

LIBERTIES

RULE OF LAW

REPORT

2026



#roireport2026

BELGIUM



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FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

[Download the full Liberties Rule of Law Report 2026 here.](#)

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BELGIUM

ABOUT THE CONTRIBUTING ORGANISATIONS

Ligue des Droits Humains (League of Human Rights, 'LDH')



For 125 years, the League of Human Rights ('Ligue des Droits Humains' (LDH)) has fought injustices and infringements of fundamental rights in Belgium. LDH educates the public on the respect of basic human rights (including institutional violence, access to justice, respect for minorities, women's rights), challenges political powers on issues concerning human rights, trains adults on awareness over human rights issues and the law and brings issues regarding the development of educational tools and training to the attention of stakeholders. Born in 1901, the League of Human Rights is a non-profit, independent, pluralistic and interdisciplinary organisation. It is a movement in which everyone feels concerned and acts with respect for the dignity of all. LDH works on subjects such as youth, prisoners' rights, migrants' and refugees' situation and rights, access to justice, economic, social and cultural rights, psychiatric patient's rights, equal opportunities, privacy and diversity. LDH is also a member of the International Federation for Human Rights (FIDH), a non-governmental organisation with 200 leagues worldwide.

OVERALL ASSESSMENT: SLIDER

2025 was a year marked by the arrival of a new government at the federal level and political decisions that weakened fundamental rights such as social rights, the rights of foreigners and freedom of association. In parallel with these measures, the federal, regional and community governments are challenging the countervailing powers that are essential in a democracy: 2025 was marked by unprecedented mobilisation by actors of a weakened justice system, attacks on press freedom and increased pressure on civil society (plans to dissolve organisations, cuts in public funding, etc.).

Strong-arm policies, under the pretext of budget cuts and new investments in defence, illustrate a revised and deeply disturbing vision of human rights: This government believes that our fundamental rights can never be used to undermine the foundations of a free and open society.¹ This statement was made by the Belgian Prime Minister during the debate on the ‘dissolution’ bill, a very worrisome bill which aims to allow associations to be dissolved by government decision in flagrant contradiction with basic principles of freedom of association. The same Prime Minister who, three months earlier, along with eight other European heads of state, signed a letter seeking to override the decisions of the European Court of Human Rights.

If the plan unveiled in this letter were to be implemented, it would be a further blow to the rule of law, which has been trampled on by recent governments. In 2025, the federal government is still not complying with court rulings and even boasts about not paying the penalties it owes.

Assessment of the trajectory

In this context of fragile rule of law and brutal policies, the counterbalancing powers – the judiciary, the press and civil society – are also suffering, and this is undoubtedly the most striking feature of 2025: they are all being challenged at an astonishing speed by the various powers:

- **Justice:** 2025 was marked by unprecedented mobilisation in the justice system, culminating with a public declaration by the highest representatives of the Judiciary to the legislative and executive branches of power on 27 June 2025. According to a survey by the College of Courts and Tribunals, there is a 43% shortage of magistrates. Representatives of the judiciary and the Council for Immigration Litigation have publicly denounced nothing less than an attack on their independence following the announcement of governmental plans to put an end to lifetime nomination of judges;

1 RTBF, *Radical organisations, the paradoxes of prohibition*, (“Organisations radicales, les paradoxes de l’interdiction”), 30 September 2025, <https://www.rtbf.be/article/organisations-radicales-les-paradoxes-de-l-interdiction-11608536>.

- **Media:** the Association of Professional Journalists describes a ‘brutalisation’ of the Belgian media space in 2025.² This is evidenced by the unprecedented number of eight alerts filed on the Council of Europe’s platform for the protection of journalists, due to attacks, threats or ministerial interference. The reduction in funding for public media (RTBF and VRT) and the reform of local media, which aims at reducing the number of media outlets by a third, will also have an impact on the quality of information. The same is true of the merger between two media majors (IPM and Rossel) which, if approved by the Belgian Competition Authority, will lead to the concentration of the overwhelming majority of the French-language daily press within a single group, causing concern in terms of pluralism and editorial independence;

- **Civil society:** NGOs, trade unions, associations, etc. have had to endure several blows in 2025. For example, the draft bill that would allow the government to dissolve by royal decree organisations that undermine national security or democratic order, or the planned cuts in subsidies to associations, or even the outright end of these subsidies for those deemed too close to political parties.

In conclusion, what is particularly striking is the growing influence of the executive branch over the conduct of public affairs and a corresponding weakening of countervailing powers. This weakening is both too deliberate and too unapologetic not to be seen as a genuine political project of ruling coalitions, rather than simply a convenient response to successive crises.

The federal, regional and community governments should instead refrain from undermining the vitality of countervailing powers and, on the contrary, should protect and support them because they are essential counterbalances in a democracy. They are what guarantees the balance of institutions, the expression of a plurality of viewpoints and the transparency of decisions.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

If the Belgian State undermines the rule of law, refuses to submit to judicial decisions and repeals the European Convention on Human Rights (ECHR), undoubtedly other parts of the rule of law toolbox should be triggered. The Article 7 prevention mechanism should be engaged. On the contrary, the Belgian State should reaffirm its full commitment to respecting international law in general and the ECHR in particular. It should respect all court decisions and the foundations of the rule of law and ensure that the countervailing powers function optimally without hindering their work.

2 Jil Theunissen, *Freedom of the press: concentration, pressure, shock* (“Liberté de la presse : concentration, pressions, sidération”), 14 January 2026, https://www.liguedh.be/wp-content/uploads/2026/01/EDH_2025_Article3_Presse.pdf.

Given the existing violations of EU law, the EU Commission should take legal action (infringement proceedings) against Belgium for the violation of EU law on issues relating to the independence of the judiciary (see below).

