

# **BELGIUM 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Kingdom of Belgium is a parliamentary democracy with a limited constitutional monarchy. The country is a federal state with several levels of government: national; regional (Flanders, Wallonia, and Brussels); language community (Flemish, French, and German); provincial; and local. The Federal Council of Ministers, headed by the prime minister, remains in office as long as it retains the confidence of the lower house (Chamber of Representatives) of the bicameral parliament. Elections are held at six different levels: communal, provincial, regional, by language community, federal, and European. In May 2019, the country held federal parliamentary elections that observers considered free and fair.

The federal police are responsible for internal security and nationwide law and order, including migration and border enforcement. They report to the ministers of interior and justice. Civilian authorities maintained effective control over the security forces. Numerous complaints were filed against members of the security services who allegedly committed abuses, some of which awaited rulings in court.

Significant human rights issues included: some attacks motivated by anti-Semitism and anti-Muslim sentiment, and violence against lesbian, gay, bisexual, transsexual, and intersex persons.

Authorities generally took steps to identify, investigate, and, where appropriate, prosecute and punish officials who committed human rights abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

On April 10, Adil, a young man of Moroccan descent, was killed as he attempted to evade a COVID-related police control at Place du Conseil in Anderlecht. According to press reports, Adil died when his motor scooter collided head-on with

a police vehicle as he attempted to flee. An independent examining magistrate was named to lead an involuntary manslaughter investigation into the police actions.

In August a video came to light of a two-year-old incident at Charleroi airport showing a group of police officers subduing and killing an apparently unstable Slovak citizen by putting a blanket over his head and sitting on him, while at one point an officer made a Hitler salute. The number two official in the Federal Police relinquished his duties until an investigation was completed. The senior officer on duty at the airport on the day of the fatal arrest was temporarily reassigned administrative duties. Police stated that an internal investigation and judicial inquiry were underway.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices. There were some reports, however, that prison staff physically mistreated prisoners.

On January 14, two prison guards were found guilty of mistreating jihadist preacher Khalid Zerkani, an ISIS recruiter. The event took place after Zerkani's transfer to the Saint-Gilles Prison in 2016, with the guards referring to it as an accident. Although the guards were found guilty, the court delivered no punishment, citing the four-year period that had elapsed since the incident. The court also acquitted a third prison guard who was a witness to the mistreatment.

In 2019 the Interfederal Center for Equal Opportunities (UNIA) reported 81 complaints of excessive force or abuse of power by security forces. Of these complaints, eight out of 10 were linked to racial or religious motives. The majority occurred during unplanned interventions. The Permanent Committee for the Control of Police Services rules on an average of 30 cases per year, of which 80 percent are cleared.

On July 17, a police officer was sentenced to one year in prison plus a fine for excessive force against a migrant of Sudanese origin. The officer had violently handled the man, sprayed gas in his eyes, and destroyed his mobile telephone. The

man and other migrants at the scene were then loaded into a truck, after which they were left at the Willebroeck Canal.

Impunity in the security forces was not a significant problem.

### **Prison and Detention Center Conditions**

Prison and detention center conditions did not always meet international standards. Prison conditions, especially during the COVID-19 pandemic, presented health risks due to overcrowding, hygiene problems, inadequate physical activity, and lack of access to materials and medical care.

Physical Conditions: A study by the University of Lausanne in collaboration with the Council of Europe showed that, in 2019, the country's prisons held 120.6 inmates per 100 prison spaces. Prison overcrowding remained a problem, despite a temporary decrease in the number of inmates.

Media reported that the overcrowding situation became more serious in the context of COVID-19, as several inmates often shared a single cell. In May the country reduced its prisoner population by 11 percent to prevent overcrowding during the pandemic, but the problem persisted. Many prisoners were made to return in June. As of June 16, however, there were 24 confirmed COVID-19 cases among the country's prison population. As of May 29, prisoners had made 122,000 masks that were provided to every inmate, staff member, and visitor. Prisoners were allowed one visitor per week, and mail correspondence was set up between inmates and volunteers.

