

Belgium 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in the country during the year.

Significant human rights issues included credible reports of violence motivated by antisemitism.

The government took credible steps to identify and punish officials who may have 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 the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

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, and Other Related Abuses

The constitution and law prohibited such practices, and there were no credible reports government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions did not always meet international standards. Prison conditions presented health risks due to overcrowding, hygiene problems, inadequate physical activity, and lack of access to amenities and medical care.

Abusive Physical Conditions: Prison overcrowding remained a major problem.

As of June 26, there were 11,649 prisoners although prisons had capacity only for 10,653 persons.

Prison directors claimed that in addition to overcrowding there were problems with severe understaffing, chronic staff absenteeism, and buildings in disrepair. The country lost several cases at the European Court of Human Rights (ECHR), where it repeated calls for the country to address detention conditions.

Administration: Authorities conducted investigations of credible allegations

of mistreatment. The federal mediator acts as an ombudsperson, allowing any citizen to address problems with prison administration. The federal mediator was 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, including several domestic committees.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Under the constitution, an individual could only be arrested while committing a crime or by a judge's order, which had to be carried out within 48 hours of the issuance of the order. The law provided detainees the right to question 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 a judge.

On January 12, a social worker, age 46, died while in custody after police held her overnight. Authorities claimed the woman committed suicide and that no outside party had been involved. Family members and some human rights nongovernmental organizations (NGOs) protested the official explanation and claimed this was the third death of an individual of African descent in the same police station during prior years.

e. Denial of Fair Public Trial

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

Trial Procedures

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

The government had laws and mechanisms in place, and NGOs and advocacy groups, including the country's Jewish community, reported the government had resolved virtually all Holocaust-era claims where ownership could be traced, including for foreign citizens. Remaining issues included restituting art and researching the role of the country's railways in transporting Jews and other victims to concentration camps.

The Royal Museum of Fine Arts in Brussels inaugurated two rooms dedicated to displaying and contextualizing works of art stolen by Nazi Germany and art taken by Belgium from former colonies during its colonial period. The country created an online database to help families retrieve 2,800 works of art stolen from their relatives by Nazi Germany. The legal framework put in place by the government for these restitutions also concerns property looted during the colonial period.

In 2022 Prime Minister Alexander De Croo gave 84,000 art objects of Congolese origin to the prime minister of the Democratic Republic of the Congo with the expectation experts in the two countries could work together to determine who should be the rightful owner and where the art

should reside.

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/>.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and legal code prohibited such actions, and there were no reports 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 provided for freedom of expression, including for 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, or

behavior that targeted a specific individual, and incitement of hatred were all criminal offenses, punishable by a minimum of eight days (for Holocaust denial) or one month (incitement of hatred and sexist remarks or behavior), 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 of hatred was based on racism or xenophobia, the case was tried in the regular courts. If the incitement stemmed from other motives, including homophobia or religious bias, a longer and more costly trial by jury was generally required. The government prosecuted and courts convicted persons under these laws. These laws also applied 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 the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

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

e. 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, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees. Refugee status and residence permits were limited to five years and could become indefinite if extended.

The country's asylum situation remained strained throughout the year. According to officials, in 2022, more than 35,000 asylum seekers and

approximately 70,000 refugees from Ukraine strained the country's asylum system, which was unable to meet its obligation to provide shelter to all asylum seekers. This resulted in as many as 3,000 individuals without shelter. In response, the courts fined the government several hundred million euros, and the ECHR ruled against Belgium in hundreds of cases. Despite efforts to expand shelter capacity, process asylum requests more quickly, and expel individuals ruled unqualified for asylum, the government lacked a structural solution to keep pace with asylum seekers. As of August, there had been nearly 22,000 asylum requests, while as of June authorities had delivered more than 70,000 certificates of temporary protection to refugees from Ukraine.

Through the implementation of the EU's Temporary Protection Directive, the country was able to grant Ukrainians temporary legal residence for one year almost immediately after their arrival, with the option of renewing their status for an additional year in two six-month increments. Upon gaining residence, Ukrainians could request accommodation, which the Federal Agency for the Reception of Asylum Seekers (coordinated with the regional governments. Ukrainians granted protection in the country were entitled to the same benefits local citizens received, including a work permit, access to public schooling, unemployment benefits, and a monthly stipend of €800 (\$864) for single persons and €1,400 (\$1,513) for cohabitating adult family members, plus €250 (\$270) for every child. On June 30, there were more than 71,000 Ukrainian refugees registered in the country.

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 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. The government provided subsidiary protection to 429 persons in 2022 and to 225 persons during the year between January and June. Under EU guidelines, individuals granted subsidiary protection were entitled to temporary residence permits, travel documents, access to employment, and equal access to health care, education, and housing.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Not applicable.

g. Stateless Persons

According to UNHCR, as of 2022, there were 1,190 persons in the country who fell under the category of “stateless persons.” The country did not contribute to statelessness, as the legal framework for stripping an

individual of their citizenship did not exist except in cases of dual citizenship with another country. Stateless persons could apply for nationality after meeting the requirements for legal residency in the country.

