

Coronavirus pandemic in the EU – Fundamental Rights Implications

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

The month of June has seen further easing of restrictions in Belgium as prescribed in an amendment on 5 June 2020 to the **Ministerial Order of 23 March 2020 that outlines the emergency measures to limit the spread of coronavirus**.¹ On 8 June 2020, the country moved into **Phase 3** of deconfinement that permitted a number of new de-restrictions including the re-opening of restaurants and bars (see section 1.2.3) and increased freedom of movement (see section 1.2.5).

On 4 June 2020, following a referral from the **Court of First Instance of Luxembourg, Marche-en-Famenne**, a preliminary ruling of the Constitutional Court was sought on a question relating to the compatibility of **Article 7 of the Royal Decree no3 of 9 April 2020 laying down miscellaneous provisions relating to criminal procedure and the enforcement of penalties and measures to combat the spread of the coronavirus COVID-19**² with Article 10 and 11 of the Constitution combined with Article 23 of the Constitution. The case refers to three applicants who are currently detained despite being at risk of developing serious symptoms of Covid-19 and requested exceptional prison leave for the duration of the coronavirus pandemic given the urgency of their situation. The request was refused on the grounds that the applicants were not entitled to exceptional leave under the conditions of Article 7 of the aforementioned Royal Decree. The applicants believe this decision to amount to inequality of treatment. The judge of first instance however referred the above question for a preliminary ruling. The Constitutional Court ruled that they are not competent to rule on the preliminary question since it refers to a Royal Decree, which is beyond the scope of their competences (para A.2.). It is only when a Royal Decree receives legislative confirmation that they are, from the entry in force of law of confirmation, competent to determine whether or not the law of confirmation violates constitutional provisions (para B.1.3).³

Since the death of George Floyd, there have been a number of protests across Belgium that, in light of the current restrictions in place due to covid-19 are officially prohibited. A number of protests went ahead and were tolerated by law enforcement authorities,⁴ however, following a “Black Lives Matter” protest of more than 10.000 persons in Brussels on 7 June 2020, the Secretary of State for the Interior, Pieter De Crem wrote, on 15 June 2020, a reminder to all Mayors and Regional Governors that any public gatherings of more than 20 persons was prohibited until 30 June 2020. The Minister stated that the freedom of assembly is, for now, temporarily restricted in order to protect public health and prevent the spread of Covid-19. The letter stated: “In view of this legitimate aim, I therefore expressly ask you to restrict the right to demonstrate in your municipality or - if really necessary - to ban a

¹ Belgium, Ministerial Order of 5 June 2020 amending the Ministerial Order of 23 March 2020 on urgent measures to combat the spread of the coronavirus COVID-19 ([Arrêté ministériel du 5 juin 2020 modifiant l'arrêté ministériel du 23 mars 2020 portant des mesures d'urgence pour limiter la propagation du coronavirus COVID-19/ Ministerieel besluit van 5 Juni 2020 houdende wijziging van het ministerieel besluit van 23 maart 2020 houdende dringende maatregelen om de verspreiding van het coronavirus COVID-19 te beperken](#)) Published in the Belgian official gazette 5 June 2020 [Last accessed 1 July 2020].

² Belgium, Royal Decree nr. 3 containing various provisions on criminal procedure and execution of sentences and measures in the context of the fight against the spread of the coronavirus COVID-19 (*Arrêté royal n° 2 concernant la prorogation des délais de prescription et les autres délais pour ester en justice ainsi que la prorogation des délais de procédure et la procédure écrite devant les cours et tribunaux / Koninklijk Besluit nr. 2 met betrekking tot de verlenging van de verjaringstermijnen en de andere termijnen om in rechte te treden, alsmede de verlenging van de termijnen van de rechtspleging en de schriftelijke behandeling voor de hoven en rechtbanken*) Published in the Belgian Official Gazette 9 April 2020.

³ Belgium, Constitutional Court, Case n° 83/2020 of 4 June 2020.

⁴ Belgium, RTBF (2020), 700 persons gather in Liège to pay tribute to George Floyd (*700 personnes réunies à Liège, en hommage à George Floyd*) 6 June 2020 [Last accessed 1 July 2020].

demonstration.” The Minister called upon local public officials to connect with protest organisers and to draw their attention to the the other ways in which the freedom of expression can be exercised.⁵ On 9 June 2020, the Court of Cassation heard an appeal following a conviction by the Antwerp Court of Appeal of the claimant for spitting at a police officer. The Court based its decision on Art. 328bis of the Penal Code, which penalises “dispensing of substances which, without implying danger in themselves, give the impression that they are dangerous and of which he knows or ought to know that they may give rise to serious feelings of fear of an attack on persons or property.” The Court considered the fact that the plaintiff had not been tested for the coronavirus and, consequently, that the hazardous nature of the substance was unclear, irrelevant. The claimant argued before the Court of Cassation that the application of Article 328bis is contrary to the intention which the legislator; if the plaintiff's saliva does indeed contain the virus, it is a dangerous substance and not merely an 'apparently dangerous substance'. The Court of Cassation did not follow this reasoning, however, and rejected the appeal.⁶

On 14 June 2020, the Council of State rejected an urgent appeal from the collective “Santé en Lutte” who had sought the suspension of a prohibition to protest. However, the Council of State upheld the prohibition, stating that “the infringement of the freedom to demonstrate is not sufficient to justify urgency [of the appeal] and confirmed that the measure banning protests was evidently a temporary one and that it was subject to a continuous review as the time evolved.⁷

On 24 June 2020, when announcing the measures for Phase 4 of the deconfinement as of 1 July 2020, the National Security Council reiterated the fact that any outdoor public gatherings for more than 20 persons are prohibited until end of June 2020, thereafter, the maximum number of people who can attend outdoor public gatherings (including protests) will be increased to a maximum of 400 persons and will be reviewed again in August 2020.⁸

On 26 June 2020, a group of thirty or so Belgian citizens had their case heard in the Brussels Flemish Court of First Instance, wherein they claimed that the measures imposed by the government were disproportionate and ineffective (see Bulletin Nr. 3). The court dismissed the case, stating that the measures were indeed effective and proportionate and had succeeded in avoiding a high number of deaths. Along with the ruling that the case was inadmissible, the complainants were ordered to pay court costs of approximately 1,500 euros.⁹

1.2 Measures affecting the general population

1.2.1 Social distancing

The general social distancing rules that are still applicable permit each person to meet a maximum of 10 different persons per week, either in private or public spaces and cannot amount to a social

⁵ Belgium. La Libre (2020), Should demonstrations be banned because of the coronavirus? Pieter De Crem speaks (*Faut-il interdire les manifestations à cause du coronavirus ? Pieter De Crem s'exprime*), 15 June 2020 [Last accessed 1 July 2020].