On October 8, the Nivelles Prison, in Brabant Province, entered lockdown after eight inmates tested positive for coronavirus. On October 10, the Huy Prison in Liege Province also entered lockdown after six prisoners tested positive for coronavirus. Increases in COVID-19 cases late in the year and strikes by prison staff increased concerns about prison overcrowding. On October 12, the local section of the International Prison Observatory requested the justice ministry to take immediate action to reduce the prison population to manageable levels during the COVID-19 pandemic.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment. The federal mediator acts as an ombudsman, allowing any citizen to address problems with prison administration. The federal mediator

is an independent entity appointed by the Chamber of Representatives to investigate and resolve problems between citizens and public institutions.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers, among them several domestic committees.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

Under the constitution, an individual may be arrested only while committing a crime or by a judge's order, which must be carried out within 48 hours. The law provides detainees the right to prompt judicial determination of the legality of their detention, and authorities generally respected this right. Authorities promptly informed detainees of charges against them and provided access to an attorney (at public expense if necessary). Alternatives to incarceration included conditional release, community service, probation, and electronic monitoring. There was a functioning bail system, and a suspect could be released by meeting other obligations or conditions as determined by the judge.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants are presumed innocent and have the right to be informed promptly and in detail of the charges against them; to a fair, timely, and public trial; to be present at their trial; to communicate with an attorney of their choice (or have one provided at public expense if unable to pay); to have adequate time and facilities to prepare a defense; to have free assistance of an interpreter (for any defendant who cannot understand or speak the language used in court); to confront prosecution or

plaintiff witnesses and present one's own witnesses and evidence; to not be compelled to testify or confess guilt; and to appeal. The law extends these rights to all defendants.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations could seek civil remedies for human rights violations through domestic courts and appeal national-level court decisions to the ECHR.

### **Property Restitution**

The government has laws and mechanisms in place, and nongovernmental organizations (NGOs) and advocacy groups, including the country's Jewish community, reported that the government had resolved virtually all Holocaust-era claims where ownership can be traced, including for foreign citizens. Remaining issues include restituting art and researching the role of the Belgian railways in transporting Jews and other victims to concentration camps, where many were killed.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and legal code prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected these rights. An independent press,

an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Speech: Holocaust denial, defamation, sexist remarks and attitudes that target a specific individual, and incitement to hatred are criminal offenses, punishable by a minimum of eight days (for Holocaust denial) or one month (incitement to hatred and sexist remarks or attitudes) and up to one year in prison and fines, plus a possible revocation of the right to vote or run for public office. If the incitement to hatred was based on racism or xenophobia, the case is tried in the regular courts. If, however, the incitement stemmed from other motives, including homophobia or religious bias, a longer and more costly trial by jury generally is required. The government prosecuted and courts convicted persons under these laws.

Restrictions to the right of freedom of expression were reported, as were several cases of arbitrary detentions or excessive use of force. In April, Amnesty International reported there were at least 10 cases in which police ordered the removal from homes of banners calling for “Justice for Adil” in connection with the death of a young man of Moroccan descent when his motor scooter collided with a police vehicle. The banners aimed to call attention to police brutality and the unfair targeting of persons of Moroccan heritage (see also section 1.a.).

Freedom of Press and Media, Including Online Media: The prohibition of Holocaust denial, defamation, sexist remarks, attitudes that target a specific individual, and incitement to hatred also applies to print and broadcast media, books, and online newspapers and journals.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The constitution and the law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees, including specific subsidiary protection that goes beyond asylum criteria established by the 1951 Convention relating to the Treatment of Refugees and its 1967 protocol. Refugee status and residence permits are limited to five years and become indefinite if extended.

On March 17, the registration of new asylum seekers was temporarily halted due to the COVID-19 crisis, and *De Standaard* reported that the detainee number fell from 603 to 304, with detainees being released and left homeless during that month. As of April 3, online registration was again available.

