



## **Human rights and counter-terrorism: UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism concludes visit to Belgium**

### **Preliminary findings of the visit to Belgium**

Brussels (31 May 2018) The United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ms. Fionnuala Ní Aoláin, visited Belgium from 24 -31 May 2018. The Special Rapporteur conveys her thanks to the Belgian government for enabling and supporting this visit. The purpose of the visit was to dialogue and assess Belgian practices in law, policies and implementation in the fight against terrorism, measured against Belgium's international human rights obligations, and in particular in the following areas: oversight of counter-terrorism powers; investigation, detention, arrest and trial of persons suspected of or accused of terrorism; the operations of the police and military in countering terrorism; countering and prevention strategies for terrorism and violent extremism; prison regimes applied to persons accused of or convicted of terrorism; responsibilities to Belgian citizens (including juveniles) accused or convicted of terrorism and/or detained in third countries; as well as the rights of victims of terrorism and persons who have been negatively impacted by counter-terrorism measures.

The Special Rapporteur met with the Minister of Foreign and European Affairs, the Directors for Human Rights and Democracy and for Counter-terrorism at the Ministry of Foreign and European Affairs; the Minister of Security and Home Affairs; the Minister of Finance; the Minister of Justice; the Minister-President of the government of Flanders; the Minister for Local Authorities of Wallonia; the General Administrator of "Wallonie-Bruxelles International"; the Minister-President of the Brussels-Capital Region; the Minister-President and the Minister for Assistance for Youth and Sports of the French Speaking Community; The Federal Prosecutor; the Director of the Coordination Unit for Threat Assessment (OCAM/OCAD); the Vice-Chairs of the Parliamentary Commission of Enquiry into the 22/3 attacks and the President Emeritus of the Constitutional Court; the General Advisor for the Directorate General for Penitentiary Establishments; the Chairpersons and a Member of the *Chambre des mises en accusation* of the Appeals Court of Brussels; the Federal Police; the Standing Intelligence Agencies Review Committee; the Standing Police Monitoring Committee; the Brussels Observatory for Prevention and Security; the Flemish Departments of Education and Foreign Affairs, and the Flemish Network of Islam Experts. The Special Rapporteur participated in a "Seminar on the Preventive Approach of Countering Radicalization, Extremism and Terrorism in Belgium". She also visited the Justice House Antwerp and the city of Liège where she met with the Youth Council and discussed the theatre play "Nadia". She also met with lawyers and civil society organizations. The Special Rapporteur visited Hasselt and Leuze-en-Hainaut Prisons, where she interviewed several prisoners convicted for terrorism as well as prisoners accused of and awaiting trial for terrorism offences. In addition to governmental officials, oversight bodies, members of the judiciary and the legal profession the Special Rapporteur met with members of civil society broadly constructed. The Special Rapporteur was

particularly grateful to have the opportunity to meet with victims of terrorism through their two representative organisations, many whose lives have been irrevocably affected by the experiences of injury, trauma and loss.

The Special Rapporteur commends the transparency and the constructive and co-operative way in which the Government facilitated her visit, which allowed a frank and open dialogue.

The Special Rapporteur is very conscious of the ongoing security challenges faced by the Belgian authorities, particularly as a terrorist attack may have occurred in Liège during the course of her visit. Belgium has faced terrorism challenges in earlier decades including attacks by the Irish Republican Army in the 1970's, attacks directed at Belgian Jewish children in 1980 and the Jewish synagogue in Antwerp, as well as attacks by the Communist Combatant Cells. In 2016, Belgium society as a whole was deeply affected by suicide bombings that took place at Brussels Airport in Zaventem and Maalbeek metro station in central Brussels. Thirty-two people were killed, and over 300 persons were injured. The Special Rapporteur is mindful of the challenges related to the return of Belgian foreign fighters from conflict zones, including individuals who may have committed terrorist acts, as well as the continuous threat from violent extremism. Belgium is further facing the ongoing challenge of the return of other citizens accompanying foreign fighters including spouses and minors from conflict zones. Belgium remains acutely aware of, and sensitive to, the security of its population from terrorism.

