

BELGIUM 2012 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. Observers considered federal parliamentary elections held in 2010 and local elections held on October 15 to be and fair. Security forces reported to civilian authorities.

The main human rights concern was discrimination against racial and religious minorities in employment, housing, and societal attitudes. Muslim women faced discriminatory dress restrictions in public and private sector employment, schools, and public spaces.

Other human rights issues included continued prison overcrowding, violence against women, child abuse, and trafficking in persons.

Authorities actively prosecuted and punished officials who committed abuses, whether in the security services or elsewhere in the government, and no cases of impunity were reported.

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits cruel, inhuman, or degrading treatment or punishment, and there were no reports that government officials employed these during the year.

In its 2011 report, Amnesty International (AI) cited allegations of excessive use of force by police following two 2010 demonstrations in Brussels. Subsequently, the Permanent Oversight Committee on Police Services, which investigates such complaints, acknowledged that at least one allegation was valid, namely that plainclothes officers created the impression that the demonstrations were infiltrated by the police.

Prison and Detention Center Conditions

Prison and detention center conditions met most international standards, and the government permitted visits by members of parliament and independent human rights observers.

Physical Conditions: Prison overcrowding remained a problem. In September the total prison population reached 11,321, more than 20 percent above prison capacity. To ease overcrowding 650 inmates served part of their sentences in Tilburg Prison in the Netherlands, which operated under shared Belgian-Dutch jurisdiction. In 2011 a total of 49 inmates died in prisons. There were 515 female inmates, constituting approximately 4 percent of the prison population. There were no specific reports of abuses or that women were treated worse than men in the seven prisons housing women.

Prisoners have access to potable water and recourse to a federal ombudsman. During 2011 there was an increase in the use of alternative sentences, especially for nonviolent offenders. For example, community service sentences increased dramatically, from 556 cases in 2002 to 10,530 cases in 2010.

Administration: Prisoners and detainees have reasonable access to visitors and are allowed religious observance. The authorities permitted prisoners and detainees to submit complaints and allegations of inhumane conditions to judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions and documented these results in a publicly accessible manner. The government investigated and monitored prison and detention center conditions. Surveillance committees tasked with overseeing conditions of detention were active in all of the country's prisons. Each committee consisted of six to 10 volunteers who could inform the Ministry of Justice of their findings. Observers noted that the committees lacked resources and training.

Monitoring: Authorities permitted the Council of Europe's Committee for the Prevention of Torture (CPT) to visit prisons and detention centers. The federal mediator acts as an ombudsman, allowing any citizen to address issues with the administration. The federal mediator is an independent entity appointed for six years by the House of Representatives to investigate and find solutions to problems between citizens and public institutions.

In April the CPT visited the Forest and the Andenne prisons. The CPT highlighted overcrowding in the Forest prison, where detention conditions in two wings were deemed to constitute inhuman and degrading treatment. The CPT regretted that some of its previous recommendations, such as maintaining minimum staff levels in the case of a strike, had not been followed. At the end of 2011, the CPT visited the Tilburg prison. While noting the professionalism of the guards, the CPT report highlighted the problem of violence among inmates.

Improvements: The master plan for reform of the prison system included the renovation and extension of some prisons, the replacement of the oldest ones and the construction of seven new prisons by 2016. The government began work on several buildings during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The federal police are responsible for internal security and nationwide law and order. In 2010 the General Inspection Service examined 1,174 complaints against the police, primarily for violence and arbitrary detention, and subsequently forwarded two-thirds of these to the prosecutor's office. Of the complaints six were for corruption and three for abuse of power. Civilian authorities maintained effective control over the federal and local police and the armed forces, and the government had effective mechanisms to investigate and punish abuse and corruption.

Arrest Procedures and Treatment While in Detention

Under the constitution an individual may be arrested only while committing a crime or by a judge's order carried out within 24 hours. The law provides a person in detention with the right to prompt judicial determination of the legality of the detention, and the 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. According to 2011 figures, pretrial detainees made up approximately 35 percent of the total prison population. The average length of pretrial detention dropped by approximately 30 percent to 62 days during the past eight years.

Effective January 1, the country began implementing the "Salduz law," which provided a suspect the right to be accompanied by a lawyer during his or her first interrogation at a police station. There were some complaints from police and Ministry of Justice officials that provisions of the law are unwieldy, costly, and difficult to implement.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. All defendants are presumed innocent and have the right to be informed promptly and in detail of the charges against them; to a fair and public trial without delay; to communicate with an attorney of choice; to have adequate time and facilities to prepare defense; to access government-held evidence; to confront witnesses against them and present witnesses and evidence; not to be compelled to testify or confess guilt; and to appeal. Defendants have a right to a trial by jury.