To be recognized as stateless, a requester must have gone through legal proceedings and obtained a court ruling on their stateless status. Family courts handled such requests, and a requester could appeal the court's ruling. Recognition of statelessness did not automatically afford a stateless person resident status in the country.

Section 3. Freedom to Participate in the Political Process

The constitution provided 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 was compulsory; failure to vote was punishable by a nominal fine.

Elections and Political Participation

Recent Elections: Parliamentary elections held in 2019 were considered fair and free of abuses or irregularities.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption. In 2022, an officer of the Belgian Federal Railway Police offered €1 million (\$1.081 million) to a customs official to gain access to a safe containing more than 220 pounds of cocaine at the Port of Antwerp-Bruges.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and 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 were generally 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) was 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. The institute was intended to intervene where other agencies, such as UNIA or the federal center for migration (Myria), did not act. The mission of the institute was 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 was a party were carried out. The body was competent only at the federal level.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of a person, regardless of gender, including spousal rape, was illegal, and the government prosecuted such cases. A convicted rapist could receive 10 to 30 years in prison. The law prohibited domestic violence and provided for fines and incarceration. Legal sanctions for conviction of domestic violence were based on the sanctions for physical violence against a third person, which ranged from eight days to 20 years in prison. In cases of domestic violence, however, these sanctions were doubled.

On June 29, the federal parliament adopted a law intended to curtail

violence against women. The law recognized intimate femicide, nonintimate femicide (killing perpetrated by a third party such as a client killing a sex worker) and indirect crimes (e.g., death from forced abortion or genital mutilation). The law also included a provision defining gender-based homicide for cases against lesbian, gay, bisexual, transgender, queer, or intersex persons (LGBTQ+) individuals.

According to federal police statistics, there were approximately 40,000 official complaints of domestic violence against women and men to include physical, psychological, or economic abuse, including 179 complaints of sexual violence, during 2022.

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 prohibited 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 applied to persons convicted of FGM/C. Most of those at potential risk of FGM/C were asylum seekers from Cote d'Ivoire, Egypt, Guinea, and Somalia.

Discrimination: Women had the same legal rights as men, including under family, religious, personal status, and nationality laws as well as under laws related to labor, property, inheritance, employment, access to credit, and

owning or managing businesses or property. The law required equal pay for equal work and prohibited 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. Labor laws and regulations related to employment or occupation prohibited discrimination based on race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive status and other communicable diseases, ethnicity, age, and social status; however, the law permitted 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/international-religious-freedom-reports/>.)

The law required 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 required one-third of the board members of publicly traded companies be women. These requirements were generally enforced.

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 the clinical management of rape.

Systemic Racial or Ethnic Violence and Discrimination

The law provided the main legal basis for protection against discrimination. The government enforced the laws effectively. Amnesty International and the Human Rights League's police observatory documented several reports of ethnic profiling by police. In addition, 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. In these scenarios, 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. 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.

Children

Birth Registration: The government registered all live births immediately. Citizenship was conferred on a child through a parent's (or the parents') citizenship, but, except for a few circumstances, not through birth in the country's territory. Birth registrations were provided on a nondiscriminatory basis, and there were no differences in birth registration policies between boys and girls.

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

Child, Early, and Forced Marriage: The law provided that both (consenting) partners must have been at least age 18 to marry.

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

The minimum age for consensual sex was 16. Conviction of statutory rape carried sentences to imprisonment of up to 30 years.

Antisemitism

There were an estimated 35,000 individuals in the Jewish community. There were several reports of antisemitic incidents, mainly in Antwerp and Brussels. Incidents included both verbal and physical assaults, antisemitic graffiti, and online hate speech. Some members of the Jewish community called for more government resources to be devoted to their security, claiming they were left vulnerable after the June 2021 withdrawal of military security which had been in place since the 2015 terrorist attacks in Paris against the Charlie Hebdo office and a kosher grocery store. In the aftermath of the October 7 Hamas terrorist attacks in Israel, the government announced the Belgian federal police would augment local police to protect the Jewish community in Antwerp. The communist party called the State of Israel a terrorist organization. The government generally enforced laws against antisemitism.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults or cross-dressing.

Violence and Harassment: Neither police nor government agents incited, perpetrated, condoned, or tolerated violence against LGBTQI+ individuals. There were isolated incidents of nonstate actors committing violence against LGBTQI+ persons. Official complaints of violence or harassment against LGBTQI+ were investigated and prosecuted as appropriate, with the possibility of an added aggravating circumstance for hate crime.