Belgium is a diverse multicultural and multilingual society. Its legal and political affairs are structured through sophisticated consociational structures which include federal, regional, community, municipal and legal and political competences. Notably the relationship between State and the federated entities is not one of subordination but founded on equality. Its Constitution affirms equality before the law (Article 10) and the full enjoyment of rights and freedoms without discrimination (Article 11). Law enforcement is however essentially situated at the federal level. The Belgian judicial authorities (constitutional, civil, criminal and administrative) have been substantively engaged in the processing, management and review of counter-terrorism laws and practices by the state. The Courts are robust and independent. Federal, regional, community and municipal authorities have been variously engaged on the management of terrorism. There is ongoing serious discussion particularly apparent in the federal legislative debates concerning measures that affect human rights (e.g. night searches and the extension of detention beyond 24 hours), which is the hallmark of a mature democracy. Various levels of government are conscious of and sensitive to the appropriate balance between the protection of rights and security measures. The Special Rapporteur commends the Belgium government for its commitment to upholding its human rights obligations in its national practices.

Counter-Terrorism law and practice is primarily exercised through the ordinary law of the state. Commendably, in the aftermath of the horrific events of March 22, 2016 the Belgian government, with serious deliberation on the exigencies of the situation, determined that no state of emergency was necessary to address the extant security challenges. Rather, the full scope of existing law was exercised to its full potential and where necessary, and some subsequent legislative augmentations followed through the mediated consideration of the parliament. Those changes were broadly within the scope of the state's human rights treaty obligations and were attentive to them. In this regard, Belgium provides a model of deliberate and composed response to the extremity of terrorism, which

is often *inter alia* directed at provoking an extreme state response in order to undermine democracy. Belgium continues to review its legal capacities in respect of terrorism with an evidenced attention to its international human rights obligations. The Special Rapporteur commends this deliberative and human rights focused approach to the exercise of emergency powers as an example of good national practice.

Terrorism prosecution efforts are coordinated at the national level through the office of the Federal Prosecutor. This office has played an essential role in pursuing such offences as traveling with the intent of committing a terrorist offence, incitement to terrorism, terrorist financing, and specific crimes including murder, when perpetrators have been apprehended. The office is highly professional and evidences a clear-view of its prosecutorial strategy, including the decision to issue European arrest warrants for all Belgian citizens known to have travelled overseas to fight in conflict-affected territories. This office is aware of and attentive to the possibility of pursuing substantive criminal charges against returnees who have been members of terrorist organizations for serious violations of human rights and international humanitarian law committed overseas. The Special Rapporteur encourages the Prosecutor to consider taking such cases where evidence is available given the significant gap in accountability for victims of systematic acts of torture, extrajudicial execution, rape and sexual violence perpetrated in Iraq and Syria.

The Special Rapporteur is aware that challenges are still present in coordination among the multiple security sector agencies and levels of government concerning counter-terrorism in Belgium. The Special Rapporteur particularly stresses the importance of these coordination efforts including, but not limited to; addressing radicalisation and its violent manifestations; human rights training for various federal, regional, community and municipal actors engaged in the fight against terrorism; the rights and needs of victims of terrorism and ensuring the effectiveness of the ordinary law in this context.

Like many countries, Belgium faces the challenges of addressing and countering radicalization, including its violent manifestations, and has taken active steps to develop strategic policy in this regard. In step with the call of the Secretary General of the United Nations in presenting his Plan of Action to Prevent Violent Extremism ([A/70/674](#)), Belgium has adopted a wide and diverse range of measures to address radicalization including its violent manifestations via a national plan. The Special Rapporteur was impressed by the depth and breadth of attention being given by federal, regional, community and municipal authorities to the challenges of radicalization in all its manifestations and the challenges of polarisation in the aftermath of terrorist violence. She notes that Belgium's diverse approach — partly enabled by its multi-faceted competences at federal, regional, community and municipal levels — involves both 'top-down' and 'bottom-up' strategies, shows innovation and originality in many respects and draws on multi-disciplinary strengths and knowledge. Some policies showed exemplary approaches to engaging particularly affected communities on their own terms, drawing on participatory and empowering strategies at the local level. All authorities (federal, regional, community and municipal) acknowledge that much work remains to be done, that assessment is ongoing, and that more data and research needs to be undertaken to better understand the forms, effects and challenges of radicalization. The Special Rapporteur commends Belgium for its commitment to this work, the multiplicity of its efforts, and the grassroots focused nature of many of its programmes.

Notwithstanding many commendable aspects of Belgian counter-terrorism law and practice, the Special Rapporteur would like to share some observations, concerns and recommendations with regard to various aspects of counter-terrorism regulation including the independence and robustness of oversight related to contemporary counter-terrorism measures and institutions; the concerns of racial and religious profiling in the anti-terrorism context with consequent effects on the enjoyment of rights for particular minorities; the human rights implications of measures and regimes applied in the context of deprivation of liberty for persons accused or convicted of terrorism; the adequacy and effectiveness of the administration of the rights and fundamental freedoms for victims of terrorism; the human rights obligations that accrue to Belgian citizens overseas with particular attention to children, and the necessity of undertaking prevention strategies in a human rights compliant and non-discriminatory manner.

