



#### Summary of key issues from previous UPR cycles

During the third cycle of the Universal Periodic Review, Belgium received 17 recommendations relating to children's rights in the context of migration (recommendations 35.209 to 35.215, 36.34 and 36.58 to 36.67). A significant proportion of these recommendations concerned the prohibition of the detention of children for migration-related reasons, in accordance with international standards on children's rights. Belgium accepted most of these recommendations and recently adopted the **law of 12 May 2024** prohibiting the detention of children in closed centres, which constitutes an important legislative step forward and has been welcomed by civil society.

However, some concerns expressed during the third cycle remain partially unresolved, particularly with regard to **alternatives to detention**, the **reception of families with children** and the **effective protection of the best interests of the child in migration policies**.

#### National framework

Despite the legal ban on detaining children in closed centres, **families with children continue to be placed in facilities known as 'Maisons de retour' ('return homes'), where living conditions and restrictions on freedom are, in effect, similar to forms of detention**.

Furthermore, the announcement of a **review of this ban** within two years raises concerns about the sustainability of the protection afforded to children and creates legal and political uncertainty.

Concerning reception, Belgium is facing a persistent structural crisis. Families with children, including unaccompanied children, regularly find themselves without accommodation, despite court decisions ordering their reception and imposing penalties. This situation directly affects the exercise of the fundamental rights of the children concerned.

#### Challenges and impact

The main difficulties identified concern:

- The **effectiveness of the ban on the detention of children**, particularly when alternative measures have characteristics comparable to deprivation of liberty;
- The **lack of unconditional and continuous reception for families with children**, exposing them to situations of great vulnerability, including homelessness;
- The **inadequacy of the structural and financial resources allocated to reception**, particularly to meet the specific needs of children (physical and mental health, education, stability of living conditions);
- Persistent uncertainties regarding **protection against statelessness** and the treatment of **Belgian children detained in conflict zones**.



## RECOMMENDATIONS

- Maintain in legislation the prohibition on placing children in closed centres, without the possibility of regression, and ensure that any alternative measures fully respect the freedom and best interests of the child.
- Ensure that the best interests of the child are a primary consideration, particularly in matters relating to asylum, family reunification and age assessment.
- Strengthen, as soon as possible, reception facilities for all children in migration, whether unaccompanied, separated from their families or accompanied, in order to ensure effective and continuous accommodation in accordance with the best interests of the child and Belgium's international commitments, including through the effective implementation of court decisions.
- Provide the national agency responsible for the reception of asylum seekers (Fedasil) with a sufficient and sustainable budget by 2029 to ensure a fair and dignified reception policy that respects human rights and meets the specific needs of children (physical and mental health, accommodation, education, etc.). Maintain funding for local authorities responsible for social assistance in order to ensure high-quality support.
- Develop a proactive policy for repatriating all Belgian children detained in conflict zones, regardless of their age. End all preventive detention upon their return and ensure appropriate psychosocial and educational support.
- Ensure that the Belgian authorities guarantee that no child remains stateless and that children born on Belgian soil who are not eligible for any other nationality automatically obtain Belgian nationality.

## Online file :

<https://lancode.be/projet/upr-2026-factsheets/>



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This fact sheet is part of a series of fact sheets written on the situation of children's rights in Belgium for information purposes in the context of Belgium's Periodic Review. Their drafting was coordinated by CSOs and NHRIs that are members of a working group on the UPR, led by the National Commission for Children's Rights.