The right to freedom of peaceful assembly (ARTICLE 21)

As stated in the introduction, the Belgian trade unions wish to support the submission made by Amnesty International under article 21 which was formulated as follows :

“Amnesty International is concerned about the realization of the right to freedom of peaceful assembly (Art. 21 ICCPR) in Belgium. Threats include, at the municipal level, overregulation, including an authorization regime incompatible with the full enjoyment of the right and overuse of administrative sanctions and, at the federal level, the introduction of new criminal provisions and punishments.

Many municipalities in Belgium require citizens to make an application for an official permit to hold an assembly.¹ In several municipalities examined by Amnesty International, police laws consider demonstrations or public gatherings to be forbidden unless authorized through prior written permission from the municipal authorities.² As this Committee has stated: “Having to apply for permission from the authorities undercuts the idea that peaceful assembly is a basic right.”³

¹ Federal Human Rights Institute (FHRI), *Rapport annuel 2024 – Le droit de manifester, sous pression* [Annual Report 2024 – The right to protest under pressure] (in French), 16 June 2025, <https://federaalinstituutmensenrechten.be/sites/default/files/2025-06/Rapport-annuel-2024-IFDH.pdf>, pp. 8 and 9.

² See, for instance, City of Antwerp, Politiecodex [Police Code] (in Dutch), <https://www.antwerpen.be/assets-proxy/8ed55487-00ff-4494-a0d0-1f8d84d99a0f>, Article 102: “It is prohibited to set up public meetings and demonstrations outdoors and/or on public spaces, without written and prior permission from the mayor”; City of Brussels, Règlement général de police commun aux 19 communes bruxelloises/Gemeenschappelijk algemeen politiereglement voor alle 19 Brusselse gemeenten [Common general police regulations for all 19 municipalities in Brussels] (in French and Dutch), https://www.brussel.be/sites/default/files/bxl/Reglement_de_police_-_Politiereglement.pdf, Article 41: “Unless authorized by the competent authority, it is forbidden...”; City of Ghent, Codex politiereglementen Stad Gent gesanctioneerd met een gemeentelijke administratieve sanctie [Code of Police Regulations of the City of Ghent sanctioned with a municipal administrative penalty] (in Dutch), <https://apidg.gent.be/supporting/dss-public/v1/sharedfiles/ae085ab0-18a8-4287-90d1-81cbef3d9c83>, Article 1(1): “an open-air public meeting can only take place after prior authorization from the mayor”; City of Namur, Règlement général de police [General Police Regulation] (in French), <https://www.namur.be/fr/ma-ville/administration/services-communaux/service-juridique-general/reglements/reglement-general-de-police-rgp>, Article 2: “Any demonstration on the public highway is forbidden, except with written authorization from the mayor”; City of Liège, Règlement de police concernant l'organisation de manifestations ou de cortèges sur la voie publique ainsi que de manifestations en salle ou en plein air accessibles au public, [Police regulations concerning the organisation of demonstrations or processions on public roads and indoor or outdoor events open to the public] (in French), <https://www.liege.be/fr/vie-communale/services-communaux/securite/bureau-de-police-administrative/reglements/reglement-de-police-relatif-a-lorganisation-de-manifestations-ou-corteges-sur-la-voie-publique-et-manifestations-en-salle-ou-en-plein-air>, Article 2: “prior authorisation is required”.

³ CCPR, General Comment 37 on Article 21 (Right of peaceful assembly), 17 September 2020, CCPR/C/GC/37, para. 70.