State of play (versus 2025)

-  *Justice system*
-  *Anti-corruption framework*
-  *Media Environment and Media Freedom*
-  *Checks and balances*

Legend

- | <i>Regression</i> | <i>No progress</i> | <i>Progress</i> |
|---|---|---|
|  |  |  |

JUSTICE SYSTEM

General assessment

The Belgian State does not seem to realise the scale of the problem: the justice system, with a budget of 0.22% of GDP (below the European average of 0.31% of GDP),³ is underfunded, which causes serious human rights and democratic issues. The length of proceedings is particularly long in Belgium, which is a cause for concern and has led to multiple condemnations both by international and national courts.⁴ This phenomenon is not recent; Belgium has already been condemned several times by the European Court of Human Rights (ECtHR) for violation of the right to be tried within a reasonable time. In September 2023, the ECtHR once again severely condemned the Belgian authorities in its *Van den Kerkhof v. Belgium* decision.⁵ In this particular case, the legal proceedings were lodged in 2015 and are due to be decided on appeal in 2026 (at the earliest). Following up on this issue, the Committee of Ministers of the Council of Europe issued a decision on the 4 December 2025 regarding *Bell group v. Belgium*.⁶ The Committee noted some improvement regarding statistics and budgetary measures, however, it reiterated “the importance of accelerating efforts” and stressed in particular “the need to finalise the aforementioned mapping in order to definitively address the root causes of the judicial backlog and the long processing times of certain cases.”⁷

But there is a more worrying trend at play, which can be qualified as a regression as regards the justice system: the weakening of its authority and its independence. Indeed, the federal government repeatedly contested validly rendered judicial decisions, either by stating that it will not comply with those decisions or by undermining the authority of the ECtHR (see below). It also plans to put an end to lifelong nomination of certain judges, which directly contradicts basic principles of the rule of law.

3 European Commission for the Efficiency of Justice, *European judicial systems - CEPEJ Evaluation Report, Part 1 – General analyses*, 16 October 2024, p. 20, <https://rm.coe.int/cepej-evaluation-report-part-1-en-/1680b272ac>.

4 Federal Institute for Human Rights, *Communication to the Committee of Ministers of the Council of Europe concerning the Bell v. Belgium case*, 30 April 2024, <https://institutfederaldroitshumains.be/sites/default/files/2024-06/Communication%20IFDH%20Dur%C3%A9e%20proc%C3%A9dures%20judiciaires%202024.pdf>.

5 ECtHR, *Van den Kerkhof v. Belgium*, Judgment of 5 September 2023, (*Application No. 13630/19*), <https://hudoc.echr.coe.int/eng?i=001-226557>.

6 Committee of Ministers, *H46-7 Bell group v. Belgium*, (*Application No. 44826/05*), 4 December 2025, CM/Del/Dec(2025)1545/H46-07, <https://search.coe.int/cm?i=0912594880299299>.

7 *Ibidem*, pt. 5.

Implementation of 2025 Commission recommendations

Recommendation: Continue ongoing efforts to address the structural resource deficiencies in the justice system, taking into account European standards on resources for the justice system (first made in 2022)

In 2025, the Brussels Court of Appeal has suspended the judgment of certain disputes due to a lack of magistrates and clerks.⁸ The court has denounced this situation for years without receiving a positive response commensurate with its critical role in a federal, European and international capital. Discontent in the judicial world has intensified throughout 2025. According to a survey by the College of Courts and Tribunals, there is a 43% shortage of staff, which is causing a huge backlog of cases, particularly in Brussels.⁹ In June, some 800 magistrates, clerks, lawyers and judicial staff denounced this underfunding and called for an urgent refinancing of this constitutional power.¹⁰

- 8 Le Soir, *Brussels Court of Appeal suspends judgement in certain disputes due to lack of resources* (“La cour d’appel de Bruxelles suspend le jugement de certains contentieux, faute de moyens”), 10 March 2025, <https://www.lesoir.be/660665/article/2025-03-10/la-cour-dappel-de-bruxelles-suspend-le-jugement-de-certains-contentieux-faute-de> .
- 9 College of Courts and Tribunals, *Our courts and tribunals need 43% more judges* (“Nos cours et tribunaux ont besoin de 43% de juges en plus”), 20 February 2024, <https://www.rechtbanken-tribunaux.be/sites/default/files/media/news/files/communiqu-de-presse-mesure-de-la-charge-de-travail-college-cours-et-tribunaux-20-fevrier-24.pdf>.
- 10 The First President of the Court of Cassation and the First Presidents of the Courts of Appeal and Labour Courts, the Attorney General at the Court of Cassation, the Attorneys General at the Courts of Appeal and the Federal Prosecutor, *Statement by the representatives of the Judiciary and appeal to the Executive and Legislative branches* (“Déclaration des représentants du pouvoir judiciaire et appel au pouvoir exécutif et au pouvoir législatif”), 27 June 2025, <https://www.om-mp.be/sites/default/files/D%C3%A9claration%2027.06.2025.pdf> ; RTBF, *Unprecedented action in the judicial world: packed courtroom at the Brussels courthouse before the country’s highest magistrate* (“Action inédite du monde judiciaire : salle comble au palais de justice de Bruxelles devant les plus hauts magistrats du pays”), 27 June 2025, <https://www.rtb.be/article/action-inedite-du-monde-judiciaire-salle-comble-au-palais-de-justice-de-bruxelles-devant-les-plus-hauts-magistrats-du-pays-11568374>.

It is to be noted that the federal government has allocated an extra sum of €1 billion to the Justice department following a November budget meeting. However, this amount is insufficient to cover the needs in that field.¹¹ Indeed, the budget allocated to the justice system in Belgium is 0.22% of GDP, which is below the European average of 0.31% of GDP, and has a ratio of 14.4 judges per 100,000 inhabitants, the average being 22 in Europe.¹²

The recommendation itself is not sufficiently compelling given the severity of the situation. The lack of resources allocated to the justice system being the main reason, it is necessary to heavily invest in the judicial sector and give the judiciary control over the management of its budget. The Belgian State should also invest in judicial staff to cut down the dramatic backlog of cases in all jurisdictions, with a special attention to the situation in Brussels.

Commission's 2025 assessment: Some further progress

LDH's current assessment: No progress

Recommendation: Continue ongoing efforts to improve the efficiency of justice, particularly to reduce the length of proceedings based on comprehensive statistical data (first made in 2024)

If the Belgian government has made efforts to produce more reliable statistics and to address staff shortages in certain courts and tribunals, the measures adopted remain insufficient to resolve the structural problem of the backlog of cases in Belgium. As underlined by the Committee of Ministers of the Council of Europe, it is fundamental to “definitively address the root causes of the judicial backlog and the long processing times of certain cases”. It is also necessary “to improve the quality of statistics, in order to facilitate the management of courts and tribunals and thus reduce the length of proceedings”.¹³

11 La Libre, *The judiciary remains cautious about Annelies Verlinden's additional billion: 'This money will clearly be insufficient.'* (“La magistrature reste prudente face au milliard supplémentaire d'Annelies Verlinden: 'Cet argent sera manifestement insuffisant’”), 27 November 2025, <https://www.lalibre.be/belgique/judiciaire/2025/11/27/la-magistrature-reste-prudente-face-au-milliard-supplementaire-dannelies-verlinden-cet-argent-sera-manifestement-insuffisant-KTRC34NC3VHHZAHV4CYYZQ4ZCU/>.