⁶ Belgium, Court of Cassation, Case No. N-20200609-5 (P.20.0598.N) (9 June 2020).

⁷ Belgium. La Libre (2020), Should demonstrations be banned because of the coronavirus? Pieter De Crem speaks (*Faut-il interdire les manifestations à cause du coronavirus ? Pieter De Crem s'exprime*), 15 June 2020 [Last accessed 1 July 2020]; La Belgique, RTL (2020) Demonstrations "Health in Struggle": "The right to demonstrate is one of the most fundamental rights in a democracy ([Manifestations "La santé en lutte"](#) : "Le droit de manifester est l'un des droits les plus fondamentaux en démocratie") 14 June 2020 [Last accessed 1 July 2020].

⁸ Belgium, Crisis Centre (2020), Launch of Phase 4 of Deconfinement from 1 July – Press Release of the Prime Minister Sophie Wilmès (*Lancement de la phase 4 du déconfinement à partir du 1er juillet, Communiqué de presse de la Première Ministre Sophie Wilmès*), 24 June 2020 [Last accessed 1 July 2020].

⁹ Belgium, Nieuwsblad (2020), Jeff Hoeyberghs and Co. must back down from the judge :corona measures are well founded ([Jeff Hoeyberghs en co. moeten afdruppen van rechter: coronamaatregelen wél qegronnd](#)) 3 July 2020 [Last accessed 5 July 2020].

gathering of more than 10 persons (including children).¹⁰ Other social gatherings, that were permitted include:

- Civil marriages with a maximum of 100 persons
- Burials and cremations with a maximum of 100 persons
- Religious ceremonies with a maximum of 100 persons
- Non-contact activities organized by a club or association in the presence of a trainer or organizer, with a maximum of 20 persons
- Sport competitions without a public spectators
- Access to reception and banqueting venues for a maximum of 50 persons¹¹

In June, the media have reported on a number of occasions where the police have had to intervene in situations where the social distancing rules and maximum group numbers were not being respected:

- On 16 June 2020 that the police had to intervene in an illegal gathering in Flagey Square in Ixelles leading to two police officers being injured and the arrest of one person for rebellion and four others for disturbing public order.¹²
- On 20 June 2020, a number of illegal gatherings took place in Brussels capital (Ixelles, Marolles and Anderlecht) were attended by groups of up to 500 persons who failed to respect social distancing rules and did not wear mouthmasks. Whilst it is not known how many fines or sanctions were enforced, the Brussels-Capital/Ixelles Police Zone announced on twitter – and was subsequently reported by the media - that any further illegal gatherings would not be tolerated and would be sanctioned accordingly, with a maximum fine of 250 euros.¹³
- On 24 June 2020, the Antwerp police intervened in a barbecue where more than 80 persons were assembled. Seven people were arrested for disturbing public order.¹⁴

1.2.2 Education

On 27 May 2020, following the advice and recommendation of the Group of Experts for Deconfinement (GEES) the **Belgian** National Security Council announced that as of the 2 June 2020 and 8 June 2020 respectively, pre-school and primary schools would return to full time teaching. The decision of the GEES regarding the relaxation of rules for access to education takes into account the fact that 'not going to school has also an important mental, social and developmental impact for children, and for families at large. The GEES acknowledges the importance of balancing the epidemiological risk with the mental health, wellbeing and learning needs of all children.'¹⁵

¹⁰ Belgium, Ministerial Order of 5 June 2020 amending the Ministerial Order of 23 March 2020 on urgent measures to combat the spread of the coronavirus COVID-19 ([Arrêté ministériel du 5 juin 2020 modifiant l'arrêté ministériel du 23 mars 2020 portant des mesures d'urgence pour limiter la propagation du coronavirus COVID-19/ Ministerieel besluit van 5 Juni 2020 houdende wijziging van het ministerieel besluit van 23 maart 2020 houdende dringende maatregelen om de verspreiding van het coronavirus COVID-19 te beperken](#)) Published in the Belgian official gazette 5 June 2020 [Last accessed 1 July 2020].

¹¹ Belgium, Ministerial Order of 5 June 2020 amending the Ministerial Order of 23 March 2020 on urgent measures to combat the spread of the coronavirus COVID-19 ([Arrêté ministériel du 5 juin 2020 modifiant l'arrêté ministériel du 23 mars 2020 portant des mesures d'urgence pour limiter la propagation du coronavirus COVID-19/ Ministerieel besluit van 5 Juni 2020 houdende wijziging van het ministerieel besluit van 23 maart 2020 houdende dringende maatregelen om de verspreiding van het coronavirus COVID-19 te beperken](#)) Published in the Belgian official gazette 5 June 2020 [Last accessed 1 July 2020].

¹² Belgium, Le Soir (2020), Two police officers injured and 5 arrested during party gatherings in Ixelles (*Deux policiers blessés et 5 interpellations lors de regroupements de fêtards à Ixelles*) 16 June 2020 [Last accessed 1 July 2020].

¹³ Belgium, RTBF (2020), Deconfinement: the Brussels-Capital/Ixelles police zone will punish all gatherings (Déconfinement : la zone de police Bruxelles-Capitale/Ixelles sanctionnera tout rassemblement) 21 June 2020 [Last accessed 1 July 2020].

¹⁴ Belgium, RTBF (2020), Coronavirus in Belgium: seven people arrested after a barbecue in Lint, in the province of Antwerp ([Coronavirus en Belgique : sept personnes interpellées après un barbecue à Lint, en province d'Anvers](#)) 24 June 2020 [Last accessed 1 July 2020].

¹⁵ Belgium, Group of Experts on the Exit Strategy (*Groupe d'Experts en charge de l'Exit Strategy/ Groep van Experts op te richten die belast is met de Exit-Strategie (GEES)* 5th Note to Prime Minister and Kern in preparation of the National Security Council ([Se Nota aan Eerste Minister en Kern ter voorbereiding van de Nationale Veiligheidsraad dd. 03/6/2020](#)), 3 June 2020, p.20 [Last accessed 1 July 2020].

In pre-school, for pedagogical and social reasons, it is not advised for teachers to wear masks when looking after children, although wearing a mask is strongly recommended between adults. Furthermore it is not necessary to respect social distancing.

In primary schools, pupils are not required to wear masks, whereas it is recommended to wear masks if social distancing cannot be respected. Social distance does not apply between pupils, but must be adhered to between pupils and teachers, teachers and other teachers and teachers and parents.