On 22 March 2016 thirty-two persons were killed and over three hundred people were injured in Brussels and were the direct victims of terrorism. Many other persons, both citizens and non-citizens were deeply affected by the attacks including those injured, first responders, family members of those killed and injured, and persons caught up in but not physically injured by the attacks (secondary and indirect victims of terrorism). The federal government has acknowledged the importance of victims in many ways including through symbolic affirmation, reflections found in the parliamentary commission of investigation into the attacks, and legal and administrative reforms (a number of which remain in progress). Despite these efforts, the Special Rapporteur finds that the rights and needs of victims are not fully addressed and still require significant legal and policy attention. Addressing the rights of the victims of terrorism represents a best practice not just because it assists victims and survivors to rebuild their lives and can also help to reduce polarization in society through building national solidarity. It is essential that victims of terrorism be provided with legal status and protection of their human rights at all times, including their rights to health, legal assistance, justice, truth and adequate, effective and prompt compensation and other forms of reparation, commemoration and memorialization. Supporting the victims of terrorism includes the provision of material, legal, social and psychological assistance. While bringing the Government's attention to the international standards of restitution, compensation, measures of rehabilitation and satisfaction as affirmed by the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, the Special Rapporteur voices her concern about ongoing gaps in the legal framework applicable to victims of terrorism in Belgium. She is deeply concerned about the day-to-day experiences of victims of terrorism in healthcare, employment, and administrative settings which raise the specter of secondary violations including direct and indirect discrimination. In meetings with victims and survivors, the Special Rapporteur was deeply affected by their reports of a lack of responsiveness by the government in the aftermath of the attacks in which victims felt abandoned and struggled to locate medical and other supports. These initial deficits have been acknowledged by the Government but the Special Rapporteur finds that victims continuously struggle to access essential entitlements particularly in respect of health and psycho-social needs. The following barriers to the realization of victims' human rights appear to be persistent: the cumbersome insurance payment scheme that requires constant negotiation and processes of ongoing evaluation for victims (this falls particularly harshly on victims of lesser economic means and those with long-term and sustained injuries); the lack of recognition for PTSD and psychological harm as a direct medical consequence of the terrorist attacks and its exclusion from insurance compensation; a lack of sufficiently specialized

medical and psycho-social expertise readily and equally available to all victims; concerns about discrimination between victims in the provision of care and the administration of federal schemes based on nationality and residence status; the formal discriminations that apply between citizens and non-citizens, residents and non-residents in respect of victim status and entitlements; the lack of consistency in provision for health, psycho-social needs; the provision of “one-stop” information without “one-stop services”; the lack of a speedy and fair remedy for victims who wish to contest the assessment of invalidity or disability by current assessment processes; insensitive communications with and a lack of consistent respect for victims in administrative processes by professionals and assessors. The Special Rapporteur urges the Government to make the victims of terrorism a meaningful priority in addressing the consequences of terrorist attacks including prioritization of legal reform. This includes but is not limited to regulation of the insurance entities with consideration to a national guarantee fund administered by the Government to address the short, medium and long-term financial needs of victims. Other priority legal measures that could be addressed include differences in inheritance rights between regions, parity of legal aid regimes for victims of terrorism across regions, and further enabling the standing of victims’ associations as *partie civile* in criminal proceedings. Working with both established victims’ representative organizations will advance this priority. Victims of terrorism bear the deepest hurts and the greatest burdens of terrorist attacks and the Special Rapporteur encourages the greatest efforts to be made on their behalf.

Persons charged with terrorist offences as well as persons convicted of terrorist offences are held in a variety of Belgian prisons which are geographically distributed across the country. The Special Rapporteur visited Hasselt (including its D-Rad:Ex unit) and Leuze-en-Hainaut prisons. Prison officials provided a thorough and transparent account of the prison regimes and measures applied to prisoners charged or convicted of terrorism. The Special Rapporteur understands that prison authorities assess inmates with a view to physical placement within the prison as well as to assess whether regimes or measures will be necessary in their management. In the context of the fight against radicalization and extremism, the following extant categories apply: Category A (prisoners convicted or with pending charges of terrorism); Category B (persons not convicted directly of terrorism but whose files indicate a clear connection with terrorism); Category C (Foreign Terrorist Fighters); and Category D (detainees who evidence signs of radicalisation). Three further categories of detainees are to be added to this classification system. It was made clear to the Special Rapporteur that the guiding principle of the prison regimes in respect of prisoners charged with or convicted of terrorism or suspected of radicalism was security. No specialised de-radicalization or individually tailored disengagement programs were systematically in effect in the Belgian prison system. The Special Rapporteur is concerned at the lack of such programming given the importance of early and individually focused intervention in such contexts.