12 House of Representatives, *Question from Sarah Schlitz to Annelies Verlinden (Justice, responsible for the North Sea) on “The alarm raised by professionals regarding the underfunding of the justice system”* (“Question de Sarah Schlitz à Annelies Verlinden (Justice, chargée de la Mer du Nord) sur “La sonnette d'alarme tirée par les professionnels concernant le sous-financement de la justice”), 11 June 2025, p. 24, <https://www.lachambre.be/doc/CCRA/pdf/56/ac141.pdf>.

13 Ibidem, pt. 6.

There is a need for complete, disaggregated and consistent data to be made available to allow an accurate assessment of the efficiency of the justice system and to identify the need for structural reform, particularly in jurisdictions where backlogs persist.

Commission's 2025 assessment: Some further progress

LDH's current assessment: No progress

Recommendation: Take measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights (first made in 2024)

This recommendation of the Commission missed the point stating that the Belgian State should, “Take measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights.” Indeed, the problem is far deeper: the Executive powers consciously, openly and deliberately declare their intention not to comply with the law and court rulings. This trend doesn't limit itself to national courts - it also affects international courts: according to the European Implementation Network and Democracy Reporting International, Belgium is labeled a “moderately poor” performer on ECtHR judgments¹⁴ and performs even worse before the Court of Justice of the European Union (CJEU), where it is classed as a “weak complier”.¹⁵ For further discussion on this area, see the ‘Gaps in the Commission's Report’ and ‘Implementation of Judgments’ sections below.

Commission's 2025 assessment: Some further progress

LDH's current assessment: Backsliding

Gaps in the Commission's Report

Failure of the political authorities to respect court rulings

The previous recommendation of the Commission missed the point, stating that the Belgian State should, “Take measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights.” Indeed, the problem is far deeper: the executive powers consciously, openly and deliberately declare their intention not to comply with the law and court rulings.

14 European Implementation Network and Democracy Reporting International, *Justice delayed and Justice denied - Non-implementation of European Courts Judgments and the Rule of Law*, 2025, <https://static1.squarespace.com/static/55815c4fe4b077e5306577f/t/6926e434c6ed241ed93d4265/1764156468547/Preview-Brief-Non-implementation-of-European-Courts-Judgments.pdf>

15 Ibid., p. 20.

An extremely worrying trend has emerged - previous and the present legislatures have seen the accentuation of the failure of the political authorities to respect court rulings, and even openly refuse to comply with them. Indeed, non-compliance with validly rendered judicial decisions has reached levels never before seen in the country. The fact that a Federal Minister stated that she would not comply with judicial decisions has sparked outrage from top magistrates.¹⁶ As the field of asylum law is the main area of non-compliance, there is growing concern about a risk of contagion into other areas of the law particularly problematic for the Executive (prison overcrowding, arms trade, etc.).

New Issues that Emerged in 2025

Plans to challenge the independence of judges

On 22 May, the Belgian Prime Minister signed a letter, along with eight other EU heads of state, complaining that “the evolution of the [ECtHR]’s interpretation has, in some cases, limited our ability to make political decisions in our own democracies”, citing the example of the expulsion of “criminal foreign nationals”, which he claims is no longer possible due to the limits imposed by the court on Member States.¹⁷ In reality, nothing could be further from the truth: the court does not oppose such expulsions. It has, in fact, validated numerous expulsions of this type, including by the Belgian State.¹⁸ However, what is true is that the court verifies that, in this case as in others, the persons concerned are not subjected to acts of torture or inhuman or degrading treatment. This can, in some cases, make expulsion complicated or even prohibited. In reaction, six Belgian national human rights institutions (NHRIs) called for the respect of the independence of the European Court of Human Rights.¹⁹

16 Le Soir, *Brussels public prosecutor condemns attack on justice by Minister Van Bossuyt* (“Le procureur général de Bruxelles dénonce une attaque de la justice par la ministre Van Bossuyt”), 29 September 2025, <https://www.lesoir.be/701751/article/2025-09-29/le-procureur-general-de-bruxelles-denonce-une-attaque-de-la-justice-par-la>.

17 See the open letter, 22 May 2025, https://www.governo.it/sites/governo.it/files/Lettera_aperta_22052025.pdf.

18 See for example ECtHR, *El Khouardi v. Belgium*, 27 September 2022, (*Application No. 39864/16*), <https://hudoc.echr.coe.int/eng?i=001-220407>. See also, among others, ECtHR, *El Aroud and B.S. v. Belgium*, 5 December 2024 (*Application Nos. 25491/18 and 27629/18*), <https://hudoc.echr.coe.int/eng?i=001-238612>, stating that “Issues relating to the granting, loss and (...) deprivation of nationality fall within an area in which Contracting States must be accorded a wide margin of appreciation”; Le Soir, *The European Court of Human Rights: an obstacle to migration policies? Between misinformation and monstrosities*, 26 May 2025, <https://www.lesoir.be/677761/article/2025-05-26/la-cour-europeenne-des-droits-de-lhomme-obstacle-dans-les-politiques-migratoires>.

19 Federal Institute for Human Rights, Central Prison Monitoring Council, Institute for Gender Equality, Myria, Service for Combating Poverty, Precariousness and Social Exclusion and Unia, *Six human rights institutions call for respect for the independence of the European Court of Human Rights*, (“Oproep van zes mensenrechteninstellingen: respecteer de onafhankelijkheid van het Europees Hof voor de Rechten van de Mens”), 27 May 2025, <https://www.institutfederaldroitshumains.be/en/node/322>.

This challenge to international human rights law is unfortunately part of a broader trend, which makes it all the more dangerous. Indeed, the political offensive is not only targeting international courts but also national courts. In addition to the chronic underfunding of the judiciary and the persistent failure to comply with court rulings, political parties in the Federal government now wish to target ‘activist judges’ and subject the Constitutional Court to a ‘popular appeal’ (*volksberoep*).²⁰ This would involve establishing a mechanism whereby Parliament could ignore the decisions of the Constitutional Court, thereby removing one of the last safeguards against the omnipotence of political power.