Safe Country of Origin/Transit: The country denied asylum to asylum seekers who arrived from a safe country of origin or transit, pursuant to the EU's Dublin III Regulation.

Durable Solutions: The country accepted refugees for resettlement through UNHCR, including persons located in Italy and Greece, under the EU Emergency Relocation Mechanism. The country also conducted a voluntary return program for migrants in cooperation with the International Organization for Migration.

Temporary Protection: The government also provided temporary “subsidiary” protection to individuals who did not satisfy the legal criteria for refugee status but who could not return to their country of origin due to the risk of serious harm. Under EU guidelines, individuals granted “subsidiary protection” are entitled to temporary residence permits, travel documents, access to employment, and equal access to health care, education, and housing. As of August, authorities had granted subsidiary protection to 556 individuals.

### **g. Stateless Persons**

According to UNHCR, at the end of 2019, there were 10,933 persons in the country who fell under UNHCR’s statelessness mandate. The country did not contribute to statelessness, as the legal framework for stripping an individual of his or her citizenship does not exist except in cases of dual citizenship with another country.

To be recognized as stateless, a requester must go through legal proceedings and obtain a court ruling on his or her stateless status. Since 2017 family courts have been tasked with handling these requests in hopes of decreasing wait times. The requester may appeal the court’s ruling. Recognition of statelessness does not automatically afford a stateless person resident status in the country. Stateless persons may apply for nationality after meeting the requirements for legal residency in the country.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Voting in all elections is compulsory; failure to vote is punishable by a nominal fine.

### **Elections and Political Participation**

Recent Elections: Parliamentary elections held in May 2019 were considered free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. In December 2019 Sophie Wilmes became the country's first female prime minister and oversaw the operation of the caretaker government. In October the country established a new federal government in which there were 10 female cabinet members, more than any previous government.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption.

Corruption: The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. Following several corruption scandals in 2017 and 2018, no significant cases were reported during the year.

Financial Disclosure: The law does not require elected officials to disclose their income or revenue, but they must report if they serve on any board of directors, regardless of whether in a paid or unpaid capacity. Officials in nonelective offices are held to the same standard. Sanctions for noncompliance are infrequent but have been used in the past when triggered by public outcry.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: Federal and regional government ombudsmen monitored and published reports on the workings of agencies under their respective jurisdictions. The Interfederal Center for Equal Opportunities (UNIA) is responsible for promoting equal opportunity and combating discrimination and exclusion at any level (federal, regional, provincial, or local). The center enjoyed a

high level of public trust, was independent in its functioning, and was well financed by the government.

During the year the government established the Federal Institute of Human Rights and nominated a board president and vice president in May. The institute will intervene where other agencies, such as UNIA or the federal center for migration, Myria, do not act. The mission of the institute is to provide opinions, recommendations, and report to the federal government, the Chamber of Representatives, the Senate, and other official bodies, to guarantee that the fundamental rights arising from the international treaties to which the country is a party are carried out. The new body is competent only at the federal level, but an interfederal approach is also envisaged via a cooperation agreement between federal and regional authorities.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Rape of women or men, including spousal rape, is illegal, and the government prosecuted such cases. A convicted rapist may receive 10 to 30 years in prison. The law prohibits domestic violence and provides for fines and incarceration. Legal sanctions for domestic violence are based on the sanctions for physical violence against a third person; the latter range from eight days to 20 years in prison. In cases of domestic violence, these sanctions are doubled.

The activist blog *StopFemicide* reported that 24 women died in connection with rape or domestic violence in 2019. The government does not keep a record of the number of femicides. According to 2018 federal police statistics, there were approximately 39,000 official complaints of physical, psychological, and economic violence, including 139 complaints of sexual violence, during that year.

A number of government-supported shelters and telephone helplines were available across the country for victims of domestic abuse.