Belgium has a comprehensive probation system operated through the provision of Justice Houses, and the Special Rapporteur had the opportunity to visit the Antwerp Justice House which conducts its work in the Flanders region. She was impressed by the community based approach to re-integration with an emphasis on individually tailored programmes, collaborative approaches, expert staff and integrated engagement with welfare services. These programs already serve persons on conditional release or those subject to electronic tagging who have been charged with terrorist offences. The Special Rapporteur understands that, to date, there has been limited engagement with persons in prisons serving sentences for terrorism offences, and in particular that those persons under particular security regimes and measures are not serviced by disengagement processes. Regional and

community governments indicated their interest in and support to such potential programming but no systematic engagement of these programmes with persons convicted of terrorism is evidenced. The Special Rapporteur strongly recommends that meaningful consideration be given to early and consistent engagement through the Justice House capacities for persons convicted of terrorism including those regulated through particular security regimes and measures. There is much to be gained for both prisoners and for society as a whole in addressing dis-engagement as early as possible within the prison system, using the evidenced expertise in the probation system.

In terms of facilities in the prisons visited, both were adequate and the Special Rapporteur particularly commends the quality of the prison facilities at Leuze-en-Hainaut prison for its general layout, primarily single cell-provision including showers, access to activities including library, exercise room and other facilities. However, the Special Rapporteur is deeply concerned about a number of aspects related to the prison measures applied to persons under security regimes. She voices concerns about the radicalization assessments functioning as a basis for assignment to particular regimes or the application of particular measures. She recommends that assignment be undertaken on the basis of clearly established, scientifically sound criteria and that a clear and transparent process is established when a person is put 'on regime' with particular emphasis on the right of meaningful appeal and review. She notes here concern about the role of prison officers' evaluation in the process of determination whose training is limited in both human rights and radicalization appraisal. The Special Rapporteur is concerned about the particular risks of conflating genuine and protected religious practice with radicalization, particularly when core elements of assessment are not consistently carried out by qualified specialists. Information collected at the prison is passed on to the *General Director of the penitentiary establishments (DGEPI)* who has the primarily decision-making role. The mechanism for decision-making remains opaque, and the extent of the prisoner's capacity to meaningfully challenge such determinations seems exceptionally limited in practice.

Interviews confirmed that in the aftermath of March 22<sup>nd</sup> 2016, significant numbers of prisoners were kept in isolation regimes with no possibility of meaningful review of their status, and the Special Rapporteur is concerned that isolation measures were applied as a collective measure and not individually assessed. The Special Rapporteur is also concerned that the final determination of regime and status within the prison is carried out by a process which may not be fully human rights compliant. The capacity for successful challenge of classification is extremely limited based on the evidence presented to the Special Rapporteur. The Special Rapporteur notes that the medical, social and psycho-social effects of prolonged isolation can be severe. Whilst conscious of the risk involved in allowing free movement of prisoners, measures that segregate individuals in isolated regimes or solitary confinement for prolonged periods of time may raise issues of inhuman and degrading treatment and Belgium's practices in this regard are particularly concerning.

Finally, the Special Rapporteur underscores her concern that no systematic de-radicalization or disengagement programmes are being put in place in Belgian prisons. Given the evidenced expertise and experimentation taking place at federal, regional, community and municipal levels the disjunction is evident. Prisoners convicted of these offences will be released and returned to Belgian society. It is in the interest of all citizens that tailor-made programs are developed with regional, community and federal interface and consistently implemented in prisons. Such programs should serve the best interests of those incarcerated and the long-term interests of Belgian society. The Special Rapporteur also encourages the Belgian Government to ratify the Optional Protocol to the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and set up an effective National Preventive Mechanism.

Data collection, processing and sharing for the purposes of intelligence gathering has become an essential tool for many states in the fight against terrorism. While affirming the importance and value of information gathering and analysis in the prevention and investigation of terrorism, the Special Rapporteur voices her concerns as to the control and management of data and related oversight in a human rights compliant manner. In particular, the Special Rapporteur underscores the importance of privacy, due process and remedial rights for persons subject to data collection, processing or transfer and surveillance in the context of countering terrorism.