Additionally, the federal government plans to take measures to undermine the independence of the court responsible for appeals against decisions on residence and asylum, the Immigration Appeals Tribunal (*Conseil du contentieux des étrangers*). Indeed, among other things, the federal government agreement states that “a judge shall be appointed for a renewable term of five years.”²¹ Appointing judges for renewable five-year terms, with their reappointment contingent upon a government decision, seriously threatens one of the fundamental pillars of the rule of law. The proposed measures, as set out in the coalition agreement, are unprecedented: all professional judges in Belgium are appointed for life, which is a basic guarantee of the independence of the judicial power.²² The measures are unheard of, as they violate the separation of powers, judicial independence and fundamental rights. As a result, the Federal Institute for the Protection and Promotion of Human Rights declared itself “particularly concerned about certain measures announced in the federal government agreement that affect the judiciary”, and announced reforms concerning the Immigration Appeals Tribunal.²³

Implications and Recommendations for 2026

The refusal to comply with court decisions is a very worrisome issue of non-respect of a fundamental element of the rule of law. It undermines the entire democratic structure.

20 De Morgen, *N-VA wants parliament to rein in “activist” judges* (“N-VA wil parlement ‘activistische’ rechters laten terugfluiten”), 28 February 2023, <https://www.demorgen.be/snelnieuws/n-va-wil-parlement-activistische-rechters-laten-terugfluiten~bd454454/>.

21 Federal Coalition Agreement, 2025-2029, p. 182, https://www.belgium.be/sites/default/files/resources/publication/files/accord_gouvernemental-Bart_De_Wever_fr.pdf.

22 De Standaard, *Unprecedented, unheard of and unconstitutional: the federal government wants to influence judges* (“Ongezien, ongehoord en ongrondwettelijk: de federale regering wil rechters beïnvloeden”), 20 February 2025, <https://www.standaard.be/opinies/ongezien-ongehoord-en-ongrondwettelijk-de-federale-regering-wil-rechters-benvloeden/42133103.html>.

23 Federal Institute for the protection and promotion of Human Rights, *Rule of law under pressure: Federal Institute for Human Rights calls for concrete action*, 15 October 2025, <https://www.institutfederaaldroitshumains.be/fr/letat-de-droit-sous-pression-linstitut-federal-des-droits-humains-demande-des-actions-concretes>.

Suggested recommendation: The Belgian State should always comply with court decisions, even (and above all) those that are unfavorable to it. Political authorities who openly refuse to comply with judgments and court decisions should be tried.

Given the new developments that occurred in 2025, the Commission should issue a second, similar recommendation regarding the ECtHR.

Suggested recommendation: The Belgian State should renounce undermining the ECtHR as well as all judicial courts; it should respect judicial decisions and the separation of powers; it should refrain from undermining the independence of judges and should guarantee that all judges are appointed for life.

Implementation of Judgments

There is an ongoing issue regarding the trend of Belgian authorities disregarding judicial decisions from national courts (see above). But this trend does not limit itself to national courts - it also affects international courts, as revealed by the country fact sheet of the Department for the Execution of Judgments of the European Court of Human Rights.²⁴ Its last report, dating from 16 November 2025, highlights the fact that Belgium has a poor record of implementation in areas like conditions of detention and prison overcrowding, detention of people with mental disabilities, support to asylum seekers and excessive length of judicial proceedings.

The more emblematic case that could be highlighted is the *Bell* case,²⁵ in which the European Court of Human Rights condemned Belgium due to the excessive length of civil proceedings in Belgium. The case was decided in 2008 and has not yet been implemented so far.²⁶ The Council of Europe Committee of Ministers expressed concern about the persistent lack of data on the length of civil proceedings and it called on the authorities to ensure that courts and tribunals have sufficient staff. It also decided to transfer the Abboud group of cases to the enhanced monitoring mechanism, the Vandroemme case, decided in 2020 and, finally, the Van den Kerkhof case, which was decided in September 2023 and concerned the excessive length of judicial proceedings before the civil divisions

24 Department for the Execution of Judgments of the European Court of Human Rights, *Country factsheet – Belgium*, 16 November 2025, <https://rm.coe.int/belgium-eng/4880299225>.

25 ECtHR, *Bell v. Belgium*, *Judgment of 4 November 2008 (Application No. 44826/05)*, <https://hudoc.echr.coe.int/?i=001-89249>.

26 Federal Institute for Human Rights, *Communication to the Committee of Ministers of the Council of Europe concerning the Bell v. Belgium case*, 30 April 2024, <https://institutfederaaldroitshumains.be/sites/default/files/2024-06/Communication%20IFDH%20Dur%C3%A9%20proc%C3%A9dures%20judiciaires%202024.pdf>

of the Court of Appeal and the Court of First Instance in Brussels. In its December 2025 session, the Committee kept the case open and called for updated information by June 2027:²⁷ almost 20 years later, the Belgian State still does not fully comply with the ECtHR decision.

According to the European Implementation Network and Democracy Reporting International, Belgium is labeled a ‘moderately poor’ performer on ECtHR judgments.²⁸ The country needs four years and nine months on average to comply and about a third of its major Strasbourg cases from the past decade - 17 in total - remain unresolved.²⁹ Belgium performs even worse before the CJEU, where it is classed as a ‘weak complier’:³⁰ of 28 rulings between 2019 and 2025, the country fully implemented only 16 and eleven cases have been waiting more than two years for action.

27 Council of Europe Committee of Ministers, *Bell v. Belgium*, 1545th meeting, 2-4 December 2025, <https://hudoc.exec.coe.int/ENG?i=004-1201>.

28 European Implementation Network and Democracy Reporting International, *Justice delayed and Justice denied - Non-implementation of European Courts Judgments and the Rule of Law*, 2025, <https://static1.squarespace.com/static/55815c4fe4b077ee5306577f/t/6926e434c6ed241ed93d4265/1764156468547/Preview-Brief-Non-implementation-of-European-Courts-Judgments.pdf>

29 Ibid., p. 17.

30 Ibid., p. 20.

ANTI-CORRUPTION FRAMEWORK -

General assessment

Belgium is ranked 22nd in the rankings published by the NGO Transparency International. Every year, the NGO lists cases of corruption in the public sector. Based on expert estimates, countries score between 0 (corrupt) and 100 (corruption-free). Belgium scored 69/100: it lost 4 points since 2023 and 6 since 2016.³¹ It is at its lowest since the index was created. According to the 2024 Eurobarometer survey, 66% of Belgians stated that they believe corruption is widespread in the country.³²

This feeling of widespread corruption is equally present inside the police force. Indeed, a press inquiry revealed that, according to an internal report of the federal police, a significant number of members of the judicial police have reported situations involving unethical or even illegal behavior within the institution.³³ Produced by the Integrity Department of the Federal Police, it is the result of several months of work during which some 1,776 members of the Judicial Police were surveyed. According to this report, a significant number of police officers (more than one third) declared that they had encountered corruption attempts during their career. Despite these findings, the Minister of Interior downplayed the report, raising doubts regarding its methodology and findings.³⁴

It is to be noted in March 2025, the OECD has published an evaluation report about the implementation of the anti-corruption convention by Belgium. On this occasion, it states that, despite some positive developments, “investigations and prosecutions for transnational corruption remain too few in view of Belgium’s economic situation and commercial profile”.³⁵ It is therefore necessary that the

31 Transparency International, *Corruption Perception Index 2024*, 11 February 2025, <https://transparency-france.org/2025/02/11/ipc-2024-la-corruption-joue-un-role-devastateur-dans-la-crise-climatique/> and <https://www.transparency.org/en/countries/belgium>.