General rules that must be implemented include, hygiene measures (frequent washing of hands), good ventilation in corridors and classrooms, activities held outside where possible, develop an emergency plan in case of an outbreak. During breaks, students should maintain their “contact bubble” and play with their classmates (see Bulletin Nr. 3).¹⁶

The national situation for high school and higher education establishments remained unchanged and with further discussion on the re-opening of the upcoming school/academic year still needed (see Bulletin Nr. 3).¹⁷ In **Flanders**, as of 2 June 2020, all students in the 2nd and 4th year of secondary education can receive 2 full or 4 half days a week at school with social distancing, contact bubbles of 14 students and mouth masks and all students of the 1st, 3rd and 5th years of secondary be at least one day invited to school to complete school together. The same applies to pupils in part-time vocational secondary education.¹⁸ In **Wallonia and Brussels Capital**, the rules for secondary students remain unchanged (see Bulletin 3), however the maximum group size for students was increased to 14.¹⁹

1.2.3 Work

Throughout the month of June, the following businesses remain closed: spas (including saunas), casinos, amusement parks and interior play areas and cinemas.²⁰ Bars and restaurants were permitted to re-open as of 8 June 2020.

Bars and restaurants must respect the following rules to ensure safety of their employees and customers:

- the tables are arranged so as to ensure a distance of at least 1.5 m between them, unless the tables are separated by a Plexiglas wall or an equivalent alternative, of a minimum height of 1.8 metres;
- a maximum of ten people per table is allowed;
- only table seating is permitted;
- each guest must remain seated at his or her own table;

¹⁶ Belgium, Group of Experts on the Exit Strategy (*Groupe d'Experts en charge de l'Exit Strategy/ Groep van Experts op te richten die belast is met de Exit-Strategie (GEES)* 5th Note to Prime Minister and Kern in preparation of the National Security Council ([Se Nota aan Eerste Minister en Kern ter voorbereiding van de Nationale Veiligheidsraad dd. 03/6/2020](#)), 3 June 2020, p.21 [Last accessed 1 July 2020].

¹⁷ Belgium Group of Experts on the Exit Strategy (*Groupe d'Experts en charge de l'Exit Strategy/ Groep van Experts op te richten die belast is met de Exit-Strategie (GEES)* 5th Note to Prime Minister and Kern in preparation of the National Security Council ([Se Nota aan Eerste Minister en Kern ter voorbereiding van de Nationale Veiligheidsraad dd. 03/6/2020](#)), 3 June 2020, p.21 [Last accessed 1 July 2020].

¹⁸ Belgium, Flanders Education and Training (2020), Restart to lessons in school: who, why and how ([Heropstart van de lessen op school: wie, waarom en hoe](#)), no date [Last accessed 1 July 2020].

¹⁹ Belgium, Brussels-Wallonia Federation (*Fédération Wallonie-Bruxelles*) (2020), Circular 7599: Coronavirus Covid-19: Decision of the Concertation Committee of 27 May 2020 ([Circulaire 7599: Coronavirus Covid-19: décision du Comité de concertation du 27 mai 2020](#)) 27 May 2020 [Last accessed 1 July 2020]

²⁰ Belgium, Ministerial Order of 5 June 2020 amending the Ministerial Order of 23 March 2020 on urgent measures to combat the spread of the coronavirus COVID-19 ([Arrêté ministériel du 5 juin 2020 modifiant l'arrêté ministériel du 23 mars 2020 portant des mesures d'urgence pour limiter la propagation du coronavirus COVID-19/ Ministerieel besluit van 5 Juni 2020 houdende wijziging van het ministerieel besluit van 23 maart 2020 houdende dringende maatregelen om de verspreiding van het coronavirus COVID-19 te beperken](#)) Published in the Belgian official gazette 5 June 2020 [Last accessed 1 July 2020].

- masks must be worn by staff in the room;
- masks must be worn by staff in the kitchen, in the dining room and in the dining room.
- no bar service is permitted, except for single-person establishments where a distance of 1.5 metres must be respected;
- terraces and public spaces are organised in accordance with the requirements issued by the municipal authorities and in the respect the same rules as inside;
- pubs and restaurants may remain open until 1 a.m., unless the local authority imposes early closing rules.²¹

These general rules have been supplemented by a guide for hospitality businesses published by the Federal Public Service Economy.²²

In June further legal measures have been taken to assist and support the labour force and to minimize the impact of the effects of the coronavirus.

From the 15 June 2020, for the purposes of calculating the amount of holiday pay and the duration of holidays for employed persons, for the period from 1 February 2020 up to and including 30 June 2020, days of interruption of work resulting from temporary unemployment due to force majeure following the pandemic caused by the corona virus for workers who have been recognised as temporarily unemployed due to force majeure shall be treated as actual working days.²³

The law of 9 of June 2020 takes retroactive effect from 1 February 2020 and extends the furlough scheme to those pensioners aged 65 and over who lose their supplementary income as a result of the coronavirus.²⁴

From 1 April to 30 June 2020, following the entry into force of a royal decree on 5 June 2020, the net remuneration for 120 hours of overtime worked during the second quarter of 2020 for employers in critical sectors has been excluded from the basis of calculation of social security contributions for employees.²⁵

²¹ Belgium, Ministerial Order of 5 June 2020 amending the Ministerial Order of 23 March 2020 on urgent measures to combat the spread of the coronavirus COVID-19 ([Arrêté ministériel du 5 juin 2020 modifiant l'arrêté ministériel du 23 mars 2020 portant des mesures d'urgence pour limiter la propagation du coronavirus COVID-19/ Ministerieel besluit van 5 Juni 2020 houdende wijziging van het ministerieel besluit van 23 maart 2020 houdende dringende maatregelen om de verspreiding van het coronavirus COVID-19 te beperken](#)) Published in the Belgian official gazette 5 June 2020 [Last accessed 1 July 2020].

²² Belgium, Federal Public Service Economy (*Service public fédérale économie/ Federale Overheidsdienst Economie*) (2020), Generic Guide for the opening of hospitality to fight the spread of Covid-19 (*Guide relatif à l'ouverture de l'horeca pour prévenir la propagation du virus COVID-19*), 25 April 2020 [Last accessed 1 July 2020].

²³ Belgium, Royal Decree of 4 June 2020 assimilating the days not worked due to temporary unemployment due to force majeure caused by the pandemic as a result of the coronavirus in the system of annual leave for workers for the period from 1 February 2020 to and including 30 June 2020 ([Arrêté royal du 4 juin 2020 visant à assimiler les journées d'interruption de travail résultant du chômage temporaire pour cause de force majeure suite à la pandémie due au virus corona, dans le régime des vacances annuelles des travailleurs salariés, pour la période du 1er février 2020 jusqu'au 30 juin 2020 inclus/ Koninklijk besluit van 5 juni 2020 houdende gelijkstelling van de dagen van arbeidsonderbreking ingevolge tijdelijke werkloosheid wegens overmacht door de pandemie, ten gevolge van het coronavirus in het stelsel der jaarlijkse vakantie van de werknemers voor de periode van 1 februari 2020 tot en met 30 juni 2020](#)) Published in the Belgian Official Gazette 5 June 2020 [Last accessed 1 July 2020].