In Belgium data gathering, processing and analysis is an important tool for countering terrorism. Belgium has created a unique entity namely the Coordination Unit for Threat Analysis (OCAD/OCAM) which plays a central role in collating and analysing data from various intelligence entities and has established several databases, including a 'dynamic database' to enable information sharing between relevant security and other actors. Among these, the 'dynamic database' provides three categories: "Foreign Terrorist Fighters, Hate Preachers and Home-grown Terrorist Fighters". The inclusion of the latter two categories has just now been provided with a legal basis, as also pointed out by the Belgian Standing Intelligence Agencies Review Committee who recommended that such basis is established as a matter of priority. Access to the database is expanding, with proposals for additional government departments at federal and other levels of governance to gain access.

A number of entities, such as the Standing Intelligence Agencies Review Committee, the Standing Police Monitoring Committee, the Data Protection Authority and others, exercise oversight of aspects of data gathering, processing, sharing, and retention, including in the counter-terrorism context. While their work is important in ensuring the legality, legitimacy and effectiveness of such measures, the Special Rapporteur is concerned that meaningful oversight does not extend to all aspects of data use that may contravene human rights law. She therefore encourages the Government to ensure independent, effective and comprehensive oversight of powers related to data gathering, processing, sharing, and retention in the counter-terrorism context and ensure that relevant entities are adequately financially supported. The Special Rapporteur particularly recommends independent judicial representation in the composition of these bodies. She emphasizes the importance of independent oversight covering all stages of measures authorized given the balance and implications of the rights limitations concerned, and sustained transparency through the publication of an annual report to detail the number and nature of measures taken.

The Special Rapporteur reminds the Belgian authorities to remain aware of and in compliance with regional legal obligations in respect of data maintenance and oversight, and to fully implement regional judicial decisions concerning the need to protect electronic communications in a way that does not compromise the "essence" of the fundamental right to respect for private life and through measures that are "strictly proportionate" to their intended purpose (European Court of Justice). She also reminds Belgium that mandatory retention of metadata for an extended period of time and national legislation which provides for "general and indiscriminate retention of all traffic and location data of all subscribers and registered users relating to all means of electronic communication" are contrary to European Union law and also raise issues with respect to Belgium's obligations under international human rights law. The Special Rapporteur takes the view that while progress has been

made Belgium is still required to ensure that adequate procedural safeguards and oversight of interception of communications and surveillance are in place. In particular, prior judicial authorization – best ensured with a judicial element—and meaningful ongoing oversight of surveillance should be the norm, and there must be a right to an effective remedy in the context of secret surveillance measures.

The Special Rapporteur highlights a particular concern in the context of data collection in regional, community and municipal level engagement with radicalization including its violent manifestations. In this context, she questions the legal basis for the gathering of data, the access for individuals including children and their legal guardians to information which is held about them, the ability to challenge the accuracy of such data, the legal basis upon which such data is shared within and between agencies at all levels of government (e.g. Local Integral Security Cells, Local Task Forces and the National Task Force), and the inclusion of such data in intelligence databases without sufficient measures of rigor, protection, consistency and oversight being applied. The Special Rapporteur also notes the issues that may arise from the observance of ethical and professional confidentiality with obligations to report in the radicalization context.

Belgium has several preventive measures in place aimed at discouraging persons from leaving its territory and becoming “foreign fighters”, including a travel ban. Notably travel from and travel to Belgium with the intention to commit terrorist offences is criminalised. These measures follow in part from the guidance given in United Nations Security Council Resolutions 2178 and 2396 and may go beyond them. In parallel with other observations, the Special Rapporteur notes her concern at the cumulative effect on freedom of movement protections when citizens may be subject to limitations of movement including travel overseas to countries of family origin, for religious practice, family reunification and other justifiable purposes. While States may limit freedom of movement on the basis of public order, such limits should be strictly necessary and proportionate, factually motivated, and when cumulatively sustained subject to stringent and ongoing review.