32 European Commission, *Citizens’ attitudes towards corruption in the EU in 2024*, July 2024, <https://europa.eu/eurobarometer/surveys/detail/3217>.

33 *Le Soir*, *This explosive report on corruption and interference is rocking the federal police force* (“Ce rapport explosif sur la corruption et l’ingérence qui secoue la police fédérale”), 13 December 2025, <https://www.lesoir.be/716661/article/2025-12-13/ce-rapport-explosif-sur-la-corruption-et-lingerence-qui-secoue-la-police>

34 *Le Soir*, *Groen attacks Bernard Quintin: ‘This looks like an attempt to cover things up.’* (“Groen s’en prend à Bernard Quintin : « Cela ressemble à une tentative de dissimulation »”), 13 December 2025, <https://www.lesoir.be/716700/article/2025-12-13/groen-sen-prend-bernard-quintin-cela-ressemble-une-tentative-de-dissimulation>

35 OECD, *OECD Anti-Bribery Convention – Phase 4 Evaluation Report on Belgium– Implementation of the Convention and related instruments* (“Convention anti-corruption de l’OCDE – Rapport d’évaluation de Phase 4 de la Belgique”), 13 March 2025, p. 7, https://www.oecd.org/content/dam/oecd/fr/publications/reports/2025/03/oecd-anti-bribery-convention-phase-4-report-on-belgium_39a2856e/03f9a61a-fr.pdf.

Central Office for the Suppression of Corruption, the Federal Public Prosecutor's Office and the investigating magistrates' offices be provided with the human, financial and technical resources necessary to carry out investigations and prosecutions in corruption cases. In this regard, it is to be noted that the federal government has announced that it is going to create a national financial prosecutor's office, based on the French model.³⁶ It is undoubtedly a step in the right direction.

The OECD report also criticised Belgium for its plea bargaining system (*transaction pénale*), considering that its most significant factor of opacity is the lack of publication of the agreements reached.³⁷ As a result, it is impossible for civil society to determine what factors were taken into account in each case and whether, in practice, there is consistency in the decisions to use this instrument. Therefore, legislators should amend the law³⁸ as to develop clear and transparent criteria for the use of plea bargaining, make public the key elements of plea bargains, including the essential facts and the natural and/or legal persons involved, and ensure that the penalties incurred as part of the plea bargain are transparent, effective, proportionate and dissuasive.³⁹ For its part, the High Council of Justice proposes improving certain elements of the procedure in order to increase the effectiveness, efficiency and transparency of this tool: several recommendations were classified as important and concerned the availability of figures relating to transaction files and the need for a high-performance IT tool to ensure uniform and detailed recording of all transaction files.⁴⁰

36 Le Soir, *Ten specialised magistrates, police reinforcements... the outlines of the future national financial prosecutor's office*, ("Dix magistrats spécialisés, des renforts policiers... les contours du futur parquet national financier"), 24 November 2025, <https://www.lesoir.be/712800/article/2025-11-24/dix-magistrats-specialises-des-renforts-policiers-les-contours-du-futur-parquet>.

37 OECD, *op. cit.*, p

38 Art. 216bis of the Criminal Procedure Code.

39 OECD, *op. cit.*, p. 54.

40 High Council of Justice, *Audit- Extended plea bargaining*, 12 December 2024, <https://csj.be/admin/storage/hr-j/20241212-rapport-audit-transaction-penale-elargie.pdf>.

Implementation of 2025 Commission recommendations

Recommendation: Strengthen the integrity framework, including by adopting rules on gifts and benefits for members of Parliament and rules on revolving doors for government and their private offices (first made in 2022)

Focusing on a register for gifts and benefits of members of the Parliament is not in itself a bad idea, but it is insufficient regarding the matter at stake. Indeed, as revealed by international reports (OECD,⁴¹ GRECO⁴²), Belgian authorities do not allocate the necessary resources (financial, technical, human and legal) to allow an efficient fight against financial crime and corruption.

The Commission's recommendation misses crucial issues. The struggle against corruption is a serious issue that goes far beyond lobbying and rules on gifts and benefits. It has to deal with insufficient staff, a lack of means and resources, legal shortcomings and political will to tackle the issue.

A better recommendation to address this issue would be:

Belgian authorities should allocate the necessary resources (financial, technical, human and legal) to allow an efficient fight against financial crime and corruption.

Commission's 2025 assessment: Some progress

LDH's current assessment: No real progress

Recommendation: Complete the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government (first made in 2022)

This recommendation is repeated yearly since the first 2022 report and has not seen real progress. It seems that the Belgian State doesn't take it seriously.

41 OECD, *OECD Anti-Bribery Convention - Phase 4 Evaluation Report on Belgium- Implementation of the Convention and related instruments* ("Convention anti-corruption de l'OCDE - Rapport d'évaluation de Phase 4 de la Belgique"), 13 March 2025, https://www.oecd.org/content/dam/oecd/fr/publications/reports/2025/03/oecd-anti-bribery-convention-phase-4-report-on-belgium_39a2856e/03f9a61a-fr.pdf.

42 Group of States against Corruption (GRECO), *Fifth evaluation round - Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Addendum to the second compliance report - Belgium*, 18-21 November 2025, <https://rm.coe.int/grecore5-2025-22-final-eng-add-to-the-2nd-compliance-report-belgium-pu/488029e00e>.

The Commission's recommendation is clear and precise, however lacking of impact if issues related to staff, means and resources are not met. A better recommendation to address this issue would be:

Complete the legislative reform on lobbying, establishing a framework including a transparency register and a legislative footprint, covering both members of Parliament and Government and allocate the necessary resources (financial, technical, human and legal) to allow an efficient fight against financial crime and corruption.