²⁴ Belgium, Law on 9 June 2020 introducing a right to benefits in the event of temporary unemployment for pensioners aged 65 due to the COVID-19 virus ([Loi du 9 juin 2020 visant à introduire un droit à des allocations de chômage temporaires pour les pensionnés de 65 ans et plus en raison du virus COVID-19/ Wet van 9 juni 2020 tot invoering van een recht op uitkeringen bij tijdelijke werkloosheid van gepensioneerden van 65 jaar omwille van het COVID-19-virus](#)) Published in the Belgian Official Gazette 12 June 2020 [Last accessed 1 July 2020].

²⁵ Belgium, Royal Decree of 5 June 2020 amending Article 19, § 2, of the Royal Decree of 28 November 1969 in execution of the Law of 27 June 1969 revising the Legislative Decree of 28 December 1944 concerning the social security of workers ([Arrêté royal du 5 juin 2020 portant modification de l'article 19, § 2, de l'arrêté royal du 28 novembre 1969 pris en exécution de la loi du 27 juin 1969 révisant l'arrêté-loi du 28 décembre 1944 concernant la sécurité sociale des travailleurs/ Koninklijk besluit tot wijziging van artikel 19, § 2, van het koninklijk besluit van 28 november 1969 tot uitvoering van de wet van 27 juni 1969 tot herziening van de besluitwet van 28 december 1944 betreffende de maatschappelijke zekerheid der arbeiders](#)) Published in the Belgian Official Gazette 24 June 2020 [Last accessed 1 July 2020].

1.2.4 Access to justice

As communicated in the previous bulletin, Belgian Courts and Tribunals²⁶ as well as the Council for Alien Law Litigation²⁷ started to progressively restart their activities already in May. It was further announced by the Courts and Tribunals that supplementary hearings would, as much as possible, be scheduled for the months of July and August to address the backlog from the confinement period. The Office of the commissioner general for refugees and stateless persons, in turn, restarted interviews with asylum seekers on 8 June.²⁸ As the Commissioner will not be able to host as many interviews as before, due to distancing measures that are still in place (e.g. asylum applicants are interviewed in limited numbers and at different times spread over the day),²⁹ it has also launched a restricted pilot project to conduct interviews with unaccompanied minors via videoconference.³⁰ No other initiatives to (continue to) use videoconference in legal proceedings were announced.

Furthermore, to ensure reduced physical contact in proceedings, two measures prescribed by the law of 20 May 2020,³¹ mentioned in the previous bulletin, have been prolonged by a Royal Decree³² – namely, the possibility for the police to sign reports electronically and the possibility to submit petitions electronically – until the end of October 2020.

1.2.5 Freedom of movement

From 8 June 2020 onwards, it was again possible to travel throughout the country for excursions of one or two days, however up until 15 June 2020, all non-essential travel to and from Belgium was prohibited. Since 15 June 2020, however, Belgian borders have been open to all EU member states (including the UK) and to Schengen countries without restrictions.³³ Non essential travel to and from other countries, however, remains prohibited at least until 1 July 2020.

Between 17 March 2020 and 3 April 2020, the arrival centre for asylum seekers (known as the petit chateau) in the centre of Brussels was closed³⁴ and, therefore, it was not possible to lodge an application for asylum. Fedasil reported,³⁵ however, that since 3 April 2020, it is possible for asylum seekers to register through an online registration/appointment system. In April 2020, the Immigration Office registered 236 persons requesting international protection.³⁶ In May 2020, 389 persons

²⁶ Belgium, Courts and Tribunals (*Cours & Tribunaux*) (2020), COVID-19 crisis exit-strategy for courts and tribunals ([Exit-strategie de la crise COVID-19 dans les cours et tribunaux](#)) [Last accessed 29 June 2020].

²⁷ Belgium, Council for Alien Law Litigation (*Conseil du Contentieux des Etrangers*) (2020), Measures corona/COVID-19 ([Mesures CORONA/COVID-19](#)) [Last accessed 29 June 2020]

²⁸ Belgium, Office of the commissioner general for refugees and stateless persons, Resumption of personal interviews at the CGRA ([Reprise des entretiens personnels au CGRA](#)) [Last accessed 29 June 2020]

²⁹ Belgium, Office of the commissioner general for refugees and stateless persons, [Update FAQ Corona](#) [Last accessed 29 June 2020]

³⁰ Belgium, Office of the commissioner general for refugees and stateless persons, Pilot project of videoconference interviews with minors ([Projet-pilote d'entretiens par vidéoconférence avec des mineurs](#)) [Last accessed 29 June 2020]

³¹ Belgium, Act to make miscellaneous provisions respecting justice in the fight against the spread of coronavirus COVID-19 ([Loi portant des dispositions diverses en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19 / Wet houdende diverse bepalingen inzake justitie in het kader van de strijd tegen de verspreiding van het coronavirus COVID-19](#)). Published in the Belgian Official Gazette 29 May 2020 [Last accessed 29 June 2020].

³² Belgium, Royal decree extending certain measures taken by the law of 20 May 2020 on various legal provisions in the context of the fight against the spread of the coronavirus COVID-19 ([Arrêté royal prolongeant certaines mesures prises par la loi du 20 mai 2020 portant des dispositions diverses en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)). Published in the Belgian Official Gazette 17 June 2020 [Last accessed 29 June 2020].

³³ See Belgium, Info Coronavirus (2020), What are the current measures? ([Quelles sont les mesures actuelles?](#)) and Belgium, Crisis Centre, Launch of phase 3 of the deconfinement from 8 June ([Lancement de la phase 3 du plan de déconfinement à partir du 8 juin](#)) [Last accessed 22 June 2020]

³⁴ Belgium, Fedasil, The arrival centre closes its doors ([Le centre d'arrivée ferme ses portes](#)) [Last accessed 29 June 2020]

³⁵ Belgium, Fedasil, Resumption of asylum applications ([Reprise des demandes d'asile](#)) [Last accessed 29 June 2020]

³⁶ Belgium, Office of the commissioner general for refugees and stateless persons, Asylum statistics for April 2020 ([Les statistiques d'asile du mois d'avril 2020](#)) [Last accessed 29 June 2020]

requesting international protection were registered.³⁷ In comparison, in 2019, the Office registered 2.247 persons in April and 1.813 in May.³⁸