According to analysis carried out in the country for the EU Commission in 2019, out of a sample of 100 rape cases, 50 of the rapists were never identified. Of the 50 who were identified, only four were judged in court: three were given a deferred sentence, while one was convicted and served prison time. In 2016 the Federal Public Service for Justice estimated that 500 to 600 of the 3,000 to 4,000

rape cases of rape reported annually ended in conviction. A survey of 2,300 male and female participants, ages 15 to 85, conducted by Amnesty International in during the year indicated that respondents believed only 4.3 percent of the reported cases lead to conviction.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for women and girls, and it was not a widespread practice in the country. Reported cases were primarily filed by recent immigrants or asylum seekers. Criminal sanctions apply to persons convicted of FGM/C. According to 2017 estimates, there were more than 17,000 female minor and adult victims of FGM/C in the country, while more than 8,000 were at risk. The vast majority of potential victims were asylum seekers from Cote d'Ivoire, Egypt, Guinea, and Somalia.

Sexual Harassment: The law aims to prevent violence and harassment at work, obliging companies to set up internal procedures to handle employee complaints. Sexist remarks and attitudes targeting a specific individual are illegal; parties ruled guilty are subject to fines. The government generally enforced antiharassment laws.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Women have the same legal rights as men. The law requires equal pay for equal work and prohibits discrimination on the grounds of gender, pregnancy, or motherhood as well as in access to goods, services, social welfare, and health care. The government generally enforced the law effectively, although many NGOs and feminist organizations reported women often had to accept part-time work due to conflicting family obligations.

## **Children**

Birth Registration: The government registered all live births immediately. Citizenship is conferred on a child through a parent's (or the parents') citizenship, but, except for a few circumstances, not through birth on the country's territory.

Child Abuse: The government continued to prosecute cases of child abuse and punish those convicted.

Child, Early, and Forced Marriage: The law provides that both (consenting) partners must be at least 18 years of age to marry. Federal police statistics for 2019 recorded 20 cases of forced marriage.

Sexual Exploitation of Children: The law prohibits sexual exploitation, abduction, and trafficking of children and includes severe penalties for child pornography and possession of pedophilic materials. Authorities enforced the law. The penalties for producing and disseminating child pornography range up to 15 years' imprisonment and up to one year in prison for possessing such material. Local girls and foreign children were subjected to sex trafficking within the country.

The minimum age for consensual sex is 16. Statutory rape carries penalties of imprisonment for up to 30 years.

In April, five men were arrested for their participation in a child pornography case involving 110 victims, 90 suspects, and some nine million images. The investigation began in 2015 and has since been referred to as the country's largest child pornography case. The case involved three Belgians, a citizen of the Netherlands, and a UK citizen, all of whom were tried at the Dendermonde correctional court, were found guilty, and were subject to sentences ranging from five to 16 years in prison.

In September the courts convicted five persons for trafficking eight young Nigerian girls into the country. The girls, who were recruited under the promise of becoming hairdressers, were first transferred through Liberia before being forced into prostitution upon their arrival in the country.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The country's Jewish community was estimated at 40,000 persons.

In 2019 UNIA received 79 complaints of anti-Semitism, a decrease from 101 complaints in 2018. Of these, 46 reports took place on the internet, five were linked to education, five were cases of verbal aggression and threats, six were

cases of vandalism, and one case involved violence. Also in 2019 the Belgian Federal Police recorded 14 cases of Holocaust denial. The civil society organization antisemitisme.be recorded 75 anti-Semitic incidents in 2019; the majority of cases were ideological (34) or took place on the internet (26), while 11 involved property damage.

A poll by the EU's Fundamental Rights Agency found that 39 percent of local Jews had encountered verbal abuse. Authorities generally investigated and where appropriate prosecuted such cases.