Commission's 2025 assessment: No further progress

LDH's current assessment: No progress

Gaps in the Commission's Report

Transparency in plea bargaining system

As underlined by the above-mentioned OECD report, there is a transparency issue about the plea bargaining system in Belgium on one hand, an issue about the investigation and prosecution forces' means on the other hand.

There was no significant development in 2025, except for the announcement of the creation by the federal government of a national financial prosecutor's office, based on the French model (see above). It remains to be seen whether this announcement will be followed by action.

Implications and Recommendations for 2026

As already stated, there is a widespread belief that corruption is endemic in Belgian society, even among the investigative and prosecution bodies, with a drop in international rankings.

Suggested recommendation: Belgian authorities should allocate the necessary resources (financial, technical, human and legal) to allow an efficient fight against financial crime and corruption: it is therefore necessary that the Central Office for the Suppression of Corruption, the Federal Public Prosecutor's Office and the investigating magistrates' offices be provided with the human, financial and technical resources necessary to carry out investigations and prosecutions in corruption cases. In this regard, the Belgian State should create a national financial prosecutor's office.

Suggested recommendation: Belgian authorities should also amend the plea bargaining law⁴³ in order to develop clear and transparent criteria for the use of plea bargaining, make public the key elements of plea bargains and ensure that the penalties incurred as part of the plea bargain are transparent, effective, proportionate and dissuasive.

43 Art. 216bis of the Criminal Procedure Code.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

If concerns were high in 2024,⁴⁴ the year 2025 was even more worrying for press freedom in Belgium. Whether they came from public or private actors, the (attempted) interference with this fundamental freedom gave cause for concern. The conclusion of the Commission’s 2024 Rule of Law Report that “Public service media maintain their independence through well-established safeguards”⁴⁵ is no longer true.

In theory, freedom of expression and freedom of the press are particularly well protected in Belgium. The former is guaranteed by Article 19 of the Constitution, which provides for the freedom to express one’s opinions in all matters. The latter is set out in Article 25, which states: “The press is free. Censorship can never be established.”⁴⁶ These are unequivocal constitutional guarantees, which testify to the significance attached to the free expression of ideas and the ensuing public debate. However, the merger of two major companies in the press sector (IPM and Rossel), along with cuts in the public media (RTBF and VRT) funding, reform of local media, editorial cuts, threats of violence against journalists, denigration and attempts at interference depict the fact that the year 2025 was a particularly problematic year for the press and those who produce it.

While each of these episodes is cause for concern, it is only when viewed together that the full extent of the phenomenon becomes apparent. Between the reduction of pluralism, the weakening of the sector and the precariousness of journalists, there is a real risk of undermining public debate, which is essential to any democratic society. Therefore, it can be stated that, regarding the situation regarding media environment and media freedom, Belgium is on a slippery slope: if the fundamentals are strong, there is a clear regression for the press, the ones that make it and, it is to be feared in the future, its recipients.

44 Civil Liberties Union for Europe, *Liberties Rule of Law report 2025*, 17 March 2025, p. 122, <https://www.liberties.eu/f/vdxw3e>.

45 European Commission, *2024 Rule of Law Report – Country Chapter on the rule of law situation in Belgium, SWD(2024) 801 final*, 24 July 2024, p. 22.

46 Belgian Constitution, Art. 25, (“The press is free. Censorship can never be established”), <https://www.dekamer.be/kvvcr/showpage.cfm?section=/publications/constitution&language=nl&story=constitution.xml>

Implementation of 2025 Commission recommendations

Recommendation: Further continue efforts to strengthen the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents (first made in 2022)

To our knowledge, there was no development whatsoever on this topic in 2025.

The various entities that make up the federal state have adopted legal standards, within the scope of their powers and on their territories, in order to regulate the right to access public documents. At the federal level, the Law of 11 April 1994 on the transparency of the administration established a Commission for Access to Administrative Documents (CADA). In the Communities and Regions, several legal instruments create similar bodies and set out the conditions for exercising this right of access to administrative documents. Some of those bodies have the power to overturn decisions and issue binding decisions. They replace the administrative authority's decision with their own and themselves provide the applicant with the requested document if the administrative authority in question refuses to do so. This is particularly the case with the Walloon CADA and the Brussels CADA. But it is not the case for all CADAs, especially for the federal one.

Belgian authorities should grant the competence to issue binding decisions to all state bodies responsible for the transparency of public administration (at federal, regional and community levels). It should also eliminate restrictions already in place to administrative transparency.

Commission's 2025 assessment: Some progress

LDH's current assessment: No progress

Gaps in the Commission's Report

Broadened definition of 'state secrets'

The new Penal Code has broadened the definition of 'state secrets',⁴⁷ extending the scope of the offenses of disclosing and receiving state secrets. Indeed, Article 582 criminalises the reproduction, disclosure or transmission of a state secret to unauthorised persons and Article 586 criminalises the unauthorised receipt of a state secret. The Federal Institute for the protection and promotion of Human Rights (FIHR) has criticised this extension, arguing that the government has not adequately

47 Law of 29 February 2024 introducing Part II of the Penal Code, M.B. 8 Avril 2024.

justified the need for it, relying instead on vague grounds.⁴⁸ The broad and ambiguous definition of these secrets poses practical problems, making it difficult to distinguish between what is punishable and what is not. It could also threaten press freedom, as journalists risk prosecution for receiving or divulging information without knowing it was classified as a state secret.⁴⁹

The Association of professional journalists also denounces the considerable widening of the scope of offenses relating to the disclosure and receipt of state secrets without sufficient justification.⁵⁰ New situations are now included under the notion of ‘state secret’, which could prohibit the disclosure of information of public interest, such as institutional malfunctions, criticism of policies or international trade agreements. Furthermore, the penalties for disclosing or receiving state secrets are disproportionate, ranging from 5 to 10 years’ imprisonment for disclosure and 3 to 5 years for receipt. These penalties risk undermining the work of journalists, whistleblowers and NGOs who make public information of general interest, thus creating a climate of intimidation. Indeed, this legislation could have a direct impact on press freedom and the protection of sources, essential tenets of investigative journalism.

New Issues that Emerged in 2025

New threats from changes to media landscape

2025 has seen a weakened media sector undergoing major reorganisation, which will have an impact on pluralism and information, in both local and public services. In June, it was announced that one of the two major French-speaking press companies, Rossel, planned to take over the print media activities of the other major press group in French-speaking Belgium, the IPM group.⁵¹ This is a media earthquake: if the project is approved by the Belgian Competition Authority, the overwhelming majority of the French-language daily print media (94% of the audience) will belong to a single

48 Federal Institute for Human Rights, *Bill introducing Part II of the Penal Code - Opinion N° 12/2023 of 5 October 2023*, <https://www.foderalesinstitutmenschenrechte.be/sites/default/files/2023-10/FIRM-IFDH%20Avis%202023-12%20Livre%20II%20CP.pdf>

49 European Network of National Human Rights Institutions, *Rule of Law Report 2024*, 2 May 2024, <https://institutfederaldroitshumains.be/sites/default/files/2024-08/Rapport%20Etat%20de%20droit%202024%20FR.pdf>.

50 Association of professional journalists (Belgium), *State secrecy: AJP, VVJ and Ligue des droits humains take case to Constitutional Court*, 14 October 2024, <https://www.ajp.be/secret-detat-lajp-la-vvj-et-la-ligue-des-droits-humains-saisissent-la-cour-constitutionnelle/>

51 Le Vif, *‘Tsunami’, ‘threat’ for the press: Rossel and IPM formalise their merger project* (“« Tsunami », « menace » pour la presse: Rossel et IPM officialisent leur projet de fusion”), 23 June 2025, <https://www.levif.be/media/presse-et-medias/un-changement-majeur-dans-la-presse-francophone-rossel-et-ipm-officialisent-leur-projet-de-fusion/>.

group. Issues of pluralism, editorial independence and staff retention are at the heart of concerns, with particular fears for local news, as the main cuts are expected to be made at this level.

The merger between the IPM and Rossel press groups has reached a decisive stage on 17 December 2025 when an agreement was officially signed.⁵² One crucial step remains: the review of the case by the Belgian Competition Authority.

Implications and Recommendations for 2026

With regard to the broadened definition of ‘state secret’, the new wording could penalise the publication of information that is essential to the public. In addition, the terms used in the legislation are considered imprecise, which could lead to arbitrary prosecutions. Disclosure of important state dysfunctions could become impossible, calling into question the crucial role of journalists in a democratic society. The ECtHR regularly stresses that freedom of the press also protects the dissemination of ideas and information that disrupts the established order, making it all the more essential to protect journalists, whistleblowers and NGOs, particularly when state actions escape democratic or judicial control.

Suggested recommendation: The Belgian State should remove Articles 582 and 586 from the Penal Code.

The changes to Belgium’s media landscape in 2025 are significant. Media pluralism and press independence are pillars of democracy. This is all the more true when democracy is under attack from all sides. Editorial independence must therefore be guaranteed with regard to media owners. In this sense, autonomous editorial teams for each publication currently existing must continue to exist.

Suggested recommendation: Establish guidelines that enable the maintenance of independent, pluralistic and diverse information and to provide the human resources necessary for genuine pluralism of content, in the service of the public.

52 *La Libre, IPM/Rossel merger – Final agreement signed between IPM and Rossel, fears of economic unemployment in L’Avenir* (“Rapprochement IPM/Rossel - Accord définitif signé entre IPM et Rossel, craintes de chômage économique à L’Avenir”), 17 December 2025, <https://www.lalibre.be/dernieres-depeches/2025/12/17/rapprochement-ipmrossel-ac-cord-definitif-signe-entre-ipm-et-rossel-craintes-de-chomage-economique-a-lavenir-J5UYGACKDRDAFHONZCEP-WUROKA/>

CHECKS AND BALANCES

General assessment

In an opinion poll conducted in September 2025, the Federal Institute for Human Rights looked at questions relating to the knowledge and respect of human rights in Belgium.⁵³ Results show most human rights are well known to Belgians, especially freedom of speech and the right to privacy, displaying the fact that human rights occupy a real place in society. However, 41% of Belgians believe that their right to an adequate standard of living is not being respected.

Despite a high level of protection under the law, civic space remains narrowed, following CIVICUS' assessment,⁵⁴ which raises concerns regarding new obstacles to the right to demonstrate or regarding the arrest of Muslim and Palestinian militants.⁵⁵ In the same way, the Federal Institute for Human Rights “alerts on the gradual reduction of the space available to people in Belgium to express themselves freely, demonstrate and participate fully in democratic life”.⁵⁶ A real concern related to this issue is a draft bill by the Interior Minister regarding a governmental ban of associations and organisations, causing great concern for fundamental freedoms (see below). If adopted, this bill would undermine freedoms of expression, of association and of assembly, create a chilling effect for NGOs and leave a dangerous tool in the hands of the Executive. It would be an undoubted regression of checks and balances in a democratic state.

As regards public funding available for civil society, troubling elements are to be signaled, both on the French and Dutch speaking sides.

53 Federal Institute for the protection and promotion of Human Rights, *2025 opinion poll: Belgians know their rights, but are concerned about their right to an adequate standard of living*, 10 December 2025, <https://www.institutfederal-droitshumains.be/en/node/353>

54 CIVICUS Monitor, *People Power Under Attack 2025*, August 2025, <https://monitor.civicus.org/country/belgium/>.

55 CIVICUS Monitor, *People Power Under Attack 2025*, August 2025, pp. 71 and 83, <https://civicusmonitor.content-files.net/media/documents/GlobalFindings2025.EN.pdf>.

56 Federal Institute for the protection and promotion of Human Rights, *FIRM sounds the alarm in its annual report: the right to protest under pressure*, 16 June 2025, <https://www.institutfederaldroitshumains.be/en/node/324>.

As regards the Dutch-speaking part of the country, several NGOs critical of the government have been targeted by cuts in public funding despite positive assessments by competent authorities.⁵⁷ The main reason put forward by the government is that these targeted organisations did not explicitly distance themselves from violent actions led by other organisations. However, they all had been previously positively evaluated by independent evaluation committees and such claims were never raised before. It is all the more surprising that several of these organisations represent the movement for peace in Belgium and therefore reject all kinds of violence, promoting peace as a means of conflict resolution. This move is therefore interpreted as a politically motivated action and a serious violation of freedom of speech and freedom of association.⁵⁸

On the French-speaking side, following a budgetary conclave, the Government of the Wallonia-Brussels Federation has decided to withdraw subsidies granted to organisations deemed to be close to political parties.⁵⁹ Targeting associations in this way because of their proximity to the political ambitions of democratic parties in the Wallonia-Brussels Federation raises fears in the socio-cultural sector of a serious attack on pluralism and the abusive assimilation of civic actions into partisan actions. Such a measure appears to contravene constitutional principles of pluralism and freedom of association.

Implementation of 2025 Commission recommendations

The European Commission issued no recommendations in this area in its 2025 report.

57 De Standaard, *Flemish government cuts subsidies to left-wing non-profit organisations due to 'violent extremism'* ("Vlaamse regering snoeit in subsidies van linkse vzw's wegens 'gewelddadig extremisme"), 13 November 2025, <https://www.standaard.be/politiek/vlaamse-regering-snoeit-in-subsidies-van-linkse-vzws-wegens-gewelddadig-extremisme/104667446.html>; MO, *Six organisations appeal to the Council of State against subsidy cuts*, 19 November 2025, <https://www.mo.be/nieuws/zes-organisaties-stappen-naar-raad-van-state-tegen-schrappen-subsidies>.

58 MO, *A critical and autonomous civil society is crucial to combating democratic erosion*, 14 November 2025, <https://www.mo.be/opinie/een-kritisch-en-autonoom-middenveld-is-cruciaal-om-de-democratische-afbraak-te-bestrijden>.

59 Federation of Employers in the Continuing Education and Adult Training Sectors, *In a democracy worthy of the name, no authority can decide which voices can be silenced!* ("Dans une démocratie digne de ce nom, aucun pouvoir ne peut décider quelles voix peuvent être réduites au silence!"), 27 November 2025, <https://feseфа.be/dans-une-democratie-digne-de-ce-nom-aucun-pouvoir-ne-peut-decider-quelles-voix-peuvent-etre-reduites-au-silence/>.

Gaps in the Commission's Report

No recommended action on Unia budget cut

The EU Commission noted that the federal government agreement announced a 25% budget cut to the Interfederal Center for Equal Opportunities and Opposition to Racism and Discrimination (Unia),⁶⁰ and that this budget cut will lead to a reduced level of human rights protection, but did not recommend any action to the Belgian State. However, this is a very critical issue as NHRIs are at risk of being silenced.

The Federal government agreement announced a 25% budget cut to the Interfederal Center Unia, that an audit of the Institute for the equality of women and men will be conducted by the Court of Auditors and that collaboration with the country's human rights institutions must be maximised via a "landscape simplification",⁶¹ raising fears of drastic budget cuts.

New Issues that Emerged in 2025

Draft bill on banning 'extremist' groups

A draft bill from the Interior Minister "on the administrative prohibition of legal persons, unincorporated companies, associations or de facto groups posing a serious and present threat to national security or the sustainability of democratic and constitutional order" aims to allow the government to ban associations, companies, de facto groups and other legal entities that are considered extremist, radical or dangerous.⁶²

As pointed by the Federal Institute for Human Rights, there are serious risks to freedom of association and freedom of expression in the Interior Minister's draft bill that would allow the government

60 European Commission, *2025 Rule of Law Report – Country Chapter on the rule of law situation in Belgium*, SWD(2025) 901 final, 8 July 2025, p. 16.

61 Federal Coalition Agreement, 2025-2029, p. 85, https://www.belgium.be/sites/default/files/resources/publication/files/accord_gouvernemental-Bart_De_Wever_fr.pdf.

62 Federal Government, *Legal framework relating to the administrative prohibition of radical organisations* ("Cadre légal relatif à l'interdiction administrative d'organisations radicales"), 25 July 2025, <https://news.belgium.be/fr/cadre-legal-relatif-linterdiction-administrative-dorganisations-radicales>.

to ban certain organisations.⁶³ The text contains significant restrictions on freedom of association and expression, which are guaranteed by the Constitution and the European Convention on Human Rights, lacks legal clarity, violates procedural rights and is grossly disproportionate. A ban could apply not only to an organisation's activities, premises or property, but also to the use of symbols or slogans. Such restrictions are likely to have a general deterrent effect on the exercise of these rights. Furthermore, the ban on re-establishing an association that has been banned by the government is contrary to the Constitution. This measure amounts to a preventive and disproportionate restriction on the exercise of the fundamental right of freedom of association.⁶⁴

Implications and Recommendations for 2026

With regard to the Unia budget cut, governments should refrain from undermining the vitality of countervailing powers and, on the contrary, to protect and support them because they are essential counterbalances in a democracy. They are what guarantee the balance of institutions, the expression of a plurality of viewpoints and the transparency of decisions.

Suggested recommendation: Independent institutions should receive additional human and financial resources to help carry out their tasks effectively and Belgian authorities should put an end to the fragmentation of the landscape of fundamental rights protection and ensure that all human rights monitoring bodies comply with the Paris Principles.

The new bill on banning associations provides for the dissolution of de facto groups, which, by their very nature, have no legal existence. And to do so, the draft bill could allow for the gradual creation of a list of terms and slogans that would be prohibited for use by the entire population. Indeed, the bill confers excessive power on the executive branch through an expedited procedure, without any real guarantee of the right to defence or respect for the right to a fair trial. The terms

63 Federal Institute for the protection and promotion of Human Rights, *Preliminary draft law on the administrative prohibition of legal persons, companies without legal personality, and de facto associations or groups that pose a serious and current threat to national security or the survival of the democratic and constitutional order* ("Voorontwerp van wet betreffende het administratief verbod van rechtspersonen, vennootschappen zonder rechtspersoonlijkheid, en feitelijke verenigingen of groeperingen die een ernstige en actuele bedreiging vormen voor de nationale veiligheid of het voortbestaan van de democratische en grondwettelijke orde"), 18 September 2025, <https://www.institutfederaldroitshumains.be/sites/default/files/2025-09/Advies-FIRM-Verbod-radicalen-organisaties-09-2025.pdf>.

64 Le Soir, *Dissolving an association by government decision? Our freedom of association is under threat* ("Dissoudre une association sur décision du gouvernement? Notre liberté d'association est menacée"), 3 November 2025, <https://www.lesoir.be/708631/article/2025-11-03/dissoudre-une-association-sur-decision-du-gouvernement-notre-liberte>.

used – such as ‘radicalism’ and ‘misappropriation’ – are extremely vague and have no clear legal basis, leaving room for overly broad interpretation by those who will enforce the law.

Suggested recommendation: Withdraw the draft bill on the administrative prohibition of legal persons, unincorporated companies, associations or de facto groups posing a serious and present threat to national security or the sustainability of democratic and constitutional order.

CONTACTS

Ligue des Droits Humains (LDH) League of Human Rights

For over a hundred years, the Ligue des Droits Humains (LDH, League of Human Rights) has combated injustices and infringements of fundamental rights in the French Community of Belgium. LDH works on subjects such as: youth, prisoners' rights, migrant and refugees situation and rights,- access to justice, economic, social and cultural rights, psychiatric patient's rights, equal opportunities, privacy and diversity.

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

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