1.3 Impact of measures on particular groups

1.3.1 Homeless people

The city of **Ghent** decided to extend overnight shelter for the homeless until the end of June. A total of 116 beds are made available instead of the usual 65 beds. The Ghent alderman for social policy and the fight against poverty explained in the media that the prolongation was necessary as it is even more difficult to find shelter now. Due to social distancing measures homeless persons cannot stay at other people's homes.³⁹ Organisations for homeless persons in Limburg noticed a similar trend in their area. More homeless persons end up on the street as they can no longer rely on friends and family due to social distancing measures.⁴⁰

Médécins sans Frontières (MSF) announced that after more than two months, they will end their activities in the COVID-19 centre on the site of Tour & Taxis in **Brussels** as the number of cases has dropped significantly. At the medical centre, MSF treated 162 corona patients among the homeless and undocumented migrants. Their teams remain on standby should they be needed again.⁴¹ In Brussels, the Red Cross also provided medical and other assistance to many homeless persons during the confinement.⁴²

Médecins du Monde (MDM) provided a full report on its activities in **Belgium** since the COVID-19 outbreak. The organisation notes that at the beginning of the pandemic, there was little attention for homeless persons' needs. Even though they had to choose between either staying on the street or sleeping in densely populated shelters. According to MDM, the shelters quickly adapted, however, to the social distancing guidelines and several cities opened hotels to accommodate the homeless. Nevertheless, homeless people remained and remain a vulnerable group: not everyone found a safe place to sleep, the mainstream information from the government often does not reach them and they suffer from medical conditions more often than the average population. MDM therefore consistently work in all shelters with teams of doctors. In total, they offered more than 600 consultations in recent weeks. A total of 1560 people visited their medical bus and their medical teams carried out 400 consultations. MDM also built its own day centre for the homeless in a youth hostel in Brussels as many other organisations had to shut down. Since its opening on 15 April, up to 140 homeless people come every day for a meal, a shower or a moment's rest. In collaboration with the city of **Antwerp**, MDM also set up a recovery centre for sick homeless people, where sick homeless people get their own room, are medically and psycho-socially supervised 24 hours a day by a team of doctors, nurses and social workers etc. Finally, in May, MDM was asked by the **Brussels government** to carry out

³⁷ Belgium, Office of the commissioner general for refugees and stateless persons, Asylum statistics for May 2020 ([Les statistiques d'asile du mois de mai 2020](#)) [Last accessed 29 June 2020]

³⁸ Belgium, Office of the commissioner general for refugees and stateless persons (*commissariat général aux réfugiés et aux apatrides*), Asylum Statistics December 2019 ([Statistiques D'asile Décembre 2019](#)) [Last accessed 22 June 2020]

³⁹ Belgium, VRT NWS, Van Meer, A. (2020), 'Ghent extends night shelter for homeless people: "During this crisis they cannot sleep with friends or family"' (['Gent verlengt nachtopvang voor daklozen: "Tijdens deze crisis kunnen ze niet bij vrienden of familie slapen"](#)), 22 May 2020 [Last accessed 1 July 2020].

⁴⁰ Belgium, Donné, M. (2020), 'More homeless people on the street since the corona crisis: "You can't sleep on the couch with friends for fear of contagion"' (['Meer daklozen op straat sinds coronacrisis: "Bij vrienden op de zetel slapen kan niet meer, uit vrees voor besmetting"](#)), VRT NWS 28 May 2020 [Last accessed 1 July 2020].

⁴¹ Belgium, Médécins sans Frontières (2020), 'Covid-19 in België: Artsen zonder grenzen kan haar werk in het medisch opvangcentrum in Brussel beëindigen', 10 June 2020 [Last accessed 1 July].

⁴² Belgium, Bxl (2020), 'In Brussels, many homeless people assisted by the Red Cross during confinement' (['À Bruxelles, de nombreux sans-abris aidés par la Croix-Rouge pendant le confinement'](#)), 4 June 2020 [Last accessed 1 July 2020].

COVID-19 tests all over Brussels on the most vulnerable inhabitants of the city: homeless people, refugees, people living in extreme poverty or without papers. In total, their volunteer doctors tested almost 3,000 people on COVID-19 in just a few weeks.⁴³

Mind the Gap – a **Belgian** network of organisations that aims to tackle homeless among youth - notes that the Covid-19 crisis has a negative impact on young people in vulnerable situations as tensions at home can get out of hand and lead to homelessness. In addition, young homeless people are particularly affected as some isolate themselves even more, often for fear of being fined by police for gathering in public spaces. Their scarce social contacts disappear and they risk dropping out of school altogether. Fewer stimuli from the outside world may increase social isolation.⁴⁴

1.3.2 Older people

Research on the impact of COVID-19 measures

In **Belgium**, the results of Sciensano's third COVID-19 health survey were published, which focuses on experiences during the phasing out of the Covid-19 measures. The online survey ran from 28 May until 3 June 2020 to which a total of 33.913 persons responded, including 3.005 men and 3.170 women aged 65 and older. The report shows that older persons have less frequently consulted a doctor in relation to COVID-19: 8% compared to 15% - 18% of persons aged 25-54. The percentage of persons aged 65 and older who indicate that their household's current financial situation has deteriorated is significantly lower than in younger age groups. This can be explained by the fact that most people in this age group are retired and therefore their income does not depend directly on their work situation. Among men, dissatisfaction with social contacts varies according to age; those aged 65 and older are least dissatisfied with their social contacts (41%), significantly less than participants from younger age groups (48-52%). Among women, on the other hand, no significant age effect is perceived. With regards to mental health, results show that older persons were not affected as negatively as younger age groups. For example, the prevalence of anxiety decreases with age: 29% of people aged 18-24 suffer from anxiety and this percentage gradually decreases to 8% in people aged 65 and over. The decrease with age is observed in both women and men. Finally, only 8.6% of the older population estimates the chance of being infected with the virus in the coming months as being rather high to very high.⁴⁵

The preliminary results of a large scale academic study conducted by Vrije Universiteit Brussel, University of Maastricht and Hogeschool Gent shows that Covid-19 measures have a major impact on the well-being and behaviour of older persons living at home.⁴⁶ The study focuses on persons older than 60 living in **Flanders** and the Netherlands. Covid-19 measures particularly result in a strong increase of emotional loneliness (the lack of a close and intimate bond with one or more loved ones), while the number of older people experiencing social loneliness (having less contact with other people than you wish) remains similar to before. For example, 60% of the interviewees indicated that they miss people around them more often than before the coronacrisis. The preliminary results also show that for one third, contact with friends and acquaintances has decreased and approximately one in five has much less contact with grandchildren or neighbours. Conversely, approximately 30% of persons older than 60 have increased contact with their own children and even one in eight has more

⁴³ Belgium, Médecins du Monde (2020), 'Covid-19: 3 months in the field in Belgium' (['Covid-19: 3 mois sur le terrain en Belgique'](#)), 12 June 2020 [Last accessed 1 July 2020].