Discrimination: The law explicitly recognized LGBTQI+ couples and their families and granted them rights equal to rights of other persons. The law prohibited discrimination against LGBTQI+ persons in housing, employment, application of nationality laws, and access to government services, such as health care. The government enforced the law but underreporting of crimes against the LGBTQI+ community remained a problem.

Men who had sex with men were excluded from donating blood for 12 months after last sexual contact. In contrast, heterosexuals who engaged in

“risky sexual behavior” were also excluded for only four months. Various European and international bodies, including the Court of Justice of the European Union, have called these exclusions “unjustified,” considering technology that detects transmissible diseases.

Availability of Legal Gender Recognition: Legal gender recognition was available without first undergoing sex reassignment surgery. On July 6, parliament updated the existing law on gender recognition, allowing multiple name and gender changes for the same person.

Involuntary or Coercive Medical or Psychological Practices: Intersex babies and children were often subjected to surgery or hormone treatment to give them more “socially acceptable sex characteristics.” In 2021, parliament unanimously approved a resolution that called for the government to create a legal framework allowing free, fully informed, transparent, and fully consented intervention prior to any surgery, highlighting that surgery was not medically required in the majority of cases. Most political parties supported removing the reference to gender on identification cards.

On July 20, the Parliament banned so-called conversation therapies, with possible prison sentences for conviction of eight days to two years, a fine ranging from €208 to €2,400 (\$225 to \$2,594), or both.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no restrictions on those speaking out regarding LGBTQI+

matters.

Persons with Disabilities

The law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities, including in employment. The government generally enforced these prohibitions. Persons with disabilities could access education, employment, health services, public buildings, and transportation on an equal basis with others. Government communication to persons with disabilities was made available in accessible formats.

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

Other Societal Violence or Discrimination

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 and girls.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

For companies with more than 50 employees, the law provided 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 were entitled to engage in strikes. The law prohibited antiunion discrimination and provided for reinstatement of workers fired for union activity. Workers exercised these rights. Citizen and noncitizen workers enjoyed the same rights. Work council elections were mandatory in enterprises with more than 100 employees, and safety and health committee elections were mandatory in companies with more than 50 employees. Essential workers must have declared their intention to participate in strike actions at least 72 hours in advance, a requirement that unions stated exposed workers to undue pressure from employers.

The government effectively enforced the law, and penalties for violations of freedom of association, collective bargaining, and the right to strike were

commensurate with those for analogous violations such as civil rights violations.

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 could fire union representatives if they paid a penalty. The penalty amount was based on the targeted worker's seniority: two years' salary for less than 10 years of service, three years' salary from 10 to less than 20 years of service, four years' salary for 20 or more years of service. If the targeted worker requested reinstatement and was denied, the worker was also entitled to the salary until the expiration of the mandate as union representative. Union representatives were seldom reinstated, as employers chose to pay penalty severance instead. Penalties were regularly applied.

b. Prohibition of Forced or Compulsory Labor

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 prohibited the worst forms of child labor. The minimum age of

employment was 15. Persons between ages of 15 and 18 participated in part-time work and study programs and could work full time up to a limited number of hours during the school year. The Ministry of Employment regulated industries that employed juvenile workers to enforce labor laws; 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 defined, according to the age of the child, the maximum allowable amount of time worked daily and the frequency of performances. A child's earnings must have been paid to a bank account under the name of the child, and the money was inaccessible until the child reached age 18 age. There were 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 faced penalties commensurate with those for other serious crimes, such as kidnapping. Penalties were regularly applied against violators. There were no confirmed reports during the year of the worst forms of child labor.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wages and Hour Laws: There was a monthly national minimum wage, and it was higher than the official poverty income level.

The standard workweek was 38 hours, and workers were entitled to four weeks of annual leave. Departure from these norms could occur under a collective bargaining agreement, but work could not exceed 11 hours per day or 50 hours per week. A rest period of at least 11 hours was required between work periods. The Employment and Labor Relations Federal Public Service generally enforced wage and hour regulations effectively.

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 enforce standards in all sectors and provide for wages and working conditions consistent with collective bargaining agreements. Inspectors had the authority to conduct unannounced visits and levy sanctions. Workers could remove themselves from situations that endangered health or safety without jeopardizing their employment. The primary responsibility for identifying unsafe conditions remained 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.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage, overtime, and occupational safety and health (OSH) laws. Penalties for violations were commensurate with those for similar crimes, such as fraud or negligence, and were regularly applied against violators.

Different departments from the social security office organized the health and safety standard controls in the field, according to risk analysis.

Inspectors had the authority to make unannounced inspections and levy fines. The number of labor inspectors was sufficient to enforce compliance with wage, hour, and OSH laws.

As of 2017, informal labor was estimated to make up approximately 4 percent of the country's GDP and often consisted of undocumented migrants and students. Workers in the informal economy were covered by the same wage, hours, and safety regulations as workers in the formal economy, but regulations were not consistently enforced.