While ritual slaughter for religious practice remains legal at the federal level, the Flanders and Walloon regional governments instituted bans on religious slaughter in January and September 2019, respectively. In both regional governments, the law requires that animals be stunned prior to killing. Many Muslim and Jewish communities challenged the restrictions on grounds of discrimination and violation of religious freedom. On July 8, the EU Court of Justice heard the case. On September 10, the EU's advocate general ruled against the ban, stating that it violates EU norms. The ruling was nonbinding but serves as a precursor to the final court decision expected later. Normally court decisions align with the advocate general's ruling. The Brussels regional government does not have a policy on ritual slaughter and has further stated that it will await the court decision before holding discussions on the subject.

On February 23, the carnival parade in the city of Aalst, as in 2019, had floats with negative caricatures of Jews as well as individuals parading in Nazi SS uniforms. In 2019 UNESCO stripped the 600-year-old event of its World Heritage status because of its anti-Semitic floats.

The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust. The government prosecuted and convicted individuals under this law (also see section 2.a.). The government provided enhanced security at Jewish schools and places of worship.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced these prohibitions.

While the government mandated that public buildings erected after 1970 must be accessible to persons with disabilities, many older buildings were still inaccessible. Although the law requires that prison inmates with disabilities receive adequate treatment in separate, appropriate facilities, many inmates were still incarcerated in inadequate facilities.

The National High Council for Persons with Disabilities raised concerns about access to intensive care services for persons with disabilities during the COVID-19 pandemic. UNIA stated as well that due to social distancing measures, persons with disabilities and older persons did not have equal access to health care. Cases included older persons and persons with disabilities being given oxygen without medical supervision, and a person with an intellectual disability being told to leave the hospital because he was too loud.

### **Members of National/Racial/Ethnic Minority Groups**

Ethnic profiling continued to be a problem, and there were sometimes concerns regarding ethnic profiling by police. Amnesty International, among others, alleged that police enforcing COVID-19 lockdowns sometimes targeted ethnic minority and marginalized groups with violence, discriminatory identity checks, forced quarantines, and fines.

According to media reports, police subjected Pierrette Herzberger-Fofana, a black member of the European Parliament, to violence in Brussels in June after she attempted to video-record nine police officers “harassing” two black youths. Herzberger-Fofana filed a complaint, while police filed a countersuit for defamation.

In 2018 Sanda Dia, a black Belgian student at the Catholic University Leuven, died while allegedly participating in the Reuzengom fraternity initiation custom known as a “baptism.” According to local media outlets, Dia died of hypothermia and multiple organ failure after being subjected to the club’s ritualistic hazing. In August new information regarding Dia’s treatment alleged that the club subjected him to racist remarks during his initiation. Reuzengom members were also accused of other displays of racism, including allegedly wearing Ku Klux Klan robes, a speech at the fraternity that referred to “our good German friend, Hitler,”

and a video of club members singing, “Congo is ours.” In September requests for additional investigation into the incident postponed the case’s referral to criminal court until a later date.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination against lesbian, gay, bisexual, transsexual, and intersex (LGBTI) persons in housing, employment, application of nationality laws, and access to government services, such as health care. The government enforced the law, but the underreporting of crimes against the LGBTI community remained a problem.

UNIA reported that in 2019 it received 133 complaints of acts of discrimination against members of the LGBTI community, of which 35 were related to workplace discrimination or harassment. This was a record number of complaints related to LGBTI discrimination and the first time workplace discrimination was the most cited abuse. A study by the EU Agency for Fundamental Rights found that 37 percent of individuals in the country identifying as LGBTI reported avoiding certain areas to avoid being harassed, assaulted, or insulted.

UNIA received several complaints of online hate speech and incitement to violence towards the LGBTI community. One case involved a student who had commented on a teacher’s Instagram page, that homosexuality was “cancerous,” telling him to “die of AIDS.” Within the political sphere, UNIA received reports of discrimination concerning comments made by several Vlaams Belang (an extreme right political party) politicians, stating that the LGBTI community “will always be abnormal,” referring to pictures of Pride marches as “repugnant,” and saying that allowing homosexuals to marry and adopt children “is going too far.”