⁴⁴ Belgium, Serrien, L. (2020), 'No homeless youth, that is our ambition' (['Geen thuisloze jongvolwassenen. Dat is onze ambitie'](#)), Sociaal.net, 18 June 2020 [Last accessed 1 July 2020].

⁴⁵ Belgium, Sciensano (2020), Third Covid-19 health survey: first results (['Derde Covid-19 gezondheidsonquête: eerste resultaten'](#)), 25 June 2020 [Last accessed 1 July 2020].

⁴⁶ Belgium, the final results are not yet published but the Flemish Elderly Council was able to look into preliminary results see Vlaamse Ouderenraad (2020), 'Impact Corona on older persons living at home: digital communication and concern for others' (['Impact corona op thuiswonende ouderen: digitaal communiceren en bezorgdheid om de ander'](#)), 19 June 2020 [Last accessed 1 July 2020].

contact with their grandchildren. For some older persons, the Covid-19 crisis has also led to closer ties with siblings, friends and acquaintances or neighbours. For example, in **Flanders**, one fifth of people over 60 have more frequent contact with siblings than before the corona crisis. Moreover, in Flanders (22.2%) there is sometimes more contact between older persons and their friends and acquaintances than before the coronacrisis. As physical contact during the lockdown is impossible, older persons have to be creative in maintaining their social contacts. Many make more frequent phone calls (54.2%) and more than half have made more videocalls (58%). Only a quarter of respondents have not started using videocalls. Since the outbreak of COVID-19, a quarter of older persons communicate via email more often. The researchers also noticed interesting positive behavioural changes. For example, more than one third of the participants walk or cycle more often. In addition, 20-25% garden more often during the confinement than before. Older persons are also helping out others: over 75% of the participants seek contact with people they know are isolated and more than 25% help people in the neighbourhood who are struggling because of the coronavirus crisis.⁴⁷

Residential care centres for the elderly

Media reported that although residential care centres for the elderly in **Belgium** are allowed to welcome visitors again (see Bulletin nr. 3), they do so very gradually out of fear for new infections, leading to disappointment among residents and their family.⁴⁸ Media also reported that according to an online survey carried by the Belgian Federation for Care Professionals (*Befezo*), 3 out of 4 care professionals in care centres for the elderly fear another Covid-19 outbreak as staff believes many centres are not properly prepared for a second wave. Around three quarters of survey respondents (74.38 percent) indicated that there had been a shortage of protective materials in their institution in recent months. According to more than a quarter (26.02 percent), this is still the case.⁴⁹

On 1 June 2020, Médecins sans Frontières remained very concerned about the situation residential care centres for the elderly. The organisation notes it is not at all reassured about the capacity of the residential care centres to manage a potential second wave of the epidemic, especially as care professionals in the centres are exhausted and a lack of information and coordination.⁵⁰

The media also reported that according to the director of a care centre, the death rate among residents was higher than usual, even though there were no Covid-19 cases in the care centre. The director explains that this was due to sick residents not being able to go to the hospital and therefore not receiving the necessary care. For instance, when a resident was in a lot of pain due to the loosening of a prosthesis, the hospital decided he should be cared for in the care home. Another resident was unable to receive intravenous pain relief at the residential care centre, after which they opted to sedate him, resulting in his death. According to Médecins sans Frontières there were significant differences: 'in some residential care centres the cooperation with the hospital went well, in others it was non-existent.'⁵¹

⁴⁷ Belgium, Vlaamse Ouderenraad (2020), 'Impact Corona on older persons living at home: digital communication and concern for others' (['Impact corona op thuiswonende ouderen: digitaal communiceren en bezorgdheid om de ander'](#)), 19 June 2020 [Last accessed 1 July 2020].

⁴⁸ Belgium, Rommers, W. (2020), 'Care homes reopen very gradually, leading to disappointment among residents and visitors' (['Rusthuizen heropenen zeer rustig, en dat leidt tot teleurstellingen bij veel bewoners en bezoekers'](#)), Nieuwsblad 11 June 2020 [Last accessed 1 July 2020].

⁴⁹ Belgium, Galle, C. (2020), 'More than 3 out of 4 healthcare professionals fear new corona outbreak: "Nursing homes not ready for second wave"' (['Ruim 3 op de 4 zorgkundigen vrezen nieuwe corona-uitbraak: "Rusthuizen niet klaar voor tweede golf"'](#)), De Morgen 12 June 2020 [Last accessed 1 July 2020].

⁵⁰ Belgium, Vandendaelen, G. (2020), 'Covid-19: Médecins sans Frontières continues to have concerns about the situation in care centres' (['COVID-19: Artsen Zonder Grenzen maakt zich nog steeds zorgen over de situatie in de woonzorgcentra'](#)), 1 June 2020 [Last accessed 1 July 2020].

⁵¹ Belgium, Beel, V. (2020), 'Despite no Covid-19 cases still excess mortality in residential care centre Bassevelde' (['Ook zonder covid-19 oversterfte in woonzorgcentrum Bassevelde'](#)), De Standaard 30 June 2020 [Last accessed 1 July 2020].

Volunteering

For many older persons and organisations in **Belgium** it remained unclear if and when they can start working again as volunteers. Together with the Flemish co-ordinating Minister for Elderly Policy and the Chair of the federal corona expert group, the Flemish Elderly Council (*Vlaamse Ouderenraad*) developed a charter that indicates how older persons can safely restart volunteering activities. The Flemish Elderly Council notes that in recent months, people aged 65 and older were often identified as a high risk group with regards to the coronavirus. As a result, many older persons felt wrongfully labelled as 'vulnerable' and were socially excluded, even though they are not a homogenous group. This also impacted their ability to volunteer and many organisations and services had to go without their older volunteers. Rather than using the age limit of 65, the new Charter provides a framework within which older persons can make safe and responsible choices tailored to their needs, in consultation with their general practitioner. The main focus is on their own health and the degree of risk of volunteering.⁵²

1.3.3 Detainees

On 18 June 2020, the Central Council of Penitentiary Surveillance (CCPS) issued a recommendation to the **Belgian** Minister of Justice and the Director General of the Prison Administration regarding the exit strategy. It notes that the phasing out of Covid-19 measures (see Bulletin nr. 2) entails the risk of the prison population increasing again. In addition, detainees who could not benefit from Government initiatives and who remained in prison throughout the health crisis suffered much more difficult detention conditions, without visits, activities, training opportunities, limitations of social distance which were even more difficult to respect than outside, measures of preventive medical isolation in case of suspicion of infection etc. And without any access to procedures in preparation for their release (curfew permit, prison leave, limited detention, etc.), which were all suspended until 17 June. The CCPS therefore calls for the health crisis to be taken into account when calculating the duration of the prison sentence still to be served and for all appropriate measures to be considered in order to provide reasonable and adequate compensation for the difficult conditions the detainees have had to endure.⁵³

