

# **BELGIUM 2021 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 (Dutch, French, and German); provincial; and local. The Federal Council of Ministers, headed by the prime minister, remains in office if 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 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 the security service members awaited rulings in court.

Significant human rights issues included credible reports of: attacks and hate speech motivated by anti-Semitism and anti-Muslim sentiment; and violence against lesbian, gay, bisexual, transsexual, queer, 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**

### **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.

In August 2020 a video came to light of a two-year-old incident at the Charleroi airport showing a group of police officers subduing 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 man died shortly following the encounter. Following the leak of the video, Director General of the Federal Police Andre Desenfants stepped down from his duties for three months while investigations took place. After the investigations, Desenfants received a 10 percent pay cut for two months for failing to respond properly to the man's death, costing him 1,500 euros (\$1,770). A final reenactment of the events was scheduled for September 27-28 as part of the investigation. On August 23, media outlets reported that according to the autopsy, the man's death was caused by a tranquilizer injection administered to him at the time of his detention.

In August the UN Committee against Torture issued a report condemning excessive use of force by police in the deaths of several persons in custody since 2014.

## **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.

Nongovernmental organizations (NGOs) alleged excessive use of force by police, noting that it had increased during the COVID-19 pandemic. In April Amnesty International delivered a report to parliament denouncing "violations of the human rights of detainees" in connection with the problem. In August the UN Committee against Torture issued a report condemning widespread mistreatment and excessive use of force by police. The report also expressed concern regarding the excessive use of weapons, such as tear gas, batons, and water cannons, to disperse crowds protesting COVID-19 restrictions in April and May.

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:** Prison overcrowding remained a problem. As of June 2020, there were 10,363 inmates in prisons that had a maximum capacity of 9,600.

In an April report on the human rights situation in 149 countries, Amnesty International criticized the COVID-19 situation in Belgian prisons.

On April 6, the European Court of Human Rights (ECHR) held that the country had violated the European Convention on Human Rights for holding mentally ill persons in prison rather than in psychiatric institutions. The ECHR issued the ruling following a complaint filed by five inmates who were found to lack criminal responsibility for their actions due to mental illness but were held in the psychiatric wings of prisons without access to appropriate therapy. The ECHR previously ruled against the country for the same abuse in 2012, 2016, and 2019. As of 2019 there were 537 mentally ill inmates in prison.

In August the UN Committee against Torture issued a report reiterating concerns about prison conditions, including overcrowding and the dilapidated state of prison facilities.

**Administration:** Authorities conducted 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. International, regional, and national institutions have the right to access facilities where migrants and asylum seekers are housed or detained for monitoring and observation purposes.

### **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.

On January 19, a man suspected of shoplifting and illegal stay in the country died in police custody. According to the media outlet *Le Soir*, police recognized his illegal status and referred the case to the Belgian Immigration Office, which issued an order following his arrest for him to leave Belgian territory. Normally, following an immigration determination, the man should have signed the order and been released from police custody. Police, however, failed to follow these procedures, instead keeping him in custody. At some point during his detention, the man became unresponsive and was pronounced dead several hours later. The autopsy ruled out overdose or violence as the cause of his death and an investigation was underway.

On January 24, police arrested 245 persons, including 86 minors, during an unauthorized protest against police violence in Brussels. The Brussels public prosecutor and the parliamentary police oversight committee, Comité P, opened an investigation following several reports of police violence and unjustified arrests in connection with the protest. The police union ACOD denounced the Brussels police's actions in an open letter to the mayor of Brussels, asserting that arrest procedures and COVID-19 measures were not respected.

## **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 Seizure and Restitution**

The government has laws and mechanisms in place, and 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 included 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 in July 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**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for the members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the media.

**Freedom of Expression:** 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.

**Freedom of Expression for Members of the Press and Other 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 and the Right to Leave the Country**

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.