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SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE, LIST OF ISSUES PRIOR TO REPORTING

Fédération Générale des Travailleurs de Belgique (FGTB)

Confédération des Syndicats Chrétiens (CSC)

Centrale Générale des Syndicats Libéraux de Belgique (CGSLB)

Peaceful demonstrators who do not comply with certain police regulations – for instance by failing to request authorisation or by failing to comply with so-called ‘neutral’ zones – risk unwarranted administrative sanctions and dispersal.⁴ The enforcement of authorisation regimes has led to police unlawfully dispersing peaceful protests and using unnecessary force.⁵

In 2023, a draft law that proposed, among other measures, a provision to ban so-called “rioters” from participating in protests was under discussion for months before the government eventually backed down and withdrew the bill.⁶ In January 2025, the introduction of such an infraction was included in the federal coalition agreement.⁷ The Federal Human Rights Institute and civil society actors have expressed concerns that such a provision risks undermining the right of peaceful assembly and the right to strike.⁸

Belgium’s new Criminal Code, which enters into force in April 2026, introduces an offence that punishes “malicious interference with the authority of the State”.⁹ NGOs, civil society organizations, trade unions¹⁰ and the Federal Human Rights Institute¹¹ expressed serious concern in relation to this offence saying it would lead to undue restrictions on the right

⁴ FHRI, *Rapport annuel 2024 – Le droit de manifester, sous pression* [Annual Report 2024 – The right to protest under pressure] (in French), 16 June 2025, <https://federaalinstituutmenserechten.be/sites/default/files/2025-06/Rapport-annuel-2024-IFDH.pdf>, pp.14 and 15.

⁵ See for instance: Amnesty International, Belgium, “Dispersion survenue à la manifestation devant l’ambassade d’Israël” [“Dispersal at protest outside Israeli embassy”] (in French), 29 May 2024, <https://www.amnesty.be/infos/actualites/manif-ambassade-israel-bruxelles>. See also: Amnesty International, *Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries*, 8 July 2024, www.amnesty.org/en/documents/eur01/8199/2024/en/ p.118.

⁶ See *Projet de loi visant à rendre la justice plus humaine, plus rapide et plus ferme III* [Draft bill to make justice more humane, faster and more decisive III] (in French and Dutch), 25 April 2023, <https://www.dekamer.be/FLWB/PDF/55/3322/55K3322001.pdf>, pp. 32-39. See also: Euractiv, “Belgian justice minister to legislate against rioters despite party objections”, 17 May 2023, <https://www.euractiv.com/section/politics/news/belgian-justice-minister-to-legislate-against-rioters-despite-party-objections/> and Politico, “‘Van Quickenborne bill’ threatens Belgian democracy, activists say”, 5 October 2023, <https://www.politico.eu/article/van-quickenborne-bill-threaten-belgium-democracy-activists-say/>

⁷ Belgian federal government, *Accord de coalition fédérale 2025-2029*, previously cited, pp. 26 and 138.

⁸ See for instance: Amnesty International, Belgium, “Amnesty’s initiële reactie op het federale regeerakkoord,” previously cited and FIRM-FIDH, *Advies over het gerechtelijk betogingsverbod* [Advice on the Judicial Protest Ban], 20 February 2023, <https://institutfederaaldroitshumains.be/nl/advies-over-het-gerechtelijk-betogingsverbod>

⁹ New Article 547 of the Belgian Penal Code.

¹⁰ See, for instance: ABVV-FGTB. Press release: *Kwaadwillige aantasting gezag van de staat wordt strafbaar: recht op protest wordt bedreigd* [Malicious interference with the authority of the State to be punishable: Right to protest under threat], 13 February 2024, <https://abvv.be/kwaadwillige-aantasting-gezag-van-de-staat-wordt-strafbaar-recht-op-protest-wordt-bedreigd>

¹¹ Federal Institute for the protection and promotion of human rights, *Advies nr. 04/2023* [Advice nr. 04/2023] (in Dutch), 20 February 2023, <https://institutfederaaldroitshumains.be/sites/default/files/2023-05/Advies%202023-04%20-%20Gerechtelijk%20betogingsverbod%20%281%29.pdf>

of peaceful assembly and risks criminalizing legitimate forms of protests¹² and in particular could be used to penalize peaceful acts of, or calls for, civil disobedience and have a chilling effect on the rights to freedom of expression and peaceful assembly.”¹³

On the unwarranted administrative sanctions mentioned by Amnesty International's submission, the Belgian trade unions wish to confirm that some of their members have been subject to such unwarranted administrative sanctions for organizing peaceful collective actions. Despite the fact that these administrative sanctions are in some cases annulled¹⁴, these administrative sanctions can have a chilling effect on citizens wishing to participate in collective actions. The legal framework allowing local authorities to impose such administrative sanctions should be restricted. Far from intending to restrict the legal framework, the Federal government intends to further soften the legal framework allowing local authorities to use those kind of sanctions even more¹⁵.

It should also be noted that a draft law has been introduced in the Federal parliament aiming at introducing the possibility to impose a judicial prohibition to participate in a protest rally to persons sentenced for violent acts or destructions committed during such protests¹⁶. As noted in Amnesty International's submission, the reintroduction of such a penal sanction has been included in the Federal coalition agreement. It has now been materialized by this draft law which is worrying as this draft law threatens the right to freedom of peaceful assembly by going far beyond addressing the issue of riots.

¹² Federal Institute for the Protection and Promotion of Human Rights, *Avis sur le Livre II du Code pénal* [Opinion on Book II of the Penal Code] (in French), 5 October 2023, <https://federaalinstituutmensenrechten.be/fr/avis-sur-le-livre-ii-du-code-penal>; Amnesty International, Belgium, “Réforme du code pénal : Action « Protect the protest » au Parlement fédéral” [“Reform of the Penal Code: « Protect the protest » action at the Federal Parliament”] (in French), 21 February 2024, <https://www.amnesty.be/infos/actualites/droit-penal-action-parlement>; Amnesty International, Belgium, “Atteinte méchante à l'autorité de l'État : une menace pour le droit de protester” [“Malicious attack on the authority of the state: A threat to the right to protest”] (in French), 25 January 2024, <https://www.amnesty.be/infos/actualites/article/atteinte-mechante-autorite-etat-menace-droit-protester>

¹³ As stated in the introduction, the submission made under article 21 of the Covenant is a reproduction of the submission made by Amnesty international on the application by Belgium of article 21 of the Covenant.

¹⁴ <https://info-csc.be/magazine/loi-sur-le-bien-etre-du-travail-bien-fait-mais-incomplet/annulation-des-sanctions-administratives-communales-contre-les-actions-syndicales/>

¹⁵ Belgian federal government, Accord de coalition fédérale 2025-2029 [Federal coalition agreement 2025-2029] (in French), 31 January 2025, https://www.belgium.be/sites/default/files/resources/publication/files/Accord_gouvernemental-Bart_De_Wever_fr.pdf, p. 138

¹⁶ Draft law of 27 November 2025 aiming at introducing the possibility to impose a judicial prohibition to participate in a protest rally to persons sentenced for violent acts or destructions committed during such protests [Proposition de loi visant à prévoir la possibilité d'imposer aux personnes condamnées pour des faits de violence ou de destruction commis lors d'un rassemblement revendicatif une interdiction judiciaire de participer à de tels rassemblements], <https://www.lachambre.be/FLWB/PDF/56/1203/56K1203001.pdf>

The right to freedom of association (ARTICLE 22)

The Belgian trade unions are concerned about the realization of the right to freedom of association (article 22 ICCPR) in Belgium. Threats include governmental reforms aiming at allowing the dissolution of associations, law proposals to impose the legal personality to trade unions or to restrict the right to strike.

Dissolution of associations

The federal coalition agreement includes the introduction of **legislative measures allowing the Government to forbid so-called “radical and dangerous organizations”, including through the dissolution of associations**¹⁷. The Federal Institute for the Protection and Promotion of Human Rights has been very critical on this intention of the Belgian government and stated that “*the draft law presents significant risks of human rights violations*”¹⁸. Civil society organizations alongside the Belgian trade unions have also expressed their concerns regarding this governmental project¹⁹.

Imposition of the legal personality on trade unions

Belgian trade unions are also concerned about the **repeated threats aiming at imposing the legal personality on them**. Draft laws are repeatedly introduced in the Federal Parliament to put the freedom of association of trade unions under pressure²⁰. Those kinds of draft laws keep on emerging despite repeated legal opinions of the Belgian Council of State which, every time, needs to remind the Belgian legislator that “*the freedom of*

¹⁷ Belgian federal government, Accord de coalition fédérale 2025-2029 [Federal coalition agreement 2025-2029] (in French), 31 January 2025, https://www.belgium.be/sites/default/files/resources/publication/files/Accord_gouvernemental-Bart_De>Wever_fr.pdf, p. 136

¹⁸ Federal institute for the Protection and Promotion of Human Rights, Avis sur une interdiction d'organisations considérées comme extrémistes ou radicales et dangereuses [*Opinion on the prohibition of organizations considered as extremists or radical and dangerous*], 29 September 2025, <https://www.institutfederaaldroitshumains.be/fr/publications/avis-sur-une-interdiction-dorganisations-considerees-comme-extremistes-ou-radicales-et-dangereuses>

¹⁹ Coalition droit de protester [*Coalition right to protest*], Dissoudre une association sur décision du gouvernement ? Notre liberté d'association est menacée [*Dissolving an association by governmental decision? Our freedom of association threatened*], <https://www.amnesty.be/infos/blogs/blog-paroles-chercheurs-defenseurs-victimes/carte-blanche-loi-quintin>

²⁰ See the latest draft laws: 1) draft law n° 56K0686 aiming at conferring the legal personality to trade unions [Proposition de loi visant à conférer la personnalité juridique aux syndicats], <https://www.lachambre.be/FLWB/PDF/56/0686/56K0686001.pdf> ; 2) draft law n° 56K0372 regarding the legal personality of trade unions [Proposition de loi relative à la personnalité juridique des organisations syndicales], <https://www.lachambre.be/kvvcr/showpage.cfm?section=flwb&language=fr&cfm=/site/wwwcfm/flwb/flwbn.cfm?dossierID=0372&legislat=56&inst=K>

*association guaranteed by domestic and international law certainly confers the right to apply for and obtain legal personality, but logically, like any freedom, it also has its negative side, namely the right not to apply for legal personality, and therefore not to have it imposed on oneself by authority and thus to remain a de facto association»²¹. The Federal institute for the Protection and Promotion of Human Rights also published a very critical legal opinion on this topic, considering that “*requiring unions to adopt legal personality could severely restrict the autonomy they must have for their organization and internal operations [and] unions could be held liable for economic damages caused by a strike, which could also discourage them from resorting to it. This restriction of the right to strike would then also infringe upon the right to collective bargaining*”²².*

Restrictions on the right to strike

Other threats are emerging against **the right to strike** which is a corollary of the right to freedom of association.

Despite a very critical legal opinion of the Belgian Council of State, a draft law has been repeatedly introduced in the Federal parliament on the freedom to work in case of a strike, which contains criminal sanctions²³. The Council of State considered that « *mere peaceful participation in a strike, including the possibility of "organising peaceful pickets, in order to convince other workers to join the strike movement", cannot be made impossible by the penal provision envisaged* »²⁴. Also on this topic, the Federal institute for the Protection and

²¹ Opinion of the Council of State n° 70.264/VR of 3 December 2021 on the Draft law conferring legal personality to the representative organizations of workers and public servants [proposition de loi accordant la personnalité juridique aux organisations représentatives des travailleurs et des agents des services publics], <https://www.lachambre.be/FLWB/PDF/55/1997/55K1997002.pdf>, pp. 12 and 13 ; Opinion of the Council of State n° 77.559/16 of 14 May 2025 on the Draft law aiming at conferring the legal personality to trade unions [proposition de loi visant à conférer la personnalité juridique aux syndicats], <https://www.lachambre.be/FLWB/PDF/56/0686/56K0686003.pdf>, p. 12 ; Opinion of the Council of State n° 77.560/16 of 14 May 2025

²² Federal institute for the Protection and Promotion of Human Rights, Avis sur la personnalité juridique des syndicats [Opinion on the legal personality of trade unions], 18 April 2025, <https://www.institutfederaaldroitshumains.be/fr/publications/avis-sur-une-interdiction-dorganisations-considerrees-comme-extremistes-ou-radicales-et-dangereuses>