From 1 July, detainees are allowed to wear their own clothes and shoes inside Belgian prisons. Legislation authorizing the wearing of personal clothing in prisons dates back to 2005, yet is only now being implemented.⁵⁴ The Prison Administration stated in the media, however, that due to the health crisis caused by Covid-19, a number of prisons have encountered logistical problems and will therefore not be ready in time to implement the new rule.⁵⁵

⁵² Belgium, Flemish Elderly Council (2020), 'Charter provides clarity on older persons' activities' (['Charter scheidt duidelijkheid over activiteiten van ouderen'](#)), 22 June 2020 [Last accessed 1 July].

⁵³ Belgium, Central Council of Penitentiary Surveillance (2020), 'The health crisis should be taken into account for the duration of detention' (['Voor de duur van de detentie moet rekening worden gehouden met de gezondheids crisis'](#)), 22 June 2020 [Last accessed 1 July 2020].

⁵⁴ Belgium, Royal Decree of 5 April 2019 determining the date of entry into force of Article 43 of the Basic Law of 12 January 2005 on the prison system and the legal status of prisoners with regard to the right to wear one's own clothing ([Koninklijk Besluit van 5 April 2019 tot bepaling van de datum van inwerkingtreding van artikel 43 van de basiswet van 12 januari 2005 betreffende het gevangeniswezen en de rechtspositie van de gedetineerden met betrekking tot het recht op het dragen van eigen kledij/ Arrêté royal du 5 avril 2019 fixant la date d'entrée en vigueur de l'article 43 de la loi de principes du 12 janvier 2005 concernant l'administration pénitentiaire ainsi que le statut juridique des détenus relative au droit de porter ses propres vêtements](#)) Published in the Belgian Official Gazette 18 April 2019.

⁵⁵ Belgium, RTL Info (2020), New as of 1 July – detainees authorised to wear their own clothes (['Nouveau le 1er juillet - Les détenus autorisés à porter leurs propres vêtements'](#)), 27 June [Last accessed 1 July].

2 Selected issues emerging during the COVID-19 crisis

2.1 Xenophobic speech, acts of harassment and violent attacks

Between 1 April and 1 July 2020, Unia, the interfederal centre for equal opportunities, received 19 complaints of alleged hate speech or hate crime linked to Covid-19. For example, a person of Asian origin reports her parents being verbally assaulted as passersby yelled ‘corona’ or even spat at them. Others also report excessive police controls and fines, as well as social media posts blaming migrants for the Coronavirus.⁵⁶

Seven human rights organisations in Belgium launched a joint campaign against ethnic profiling by police. According to the organisations, the fact that even during the pandemic many protests against ethnic profiling, police violence and structural racism took place in several Belgian cities, shows that these problems still require a lot of attention today. They also note that in recent weeks, worrying signs of ethnic profiling surfaced during the lockdown, among others through a survey of youth work organization ‘Uit De Marge’. Moreover, the project of the Ligue des Droits Humains, ‘Police Watch’, received more reports of discrimination by the police during the lockdown. These reports suggest that the police are enforcing measures more strictly in neighborhoods where many people with a migration background live.⁵⁷

Amnesty International also published a report on human rights violations by police forces in the enforcement of Covid-19 measures, including in Belgium. The report discusses disproportionate police response in several cases involving persons with a migrant background.⁵⁸

2.2 Infringement of privacy and/or data protection rights

As part of its deconfinement strategy, Belgium put in place a contact tracing system, in which every person who has been confirmed as a COVID-19 case is contacted by phone and asked to provide the names and contact details of every person s/he has been in contact with recently; these persons are then contacted and given instructions on how to act to prevent the spread of the disease.⁵⁹ All the data collected through such tracing efforts are stored in a database managed by the Belgian institute for health, Sciensano.⁶⁰ The database was created by a Royal Decree,⁶¹ valid until the end of June.⁶² In this meantime, a law proposal to replace such decree is being discussed. In this regard, the Belgian Data Protection Authority provided four opinions⁶³ concerning the law proposal that would regulate such database and the subsequent amendments made to the initial proposal. Throughout the

⁵⁶ Information received in writing from Unia, 1 July 2020.

⁵⁷ Belgium, Minderhedenforum (2020), ‘Campaign “stop ethnic profiling”’ (*“Campagne “stop etnisch profileren”*”), 10 June 2020 [Last accessed 1 July 2020].

⁵⁸ Belgium, Amnesty International (2020), [‘Policing the pandemic: Human rights violations in the enforcement of Covid-19 measures in Europe’](#), 24 June 2020 [Last accessed 1 July 2020].

⁵⁹ Belgium, Info Coronavirus (2020), Contact tracing (*Suivi des contacts*) [Last accessed 22 June 2020]

⁶⁰ Belgium, Info Coronavirus (2020), Database at Sciensano in the context of the fight against the spread of the COVID-19 coronavirus ([Banque de données chez Sciensano dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)) [Last accessed 22 June 2020]

⁶¹ Belgium, Royal Decree No. 18 establishing a database at Sciensano in the context of the fight against the spread of the coronavirus COVID-19 ([Arrêté royal n° 18 portant création d’une banque de données auprès de Sciensano dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)). Published in the Belgian official gazette 4 May 2020 [Last accessed 29 June 2020]

⁶² Belgium, the validity of the initial Royal Decree was extended by Royal Decree No. 25 amending Royal Decree No. 18 of 4 May 2020 on the creation of a database at Sciensano in the context of the fight against the spread of the coronavirus COVID-19 ([Arrêté royal n° 25 modifiant l’arrêté royal n° 18 du 4 mai 2020 portant création d’une banque de données auprès de Sciensano dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)). Published in the Belgian official gazette 3 June 2020 [Last accessed 29 June 2020]

⁶³ Belgium, Data Protection Authority, Opinion no 36/2020 of 29 April 2020 ([Avis n° 36/2020 du 29 avril 2020](#)); Opinion no 42/2020 of 25 May 2020 ([Avis n° 42/2020 du 25 mai 2020](#)); Opinion no 44/2020 of 5 June 2020 ([Avis n° 44/2020 du 5 juin 2020](#)); and Opinion no 46/2020 of 5 June 2020 ([Avis n° 46/2020 du 5 juin 2020](#)) [Last accessed 29 June 2020]

amendment process, several of the Authority's recommendations were taken into account. For example, when commenting on the initial drafts, the Authority noted that, among other things, the aims of the data processing were not sufficiently defined, a concern that was addressed in later drafts that further specified such aims. Other concerns, in turn, were not sufficiently addressed. For example, in all its opinions, including the last one, the Authority mentions that the choice to use a centralised database for the contact tracing activities, which are organised and undertaken by the communities and not at the federal level, has not been justified.