In May more than 500 undocumented immigrants and asylum seekers, many with pending regularization applications, began a hunger strike in Brussels in the hopes of obtaining residence permits. By July approximately 200 individuals were still on hunger strike and began refusing water. State Secretary for Asylum and Migration Sammy Mahdi asserted that the country's immigration policy would not be modified and there would be no collective regularization for the strikers. In July the UN special rapporteur on extreme poverty and human rights carried out an on-site evaluation of the situation and subsequently presented a report to the government stating that the country was not fulfilling its obligations within the framework of the UN Human Rights Council. In response to the worsening health conditions of the strikers, the green parties Ecolo and Groen and the francophone socialist party (Parti Socialiste) threatened to resign from the government if any of the hunger strikers were to die. On July 22, an agreement was reached between the protestors and Mahdi to evaluate asylum applications on case-by-case basis, ending the hunger strike.

**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.



## **g. Stateless Persons**

According to UNHCR, at the end of 2019, the latest date for which data was available, 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. Stateless persons may apply for nationality after meeting the requirements for legal residency in the country.

To be recognized as stateless, a requester must go through legal proceedings and obtain a court ruling on his or her stateless status. Family courts handle such requests; a requester may appeal the court's ruling. Recognition of statelessness does not automatically afford a stateless person resident status 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 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 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 in 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, although no significant cases were reported during the year.

## **Section 5. Governmental Posture Towards 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.

In 2020 the government established the Federal Institute of Human Rights and nominated a board president and vice president in May. The institute is intended to 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 reports to the federal government, the Chamber of Representatives, the Senate, and other official bodies, to ensure 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 was also envisaged through a cooperation agreement between federal and regional authorities.

## Section 6. Discrimination and Societal Abuses

### 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, which range from eight days to 20 years in prison. In cases of domestic violence, these sanctions are doubled.

The activist blog StopFemicide reported that at least 17 women died in connection with cases of rape or domestic violence during the first eight months of the year. The government did not keep a record of the number of femicides. According to 2020 federal police statistics, there were approximately 38,000 official complaints of domestic violence against men and women to include physical, psychological, or economic violence, including 175 complaints of sexual violence, during that year.

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

**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. Authorities effectively enforced the law. 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. Most 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 found guilty are subject to fines. The government generally enforced antiharassment laws.

A June study by the NGO Plan International of 700 persons between the ages of 15 and 24 in the cities of Brussels, Antwerp, and Charleroi found that 91 percent of girls and 28 percent of boys had been victims of some form of sexual harassment in the street. Eighty-two percent of girls reported that sexist comments and catcalling were the most frequent forms of harassment.

Another June study by the Universities of Ghent and Liege and the National Institute for Forensic Science and Criminology of 5,000 persons between the ages of 16 and 100 found that 70 percent had been victims of sexual violence in their life. Women were most affected. Within the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community, 80 percent reported having experienced sexual violence.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape.

**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.

## **Systemic Racial or Ethnic Violence and Discrimination**

In March, UNIA reported it had received a record number of complaints in 2020. The center received 3,684 complaints of racism, an increase of 50 percent from 2019. Most cases of discrimination took place on social media, in the housing market, in the workplace, or on public transportation. UNIA noted racism against persons of Asian origin also increased during the COVID-19 pandemic. In its 2020 annual report, UNIA stated that it received a total 9,466 complaints related to discrimination in 2020, an 11 percent increase from 2019. UNIA noted that the COVID-19 lockdown boosted the amount of time people spent online, creating an

environment in which online hate speech increased. The number of hate speech cases UNIA handled remained similar to previous years. UNIA also received COVID-related complaints (age discrimination, employment, access to housing) as well as numerous allegations of police violence.

Ethnic profiling, including by police, continued to be a problem. Between February and May, UNIA, Amnesty International, and the UN Committee on Elimination of Racial Discrimination (CERD) alleged that police enforcing COVID-19 lockdowns sometimes targeted ethnic minority and marginalized groups with violence, discriminatory identity checks, forced quarantines, and fines. In a May report, CERD expressed concern over racial profiling and police violence in the country.

Several reports of ethnic profiling by police were documented by Amnesty International and the Human Rights League's police observatory, Police Watch.

## **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 law prohibits child abuse, and 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 August the media reported that police had recorded a rise in sexual exploitation of minors online during the COVID-19 pandemic. Police continued to track the problem.