LGBTI persons from immigrant communities reported social discrimination within those communities.

The law provides protections for transgender persons, including legal gender recognition without first undergoing sex reassignment surgery.

### **Other Societal Violence or Discrimination**

There were reports of physical and verbal attacks against Muslims. In 2019, the most recent year of available data, the Collective against Islamophobia in Belgium

reported they had received 108 reports of discrimination. Of these, 96 investigations were opened, of which 80 were confirmed as cases of Islamophobia. In nine of 10 confirmed cases, the victims of discrimination were women. During the same year, UNIA registered 290 reports of discrimination against persons of Muslim faith.

UNIA received complaints of discrimination based on physical characteristics, political orientation, social origin, or status. Restrictions on Islamic clothing in public- and private-sector employment, schools, and public spaces affected Muslim women in particular.

In February the Brussels Court of First Instance ruled that prohibiting headscarves in sports for safety reasons was permitted and that a sports headscarf did not meet the safety requirements. In July the Constitutional Court ruled that educational institutions could prohibit religious symbols (namely headscarves), leading to protests against the ruling for disproportionately targeting girls of Muslim faith. In November a teacher in a Molenbeek school was suspended for showing caricatures of the prophet Mohammed in his class. UNIA also reported numerous instances of religious discrimination via social media. In October, two individuals were sentenced to six months of prison and a fine for running a Facebook page, *Identitaires Ardennes*, which featured anti-Islamic hate speech. The Audiovisual Superior Council noted an increase and normalization of online hate speech.

In November, UNIA published a report on the effect of the COVID-19 pandemic on discrimination. The study found that reports of discrimination rose by 32 percent between February 1 and August 19 in comparison with 2019. A total of 1,850 complaints which UNIA linked to the health and safety measures taken to combat the COVID-19 pandemic were registered. Discrimination reports came mainly from persons with East Asian and foreign origins, persons with disabilities, young persons, and elderly persons.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

For companies with more than 50 employees, the law provides workers the right to form and join independent unions of their choice without previous authorization or excessive requirements, and to conduct legal strikes and bargain collectively. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. Workers exercised these rights. Citizen and noncitizen

workers enjoyed the same rights. Work council elections are mandatory in enterprises with more than 100 employees, and safety and health committee elections are mandatory in companies with more than 50 employees. Employers sometimes sought judicial recourse against associations attempting to prevent workers who did not want to strike from entering the employer's premises.

The government effectively enforced the law, but freedom of association and the right to bargain collectively were not consistently respected by employers. Penalties were commensurate with those for other violations. Worker organizations were generally free to function outside of government control. Unions complained that judicial intervention in collective disputes undermined collective bargaining rights.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but such practices occurred. The government generally enforced the law; resources, inspections, and remediation efforts were adequate. Legal penalties were commensurate with similar crimes.

In a report published in December, the Interfederal Center for Migration (Myria) reported that the COVID-19 pandemic had the potential to protect human traffickers and render cases of forced labor less visible. Myria reported a decreased capacity for detection because the social security labor inspection services were unable to safely complete field checks. The report also noted that it was often impossible to solicit support from police forces, which were overwhelmed with enforcing health and safety measures in light of the pandemic. There was a significant drop in reports of cases of forced labor--from 3.15 cases per day in 2019 to 0.55 during the year.

Instances of forced and compulsory labor included men who were forced to work in restaurants, bars, sweatshops, horticulture, fruit farms, construction, cleaning businesses, and retail shops. Men and women were subjected to forced domestic service, including in the diplomatic community. Forced begging continued, particularly in the Romani community.