²³ 1) Draft law n° 55K3229 aiming at defining the freedom to work [Proposition de loi visant à définir la liberté de travailler], <https://www.lachambre.be/kvvcr/showpage.cfm?section=flwb&language=fr&cfm=/site/wwwcfm/flwb/flwbn.cfm?dossierID=3229&legislat=55&inst=K> ; 2) Draft law n° 56K0924 aiming at defining the freedom to work [proposition de loi visant à définir la liberté de travailler], <https://www.lachambre.be/kvvcr/showpage.cfm?section=flwb&language=fr&cfm=/site/wwwcfm/flwb/flwbn.cfm?dossierID=0924&legislat=56&inst=K>

²⁴ Opinion of the Council of State n° 73.413/1 of 7 March 2024 on the Draft aiming at defining the freedom to work [proposition de loi visant à définir la liberté de travailler], <https://www.lachambre.be/FLWB/PDF/55/3229/55K3229002.pdf>, p. 23

Promotion of Human Rights delivered a negative opinion on this draft law because they believe “*it is contrary to the right to strike, the freedom of association and assembly, the right to collective bargaining, and the principle of legality in criminal matters*”²⁵.

Another draft law related to the right to collective action has been introduced in the Federal parliament²⁶. It aims at introducing a legal framework within which the right to strike will have to be exercised, including the introduction of a liability mechanism of the trade unions and their members. The Council of State delivered a critical legal opinion on this draft law referring for instance to the fact that “*the draft law threatens, in view of the potentially significant (financial) consequences, to have such a deterrent effect on the exercise of the right to collective action that it will be essentially emptied of its substance*”²⁷ and that “*while the legislature may make the exercise of the right to collective action subject to procedures and conditions, the latter may not disproportionately impede the exercise of this right*”²⁸.

Interferences of the judiciary during collective disputes also threatens the exercise of the right to strike as a corollary of the right to freedom of association. Numerous decisions of the judiciary issued after a unilateral procedure initiated by the employers involved in the collective dispute have recently resulted in the impossibility for trade unions to pursue peaceful collective actions in flagrant violation of their right to freedom of association. The use of these procedures remains a regular practice in case of collective dispute in Belgium despite the 2011 decision of the European Committee on Social Rights which considered that these proceedings violated article 6.4 of the European Social Charter²⁹.

²⁵ Federal institute for the Protection and Promotion of Human Rights, Avis sur la liberté de travailler en cas de grève [Opinion on the freedom to work in the event of a strike], 15 October 2025 <https://www.institutfederaldroitshumains.be/fr/publications/avis-sur-la-liberte-de-travailler-en-cas-de-greve>

²⁶ Draft law n° 55K3229 related to the right to collective action [Proposition de loi relative au droit d’action collective], <https://www.lachambre.be/kvvcr/showpage.cfm?section=flwb&language=fr&cfm=/site/wwwcfm/flwb/flwbn.cfm?dossierID=0732&legislat=56&inst=K>

²⁷ Opinion of the Council of State n° 73.413/1 of 7 March 2024 on the Draft aiming at defining the freedom to work [proposition de loi visant à définir la liberté de travailler], <https://www.lachambre.be/FLWB/PDF/55/3229/55K3229002.pdf>, p. 30

²⁸ Opinion of the Council of State n° 73.413/1 of 7 March 2024 on the Draft aiming at defining the freedom to work [proposition de loi visant à définir la liberté de travailler], <https://www.lachambre.be/FLWB/PDF/55/3229/55K3229002.pdf>, p. 30

²⁹ European Committee of Social Rights, 13 September 2011, Decision on the merits, [https://hudoc.esc.coe.int/eng/#{%22sort%22:\[%22escpublicationdate%20descending%22\],%22escdcidentifier%22:\[%22cc-59-2009-dmerits-en%22\]}](https://hudoc.esc.coe.int/eng/#{%22sort%22:[%22escpublicationdate%20descending%22],%22escdcidentifier%22:[%22cc-59-2009-dmerits-en%22]})