In May the children's rights NGO Child Focus released its 2020 annual report, which noted the group had received 2,205 reports of sexual exploitation in 2020, compared with 1,501 reports in 2019. The organization also noted that the COVID-19 pandemic had vastly increased children's internet screen time, putting them at greater risk of sexual exploitation. Child Focus reported that it had received 2,056 reports of child pornography, a 45 percent increase from 2019, through its *stopchildporno.be* website.

**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 2020, UNIA received 115 complaints of anti-Semitism, an increase of 45.5 percent from the 79 complaints received in 2019. Of these, 70.4 percent were related to hate speech and 48.7 percent took place on the internet. UNIA reported that 13 percent of the cases involved hate crimes and 8.7 percent (a total of 10 cases) involved Holocaust denial.

Authorities generally investigated and, where appropriate, prosecuted such cases.

In February members of the Jewish community in Flanders reported increasing anti-Semitism. The country's security services also noticed an increase in hate messages targeting Jews, both online and in the streets, that referred to large gatherings in synagogues and higher COVID-19 infection rates in Jewish

neighborhoods.

Also in February the public prosecutor's office called for the prosecution of nine members of the far-right youth movement Schild & Vrienden for violating the antiracism law. The accused included Dries Van Langenhove, a member of parliament for the far-right Flemish party Vlaams Belang. The Ghent public prosecutor's office had opened an investigation of the involved members in 2018 after the public broadcaster VRT documented racist, sexist, and anti-Semitic messages exchanged by its members in a chat room. Some of the individuals were also accused of Holocaust denial. As of April the investigation was underway, and the Ghent Council Chamber was expected to decide whether the suspects should be referred to a criminal court.

On June 3, a man was sentenced to six months in prison and an 800 euro (\$920) fine for performing the Nazi salute in Fort Breendonk, located near the city of Mechelen, which had served as a Nazi hub for the transit and deportation of the country's Jews during World War II. The man was a known member of the far-right group Right Wing Resistance Flanders.

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.

In February the European Committee of Social Rights condemned the country (specifically the Francophone community, in charge of mandatory education of francophone children) for failing to guarantee the right to inclusive education for children with intellectual disabilities. The minister of education highlighted the efforts authorities had already made but acknowledged that there was more to be done in coordinating the views and actions of different stakeholders, both from civil society and public institutions.

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

The law prohibits discrimination against lesbian, gay, bisexual, transsexual, queer, and intersex (LGBTQI+) 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 LGBTQI+ community remained a problem.

A study by the EU Agency for Fundamental Rights found that 37 percent of individuals in the country identifying as LGBTQI+ reported avoiding certain areas so as not to be harassed, assaulted, or insulted.

On March 6, a 42-year-old gay man was found dead in a park in the city of Beveren, East Flanders. The man was reportedly lured to the park by his attackers through a gay dating app, then stabbed and beaten to death by three suspects. The



three attackers, two 17-year-old boys and a 16-year-old boy, were placed in a youth offenders detention facility. LGBTQI+ 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. In February the Chamber of Representatives unanimously adopted the “Resolution for recognizing the right to bodily integrity of intersex minors.”

## **Other Societal Violence or Discrimination**

While religious practice of animal slaughter remains legal at the federal level, the Flemish and Walloon regional governments instituted laws requiring stunning prior to slaughter in January and September 2019, respectively, which restricted halal and kosher practices. Muslim and Jewish communities challenged the restrictions on grounds of discrimination and violation of religious freedom. In July 2020 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 served as a precursor to the final court decision expected later (court decisions normally align with the advocate general’s ruling). The Brussels regional government does not prohibit religious practice of animal slaughter and has further stated that it would await the court decision before holding discussions on the subject. In February the Brussels regional minister for animal welfare held discussions on the subject with religious leaders, religious representatives who practice animal slaughter, as well as with animal welfare organizations.

There were reports of physical and verbal attacks against Muslims. 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 June a woman filed a complaint with police after being harassed and struck by a driver in a parking lot in the Flemish municipality of Ninove. According to the woman, a man spat on her, demanded that she remove her headscarf, and ran into her with his car when she tried to run away. The Ninove police refused to file a

report because the woman did not have a medical report following the incident. Brussels police subsequently filed a complaint after media outlets broadcasted the story.