In March the criminal court of Namur convicted the owner of a Chinese restaurant in Walcourt for the forced labor of five men. The men, who did not have a valid work permit or visa, were carrying out renovations in the restaurant. They were

neither paid, declared under social security, nor under contract. The owner was sentenced to six months in prison and a fine.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age of employment is 15. Persons between the ages of 15 and 18 may participate in part-time work/study programs and work full time up to a limited number of hours during the school year. The Ministry of Employment regulated industries that employ juvenile workers to ensure that labor laws were followed; it occasionally granted waivers for children temporarily employed by modeling agencies and in the entertainment business. Waivers were granted on a short-term basis and for a clearly defined performance or purpose that had to be listed in the law as an acceptable activity. The law clearly defines, according to the age of the child, the maximum amount of time that may be worked daily and the frequency of performances. A child's earnings must be paid to a bank account under the name of the child, and the money is inaccessible until the child reaches 18 years of age.

There are laws and policies to protect children from exploitation in the workplace. The government generally enforced these laws with adequate resources and inspections; such practices reportedly occurred mainly in restaurants. Persons found in violation of child labor laws could face penalties that were commensurate with those for other serious crimes, such as kidnapping.

In October, Belgian and French police jointly dismantled a human trafficking network in which children were subjected to forced begging. According to media reports, the network had made an estimated five million euros (\$6 million) in profits and controlled "begging zones" in Belgium and Paris. Police questioned 13 suspects believed to be involved in the network; the investigation remained underway in December.

### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations related to employment or occupation prohibit discrimination based on race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status, but permit companies to prohibit outward displays of religious affiliation,

including headscarves (see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>). The government effectively enforced these laws and regulations.

Some employers discriminated in employment and occupation against women, persons with disabilities, and members of certain minority groups as well as against internal and foreign migrant workers. The government took legal action based on antidiscrimination laws. UNIA facilitated arbitration or other settlements in some cases of discrimination. Settlements could involve monetary payments, community service, or other penalties.

The Employment and Labor Relations Federal Public Service generally enforced regulations effectively. Trade unions or media sometimes escalated cases, and UNIA often took a position or acted as a go-between to find solutions or to support alleged victims in the courts.

The Federal Institute for the Equality of Men and Women is responsible for promoting gender equality and may initiate lawsuits if it discovers violations of equality laws. Most complaints received during the year were work related and concerned the termination of employment due to pregnancy. Economic discrimination against women continued. According to the EU statistical office Eurostat, women's hourly wage rates were 6 percent less than those of their male colleagues in 2017. The law requires that one-third of the board members of publicly traded companies be women.

The law requires companies with at least 50 employees to provide a clear overview of their compensation plans, a detailed breakdown by gender of their wages and fringe benefits, a gender-neutral classification of functions, and the possibility of appointing a mediator to address and follow up on gender-related problems.

The employment rate for persons with disabilities in the public sector was much lower than the quotas and targets set by public authorities.

### **e. Acceptable Conditions of Work**

There is a monthly national minimum wage, and it is higher than the official estimate for poverty income level.

The standard workweek is 38 hours, and workers are entitled to four weeks of annual leave. Departure from these norms can occur under a collective bargaining

agreement, but work may not exceed 11 hours per day or 50 hours per week. An 11-hour rest period is required between work periods. Overtime is paid at a time-and-a-half premium Monday through Saturday and double time on Sundays. The law forbids or limits excessive overtime. Without specific authorization, an employee may not work more than 65 hours of overtime during any one quarter.

The Employment and Labor Relations Federal Public Service generally enforced regulations effectively. Occupational safety and health standards were appropriate for the main industries. Inspectors from both the Ministry of Labor and the Ministry of Social Security enforced labor regulations. These ministries jointly worked to ensure that standards were effectively enforced in all sectors, including the informal sector, and that wages and working conditions were consistent with collective bargaining agreements. Wage, overtime, and occupational safety violations were most common in the restaurant, construction, and logistics industries. Some employers still operated below legal standards.

A specialized governmental department created to oversee the informal economy conducted investigations, mainly in the construction, restaurant and hotel, and cleaning sectors. Authorities may fine employers for poor working conditions but may also treat such cases as trafficking in persons.

Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. The Employment and Labor Relations Federal Public Service protected employees in this situation.