The Special Rapporteur continues to be aware of a sizeable number of foreign fighters, their spouses and their offspring with Belgian nationality are currently located overseas, in IDP camps or in detention pending trial. In a number of these countries, there are significant concerns as to the fairness of trial, the access to meaningful legal representation and the risk of torture, inhuman and degrading treatment including sexual violence while in custody or detention. The Special Rapporteur calls on the Government to take all practicable measures to ensure that the legal protections of its citizens are fully advanced, that they receive fair trials and that in particular the situation of children including their nationality status be regularized and kept under close review. Where Belgium has accepted its responsibility for child citizens it is necessary that arrangements be made to bring such children back to Belgian territory as speedily as possible given the evident risks to life, freedom from torture, inhuman and degrading treatment and other human rights violations follow from their current conditions of detention. Where there is an imminent threat to the life or safety of Belgian nationals in detention overseas, particularly children, the Special Rapporteur encourages the government to act swiftly and prioritize the best interest of the child in all in its actions. The Special Rapporteur is also aware of the grave stigma encountered by families and dependants of Belgians whose children or family members have travelled overseas as foreign fighters or accompanying such fighters. The Special Rapporteur urges the government to be proactive in combatting stereotyping, stigma and discrimination against such families recognizing their vulnerabilities and complex circumstances.



Belgium has long been encouraged to establish a Paris Principles compliant National Human Rights Institution (NHRI). In the context of the fight against terrorism, the Special Rapporteur underscores the necessity and value of such a body. The overall effects of counter-terrorism measures and the expansion of de-radicalization policies to multiple spheres and all levels of governance require a new balance of oversight and supervision to be struck, a task which the NHRI can contribute.

Belgium has a number of specialized oversight bodies whose mandates are directly relevant to counter-terrorism including the Standing Intelligence Agencies Review Committees (ComitéR), Comité P - Comité permanent de contrôle des services de police (both under Parliamentary control) and l'Autorité de protection des données (Privacy Commission). General oversight bodies include L'Organe de contrôle de l'information policière and the Administrative Commission for monitoring intelligence collection methods used by the intelligence and security services. While all perform useful and necessary functions, the Special Rapporteur recommends that a fully independent, overarching expert oversight body be created to undertake annual independent review of the overall operation of all counter-terrorism and national security powers, laws and policies in Belgium. Such oversight should also be tasked to ensure that laws and policies are compatible with international human rights and refugee law binding upon the State, as well as, when applicable, principles and provisions of international humanitarian law. Independent review should address the implications of any proposed or recent amendments or additions to the law relating to terrorism. A consistent and broad evaluation of overall counter-terrorism policy, in order to identify possible loopholes and inconsistencies and in relation to compliance with human rights and non-discrimination standards would deepen safeguard, remedies and overall oversight.

Finally, the Special Rapporteur affirms the value of parliamentary oversight. The Parliamentary Commission of Enquiry into the 22/3 attacks undertook commendable and important work addressing the immediate aftermath of the event on March 22, 2016. The Special Rapporteur encourages consideration of a federal standing parliamentary committee with the established responsibilities (and commensurate powers) to provide sustained oversight of counter-terrorism and de-radicalization laws and policies providing advice, oversight and engagement by the legislative branch on these matters.

The Special Rapporteur highlights a number of substantive areas where such oversight and review may be necessary; assessing and monitoring over the long term the effects of new powers in the ordinary law (e.g. detention up to 48 hours, night searches); human rights oversight of the deployment of military personnel in public spaces to protect critical infrastructure; increased concerns about racial and ethnic profiling where counter-terrorism laws and policy may stigmatize citizens and residents of the Muslim faith; stop and search practices by the police in counter-terrorism contexts that create concerns about racial or ethnic profiling; systematic oversight of employment suspensions from high-security or sensitive sites in which complainants allege ethnic or religious discrimination; citizenship stripping or revocation of residence permits related to public security; thorough analysis and review of data concerning the use of counter-terrorism measures and their effects on the full enjoyment of human rights and fundamental freedoms.

The Special Rapporteur underscores that the institutional complexity and multi-variant approach to counter-terrorism and preventing violent extremism/radicalization should make use of rigorous, systematic and independent monitoring and evaluation mechanisms. Rigorous monitoring and evaluation methods in Belgium would help to enhance the effectiveness of ongoing and successor

policies and to demonstrate that the measures deliver impact, success, insights and engage with key stakeholders. Likewise, monitoring and evaluation methods independently delivered would be key instruments to hold Belgium public decision makers to account and ensure they inform citizens and constituencies about the quality of public spending and that public resources are used appropriately and effectively.

The Special Rapporteur underlines that Belgium's counter-terrorism action must be rooted in, and comply with international law including human rights, humanitarian and refugee law, and must address not only manifestations of terrorism but conditions conducive to the spread of terrorism. She stresses that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing.