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Belgium

Courts

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Courts

Disputes of all kinds concerning the exercise or enjoyment of rights, including fundamental rights, may be brought before the Belgian courts. Proceedings may be instituted by individuals or by the authorities.

Which court has jurisdiction will depend on the nature and seriousness of the offence or on the status of the parties (trader, journalist, etc.).

The Constitutional Court (*Cour constitutionnelle/Grondwettelijk Hof*) determines whether legislation complies with the following articles of the Constitution:

Title II, Articles 8 to 32 ('Belgians and their rights');

Articles 170 and 172 (legality and equity of taxes);

Article 191 (protection of foreign nationals).

Information on the way in which the courts are organised and on their jurisdiction is provided on the pages of this portal dealing with:

[Judicial systems in Member States - Belgium](#)

[Ordinary courts - Belgium](#)

[Specialised courts - Belgium](#) (Council of State and Constitutional Court)

Related links:

[Federal Public Service for Justice](#) (*Service public fédéral de la Justice/Federale overheidsdienst Justitie*)

[Portal of the judicial branch](#) (addresses and case-law of courts)

[Belgian State portal](#)

Ombudsmen

Ombudsmen are independent watchdogs set up by the parliaments of the federation and the component states of Belgium to examine complaints lodged by members of the public concerning action taken by administrative authorities or the way in which these authorities operate. Within this general framework, they may be required to examine complaints that relate directly or indirectly to human rights. Ombudsmen check that administrative authorities are acting in accordance with the rules protecting human rights and standards of good administrative behaviour.

These ombudsmen should not be confused with bodies engaged in private mediation within the framework of civil or criminal proceedings.

Ombudsmen may be contacted by anyone wishing to make a complaint against an administrative authority. They act free of charge, and they have wide-ranging investigative powers.

Ombudsmen attempt to resolve complaints in cooperation with the administrative authority concerned; they make recommendations to the authority to address any problems found. They publish regular reports on their activities.

Which ombudsman has jurisdiction depends on the administrative authority concerned.

For federal matters, the [Federal Ombudsman](#) (*Médiateur fédéral/federale Ombudsman*) should be contacted.

The following services can be contacted for matters relating to the Regions and Communities:

[Walloon Region Ombudsman](#) (*Service du médiateur de la Région wallonne*)

[French Community Ombudsman](#) (*Service du médiateur de la Communauté française*)

[Flemish Ombudsman's Department](#) (*Vlaamse Ombudsdienst*)

[German-speaking Community Ombudsman](#) (*Ombudsman für die Deutschsprachige Gemeinschaft*)

There are also specialised ombudsmen for children:

[General Delegate for Children's Rights of the French Community](#) (*Délégué général aux droits de l'enfant de la Communauté française*)

[Office of the Flemish Children's Rights Commissioner](#) (*Vlaamse Kinderrechtenkommissariat*)

Specialised human rights bodies

Equality bodies

Centre for Equal Opportunities and against Racism

The tasks of the [Centre for Equal Opportunities and against Racism](#) (*Centre pour l'égalité des chances et la lutte contre le racisme/Centrum voor gelijkheid van kansen en voor racismebestrijding*) include promoting equal opportunities and combating all forms of differentiation, exclusion, restriction or preference based on: nationality, so-called race, skin colour, descent, national or ethnic origin, sexual orientation, marital status, birth, wealth, age, religious or philosophical beliefs, current or future state of health, disability, political beliefs, physical or genetic characteristics, or social background.

The Centre can be contacted by:

anyone who has questions about, or wishes to obtain an opinion on, discrimination, racism, residence or the fundamental rights of foreign nationals;

anyone who has been a victim of, or who has witnessed, discrimination or racism.

The Centre's frontline service provides an initial answer and, if necessary, collects additional information for the purpose of further action.

If a more in-depth analysis or investigation is required or if third parties have to be contacted in order to process a request, the file will be forwarded to a specialist in the Centre's secondline service.

If it transpires from the analysis that the matter is outside the Centre's competence, the person concerned will be informed and, if possible, redirected to another service or another person able to deal with the request (administrative authority, private or public service specialising in frontline or secondline assistance, police or lawyer).

The Centre can be contacted direct. The Centre's website also provides the [addresses of various associations or institutions that have specialist knowledge or are active at local level](#) with which the Centre has signed a cooperation agreement and which can also be contacted for help with discrimination-related issues.

Centre pour l'égalité des chances et la lutte contre le racisme/

Centrum voor gelijkheid van kansen en voor racismebestrijding

Rue Royale/Koningsstraat 138

1000 Brussels

Tel.: (+32) 800 12 800 – (information freephone)

(+32) 2 212 30 00

Related link:

[Centre for Equal Opportunities and against Racism](#)

Institute for the Equality of Women and Men

The [Institute for the Equality of Women and Men](#) (*Institut pour l'égalité des femmes et des hommes/Instituut voor de Gelijkheid van Vrouwen en Mannen*) is an independent public body that promotes equality between women and men and combats discrimination on gender grounds.

The Institute can provide legal assistance and bring legal proceedings in cases involving discrimination between men and women or discrimination against transsexuals.

The Institute can be contacted using an [online form](#) or via the following contact details:

Institut pour l'égalité des femmes et des hommes/

Instituut voor de Gelijkheid van Vrouwen en Mannen

Rue Ernest Blerot/Ernest Blerotstraat 1

1070 Brussels

Tel.: (+32) 800 12 800 – (information freephone)

(+32) 2 233 42 65

Fax: (+32) 2 233 40 32

E-mail: egalite.hommesfemmes@ieffh.belgique.be

Related link:

[Institute for the Equality of Women and Men](#)

Privacy Commission

The Privacy Commission (*Commission de la protection de la vie privée/Commissie voor de bescherming van de persoonlijke levenssfeer*) is an independent commission set up under the auspices of the House of Representatives, following approval of the Privacy Law of 8 December 1992. Thus it is not answerable to the Minister for Justice.

The Privacy Commission is an independent supervisory authority responsible for ensuring that privacy is respected when personal data are processed.

The Commission's various tasks are divided into five main areas of activity: assistance, information, complaint handling, opinions and recommendations, and, finally, enforcement.

- Assistance: this area of activity is closely linked to the information function. The Privacy Commission provides assistance to anyone: authorities, the private sector, members of the public, or data controllers (whether natural or legal persons).

The Commission's tasks in this area comprise: providing information to anyone on request, regardless of whether they are data subjects or controllers; exercising the rights of access and rectification; processing notifications; updating the public register; providing information as part of its complaint handling; providing information requested by individuals or data controllers; reporting to Parliament annually.

The Commission assists both public bodies and controllers by organising preliminary informal consultations, on request, to ensure that privacy requirements are taken into account during the development of projects. The Commission also assists data subjects to exercise their rights, in particular by informing them of their rights and the procedure to be followed. In the context of international data exchanges, the Commission provides assistance to organisations involved in cross-border activities. Just like at national level, the Commission assists any data subjects affected by cross-border data flows.

- Information: the Privacy Commission provides information to both authorities and data subjects and controllers.

This area of activity includes: reporting to Parliament annually and producing a management plan; internal rules of procedure; keeping a public register; and generally informing the public (website, conferences, customer-targeted responses, awareness-raising, etc.). It should also be noted that, within these various areas of activity, the Commission is not necessarily confined to the domestic level, but is also often active at international level, where it has a key role of providing information and raising awareness.

- Complaint handling: when a data subject submits a complaint, the Privacy Commission acts as mediator.

If controllers do not respect the rights of data subjects, the Commission acts, at the data subject's request, to enforce those rights (rights of opposition, rectification, indirect access, etc.). The Commission uses all available means for this purpose (report to the public prosecutor, action before the civil courts, etc.). In the case of cross-border data protection offences, the Commission cooperates with international investigations requiring the involvement of all competent data protection authorities in order to find practical solutions.

- Opinions: the Privacy Commission issues opinions on regulations and standards.

The Commission's activities in this area mainly involve authorities and other responsible bodies: it issues opinions and recommendations on draft laws containing privacy aspects. Through its involvement in national and international working groups (e.g. the Article 29 Working Party, the Berlin Group, the Conference of Data Protection and Privacy Commissioners, other supervisory authorities for privacy protection, etc.), and through its contacts with similar organisations abroad, it participates in decision-making in the area of privacy protection.

- Enforcement: the Privacy Commission ensures that data protection legislation is observed.

The Commission is responsible for authorising organisations from any given sector, as controllers, to receive, process and communicate personal data. The Commission also supervises and inspects these controllers, issues recommendations, and assesses the security measures that they have adopted.

Any requests for information or assistance and any complaints can be made directly to the Privacy Commission by post, telephone or email, using the following contact details:

Commission de la protection de la vie privée/

Commissie voor de bescherming van de persoonlijke levenssfeer

Rue de la Presse/Drukpersstraat 35

1000 Brussels

Tel.: (+32) 2 274 48 00

Fax: (+32) 2 274 48 35

commission@privacycommission.be

The Privacy Commission's offices are open to members of the public during office hours, but by appointment only. For frontline assistance, please telephone +32 2 274 48 79 or complete the [Online contact form](#).

Related link:

[Privacy Commission](#)

Other equality bodies

Prison monitoring committees

Prison monitoring committees (*commissions de surveillance des établissements pénitentiaires/commissies van toezicht op het gevangeniswezen*) ensure external oversight of the treatment of prisoners. They pass on prisoners' complaints to the prison authorities or the Minister for Justice with a view to finding solutions.

Each prison has a monitoring committee. Each committee comprises members of the public, representing civil society, plus at least one doctor and one lawyer, and is chaired by a judge. The Central Monitoring Council (*Conseil central de surveillance pénitentiaire/Centrale toezichtsraad voor de gevangeniswezen*) coordinates the work of the local committees and provides the Minister for Justice with opinions on the treatment of prisoners, either at his or her request or on its own initiative.

Related links:

[Federal Public Service for Justice portal](#)

[Contact details for prisons](#)

Complaints Commission (with responsibility for foreign nationals held in detention centres, accommodation facilities or holding centres).

The Complaints Commission (*Commission des plaintes/Klachtencommissie*) deals with individual complaints lodged by foreign nationals held in detention centres, accommodation facilities or holding centres in relation to their holding conditions and, in particular, circumstances arising inside these centres and accommodation facilities that involve the rights and obligations laid down in the Royal Decrees of 2 August 2002 (detention centres), 8 June 2009 (holding centres) and 14 May 2009 (accommodation facilities).

The individuals held in these facilities may be illegal immigrants, rejected asylum seekers or foreign nationals who do not meet entry or residence requirements.

Complainants wishing to contest a decision may bring a challenge before the Council of State.

The Commission can be contacted at the following address:

Secrétariat permanent de la Commission des plaintes/Permanent secretariaat van de Klachtencommissie

Service Public Fédéral Intérieur/Federale Overheidsdienst Binnenlandse Zaken

Rue de Louvain/Leuvenseweg 1

1000 Brussels

Related link:

[Federal Public Service for the Interior](#)

Standing Police Monitoring Committee

The [Standing Police Monitoring Committee](#) (*Comité permanent de contrôle des services de police/Vast Comité van Toezicht op de politiediensten – 'Comité P'*) is an external oversight body for the police which reports to Parliament. The Committee's oversight focuses on protection of the rights conferred on individuals by the Constitution and the law and on the coordination and effectiveness of police forces.

Any member of the public affected by police action may lodge a complaint, report a matter or submit any other information to the Committee.

Any member of the police forces may also lodge a complaint or report a matter to the Committee without first asking their superiors' permission and without being penalised for doing so.

Complaints can be lodged using an [electronic form](#).

The Committee can be contacted via the following contact details:

Comité permanent de contrôle des services de police/Vast Comité van Toezicht op de politiediensten

Rue de la Presse/Drukpersstraat 35/1

1000 Brussels

Tel.: (+32) 2 286 28 11

Fax: +32 2 286 28 99

E-mail: info@comitep.be

Related link:

[Standing Police Monitoring Committee](#)

Other

Frontline citizens advice services

Frontline citizens advice (*accueil social de première ligne/sociale eerstelijnswerking*) involves providing information to members of the public with questions about or problems with the justice system in very specific areas.

Civil law: separation, divorce, general information on parental authority, children's principal, secondary or alternate place of residence, contact rights.

Criminal law: mediation in criminal cases, alternatives to pre-trial detention, probation, community service, parole, provisional release from detention in a mental institution for the protection of the public, rehabilitation, pardon, electronic surveillance, prison leave, suspended sentence, limited detention, interim release with a view to expulsion or extradition, interim release on medical grounds, substitution of a custodial sentence by community service.

Information for victims of crime: rights of civil parties/injured parties.

General information on proceedings in the civil and criminal courts.

The [address book of the Federal Public Service for Justice](#) includes a list of community justice centres (*maisons de justice/justitiehuizen*) and their contact details.

Related link:

[Publication of the Federal Public Service for Justice on access to justice in Belgium](#)

Frontline and secondline legal assistance and legal aid

Frontline legal assistance (*aide juridique de première ligne/eerstelijnsbijstand*) involves practical or legal information or an initial legal opinion being given in the course of a brief consultation. Frontline legal assistance is provided by members of the legal profession, usually lawyers.

Secondline legal assistance involves a lawyer being appointed, subject to certain conditions, who will work for nothing or for a reduced fee. Procedural costs (bailiffs, experts, copies, etc.) are not waived, either in whole or in part, but may be covered under legal aid arrangements.

Members of the public benefiting from legal aid are exempt, in whole or in part, from paying judicial or extra-judicial procedural costs if they do not have sufficient income to do so.

For further information, see the [page of the e-Justice Portal on procedural costs in Belgium](#).

Related link:

[Publication of the Federal Public Service for Justice on access to justice in Belgium](#)

[Association of French-speaking and German-speaking Bars of Belgium \(OBFG\)](#)

[Association of Flemish Bars \(OVB\)](#)

Committee for financial assistance for victims of intentional acts of violence and persons who assist them

The law makes provision for state financial assistance for victims of intentional acts of violence and persons who assist them, and, in some cases, for their relatives.

The Committee can be contacted direct, but applications can also be submitted via a lawyer or a victim hotline run by a social welfare service; a list of these is available on the website of the [Federal Public Service for Justice](#) (see Index, Justice from A to Z, financial assistance for victims).

The Committee can be contacted at the following address:

Service public fédéral de la Justice/Federale overheidsdienst Justitie

Commission pour l'aide financière aux victimes d'actes intentionnels de violence et aux sauveteurs occasionnels/Commissie voor Financiële Hulp aan

Slachtoffers van Opzettelijke Gewelddaden en aan de Occasionele Redders

Boulevard de Waterloo/Waterlose Steenweg 115

Tel.: (+32) 2 542 72 07

(+32) 2 542 72 08

commission.victimes@just.fgov.be

For further information, see the [page of the e-Justice Portal on victims' rights](#).

Related link:

[Federal Public Service for Justice](#)

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