## **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.

Workers in smaller companies were able to choose representatives to affiliate with a union but did not enjoy the same level of protection. Apart from the armed forces, civil servants in general, including members of the police force, and all private-sector employees are entitled to engage in strikes. 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. Essential workers must declare their intention to participate in strike action at least 72 hours in advance, a requirement that unions said exposed workers to undue pressure from employers.

The government effectively enforced the law, but freedom of association and the right to bargain collectively were not consistently respected by employers. Employers often resorted to the courts when strikes were announced, and courts often preemptively prohibited strikes. Employers can fire union representatives if they pay them compensation. Union representatives were seldom reinstated, as employers chose to pay statutory severance instead. Unions also denounced a practice among employers of dismissing worker representatives just before union elections. According to the International Trade Union Conference, 96 representatives were fired under these circumstances in 2019. Penalties for violating the law 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 included fines and prison terms and were commensurate with similar serious crimes.

In a report published in December 2020, 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 because 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 2020.

Instances of forced and compulsory labor included men, generally undocumented migrants, 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.

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 law prohibits the worst forms of child labor. 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 face penalties that were commensurate with those for other serious crimes, such as kidnapping.

#### **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 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 law requires that one-third of the board members of publicly traded companies be women.

The Employment and Labor Relations Federal Public Service generally enforced regulations effectively. Penalties were commensurate with those for similar violations. Trade unions or media sometimes escalated cases, and UNIA often took a position or acted as an intermediary to find solutions or to support alleged victims in the courts.

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 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 5.8 percent less than those of their male colleagues in 2019.

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**

**Wages and Hour Laws:** There is a monthly national minimum wage, and it is higher than the official 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. A rest period of at least 11 hours is required between work periods. Overtime is paid at a time-and-a-half premium on 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 wage and hour regulations effectively.

On September 24, some unions led a protest of several thousand workers over the "1996 law," which prevents wages from rising faster than in neighboring countries.

**Occupational Safety and Health:** 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 and that wages and working conditions were consistent with collective bargaining

agreements. Inspectors have the authority to conduct unannounced visits and levy sanctions. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. The primary responsibility for identifying unsafe situations remains with inspectors and not with the worker. The Employment and Labor Relations Federal Public Service protected employees in this situation. Wage, overtime, and occupational safety violations were most common in the restaurant, construction, and logistics industries. Some employers still operated below legal standards.

On September 29, a man died at the AccelorMittal factory in Ghent while work was being carried out on a conveyor belt. According to media reports, a roller broke off the conveyor belt and hit the victim in the head. AccelorMittal reported leading an investigation into the circumstances of the accident. Media also reported that the labor inspection services were onsite and could designate a technical expert to lead an independent investigation if deemed necessary.

Civil society organizations, such as advocacy groups and media outlets, raised concerns about the effectiveness of the government's efforts to ensure worker safety during the COVID-19 crisis. According to Amnesty International, the government failed to preserve individuals' right to health, life, and nondiscrimination due to several factors, including but not limited to the insufficient provision of personal protective equipment for care workers. In addition, there were serious concerns about migrant workers' safety and well-being. Nearly 150,000 undocumented migrant workers who had lived in the country for years, if not decades, lacked access to social safety net programs and routinely worked long hours for little pay in the informal economy. The lack of access to social safety net programs was particularly problematic, since many migrant workers lost their jobs and struggled to find other employment opportunities due to the COVID-19 crisis.

**Informal Sector:** Workers in the informal economy are covered by the same wage, hours, and safety regulations as workers in the formal economy, but regulations were not consistently enforced. As of 2017, informal labor was estimated to make up approximately 3.6 percent of the country's GDP and often consisted of undocumented migrants and students. A specialized governmental department, the Information and Social Research Service, created to oversee the

informal economy, conducted more than 10,000 inspections in 2020 and initiated investigations, mainly in the construction, restaurant and hotel, and cleaning sectors. Infringements of workers' rights were found in 42 percent of inspections; of those, 41 percent were in the construction sector, 55 percent in bars and restaurants, and 64 percent in carwash businesses. Authorities may fine employers for poor working conditions but may also treat such cases as trafficking in persons.