In practice, since tracing activities started, media sources⁶⁴ have reported on the fact that fraudulent scams were being used in Belgium to try and obtain, for example, bank information from the population. Media sources⁶⁵ also announced that possible apps to assist in tracing activities would be tested in the month of July. Indeed, on June 29, a new Royal Decree⁶⁶ was enacted to give a legal basis to both manual tracing activities (as the former Decree expired in the end of June) and to a possible digital tracing app. The Decree states in its article 14 that the purpose of the contact tracing application is to prevent the spread of the COVID-19 coronavirus in the population by informing users that they have had an at-risk contact with an infected person, without the infected person being identified by the contact tracing application, and with the additional objective that the informed user will then voluntarily take the necessary precautionary measures. The Decree further prescribes that neither the contact tracing application nor the data processed by means of it may be used for purposes other than the one previously specified, in particular but not exclusively for police, commercial, criminal or state security purposes. Furthermore, it establishes that the complete source code as well as the interface of the digital contact tracing application are to be made public and that the digital contact tracing application is to be developed using DP3T (Decentralised Privacy-Preserving Proximity Tracing) protocol as a reference.

Outside the context of tracing, the Belgian Data Protection Authority issued some guidelines⁶⁷ on temperature control to enter buildings, in which the Authority highlighted that, when they involve personal data, such controls must respect the GDPR and those responsible for the processing of such data must have a legal basis to do so, keep all data safe and, when appropriate, conduct a data protection impact assessment before proceeding with the processing. In this context, the Authority expressed concern over the temperature control that was taking place at Brussels Airport,⁶⁸ as the Authority believed such control was being done without an appropriate legal basis.

⁶⁴ See Belgium, Le Soir (2020), One in three Belgians has received a fraudulent e-mail related to coronavirus ([Un Belge sur trois a reçu un message électronique frauduleux lié au coronavirus](#)) 4 May 2020; Belgium, 7sur7 (2020), Tracing scams: how to spot fraudsters? ([Arnaques liées au tracing: comment repérer les fraudeurs?](#)) 11 May 2020 [Last accessed 22 June 2020]

⁶⁵ See Belgium, RTBF Info (2020), Tracing in Belgium via an application? Agreement of the ministers to continue working on this possibility ([Le tracing en Belgique via une application? Accord des ministres pour continuer à travailler sur cette possibilité](#)) 17 June 2020; Belgium, Le Soir (2020), Tracing: la Belgique mise sur début juillet pour les premiers tests d'une application ([Tracing: la Belgique mise sur début juillet pour les premiers tests d'une application](#)) 26 May 2020 [Last accessed 29 June 2020]

⁶⁶ Belgium, Royal Decree No 44 on the joint processing of data by Sciensano and the contact centres designated by the competent regional authorities or by the competent agencies, by health inspectorates and by mobile teams in the framework of a follow-up of contacts of (presumed) persons infected with the coronavirus COVID-19 on the basis of a database at Sciensano ([Arrêté royal n° 44 concernant le traitement conjoint de données par Sciensano et les centres de contact désignés par les autorités régionales compétentes ou par les agences compétentes, par les inspections sanitaires et par les équipes mobiles dans le cadre d'un suivi des contacts des personnes \(présumentes\) infectées par le coronavirus COVID-19 auprès sur la base d'une base de données auprès de Sciensano](#)). Published in the Belgian Official Gazette 29 June 2020 [Last accessed 1 July 2020].

⁶⁷ Belgium, Data Protection Authority, Temperature measurement as part of the fight against COVID-19 ([Prise de température dans le cadre de la lutte contre le COVID-19](#)) [Last accessed 29 June 2020]

⁶⁸ Belgium, Data Protection Authority, Temperature controls: DPA contacts Brussels Airport ([Contrôles de température : l'APD prend contact avec Brussels Airport](#)) [Last accessed 29 June 2020]

2.3 Spread of disinformation online

The spread of disinformation in the context of COVID-19 in Belgium received attention in April, when media sources such as *Le Soir*⁶⁹ and *Le Vif*⁷⁰ published articles informing that security services in Belgium had discovered that supporters of the extreme right were spreading conspiracy theories via social networks to undermine the authority of the Belgian government and of medical professionals. To counter the spread of disinformation, the Belgium government has set up an official website (info-coronavirus)⁷¹ to provide information on the virus, how it spreads and hygiene measures to avoid contamination; to clarify confinement and de-confinement measures ;as well as to publish updates on the situation in Belgium. The national crisis centre also reports on the its website official news and information about the virus in Belgium.⁷² Furthermore, members of the government participate in frequent press conferences and report on the situation in their websites.⁷³ Lastly, the Belgian institute for health, Sciensano, publishes daily updates on the number of new cases, hospitalisations and deaths in the country.⁷⁴ Some media sources such as RTBF Info published tips to readers on how to identify and avoid the spread of disinformation.⁷⁵

⁶⁹ Belgium, *Le Soir* (2020), Coronavirus, fake news and conspiracy: Belgian intelligence accuses the extreme right of wanting to "undermine the authority of the government" ([Coronavirus, fake news et complot: le renseignement belge accuse l'extrême-droite de vouloir "saper l'autorité du gouvernement"](#)) 21 April 2020 [last accessed 3 July 2020]

⁷⁰ Belgium, *Le Vif* (2020), Coronavirus: the intelligence alert on misinformation ([Coronavirus : le renseignement alerte sur la désinformation](#)) 21 April 2020 [last accessed 3 July 2020]

⁷¹ Belgium, [Coronavirus COVID-19](#) [Last accessed 29 June 2020]

⁷² Belgium, Crisis centre, News ([Actualités](#)) [Last accessed 29 June 2020]

⁷³ See e.g. Belgium, [Sophie Wilmès](#) - Prime Minister of Belgium and [Maggie De Block](#) – Public Health Minister [Last accessed 19 June 2020]

⁷⁴ Belgium, Sciensano, COVID-19 - Epidemiological situation ([COVID-19 - Situation épidémiologique](#)) [Last accessed 29 June 2020]

⁷⁵ Belgium, RTBF Info, Coronavirus: how to avoid Fake News on Covid-19? ([Coronavirus : comment éviter les Fake News sur le Covid-19 ?](#)) 16 March 2020 [Last accessed 29 June 2020]