The law gives domestic courts jurisdiction over war crimes and crimes against humanity that occurred outside the country when the victim or perpetrator was a citizen or legal resident of the country.

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 the courts and appeal national-level court decisions to the European Court of Human Rights (ECHR).

Regional Human Rights Court Decisions

The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the ECHR. The government treated all ECHR decisions as binding.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and legal code prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech, including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Freedom of Speech: Holocaust denial and incitement to hatred are criminal offenses punishable by a minimum of eight days (for Holocaust denial) and one month (incitement to hatred) 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 would be 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 was required. In May the spokesman for the radical Salafi organization Sharia4Belgium was sentenced to two years in prison, with a one-year deferred sentence, for incitement to hatred against non-Muslims. In June a local politician with the far-right “Vlaams Belang” party was sentenced to a four-month deferred sentence and a 10-

year ban of civic rights for a 2005 article in a right-wing gazette, which accused immigrants of desecrating the local cemetery.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. According to estimates compiled by the International Telecommunication Union, approximately 78 percent of the population had access to the Internet in 2011.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The country's laws provide 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.

Laws remained in place facilitating residency permits for aliens who had become victims of an unduly long asylum application process. The law also covered undocumented aliens who lived in a precarious humanitarian situation or who could prove they were integrated into local society by having lived in the country for at least five years or by being gainfully employed for at least one year.

Regularization of legal status on the grounds of an unduly long application period, for urgent humanitarian reasons, or on medical grounds was granted to 509 applicants in 2011, compared to 24,199 applicants in 2010, reflecting significant improvements in processing time. By the end of 2011, the Federal Agency for the Reception of Asylum Seekers had provided shelter to 91,281 unaccompanied foreign minors requesting asylum.

Safe Country of Origin/Transit: The country signed and implemented the Dublin II Agreement and, following an ECHR ruling, ceased transferring asylum seekers to Greece if it was the first EU country the asylum seeker entered.

Refoulement: In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. On May 11, the Supreme Court overruled an August 2011 lower court ruling that Mustaphan Lounani be granted refugee status. Lounani had previously (in 2006) been convicted and sentenced to a six-year prison term for his participation to the Group Islamique Combattant Marocain jihadist cell. Meanwhile, Lounani remained in the country at year's end, awaiting a new decision by the litigation council of the Office of Refugees and Stateless Persons.

Refugee Abuse: In 2011 authorities assigned 7,034 persons to closed centers, facilities that asylum seekers were not permitted to leave. The average stay in closed centers was 24 days. A new closed center opened on April 25, to replace two older ones. Public health and legal assistance were only available on a limited basis due to staffing shortages.

Temporary Protection: The country provides “subsidiary protection” to individuals who do not satisfy the legal criteria for refugee status but who cannot return to

their country of origin due to a real risk of serious harm. Under EU guidelines, individuals granted subsidiary protection are supposed to be entitled to temporary residence permits, travel documents, access to employment, and equal access to health care and housing. To meet the 1951 Refugee Convention list of requirements, candidates must have a well-founded fear of persecution owing to one of these criteria: race, nationality, religion, political opinions, or membership of a particular social group.

Less restrictive than the Refugee Convention criteria, subsidiary protection is intended to cover those who do not meet one of the requirements cited in the convention but who remain in desperate need of protection and run a real risk of serious harm in case of return to their country of origin. In 2011 the country granted subsidiary protection to 1,094 persons (2,857 persons received “regular” refugee status).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully. Citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Voting in all elections is compulsory; failure to vote is punishable by a nominal fine.

Elections and Political Participation

Recent Elections: Municipal and provincial elections held on October 15 were considered free and fair. Federal elections held in 2010 were likewise considered free and fair.

Participation of Women and Minorities: The constitution requires the presence of men and women in federal, regional, and local governments, and the law requires an equal number of male and female candidates on party tickets in EU, federal, regional, provincial, and local elections. Failure to meet the requirement would nullify the elections and render any government thereby created illegal.

During the October 14 elections, 38.1 percent of the candidates elected at the provincial level and 35.9 percent of the candidates elected at the regional level were women.

Following the 2010 federal elections, there were 59 women in the 150-seat federal Chamber of Representatives and 28 women in the 71-seat Senate (of the 40 directly elected senators, 18 were women). Six of the 19 federal cabinet ministers and state secretaries were women.

There were seven members of Moroccan and Turkish origin in the Chamber of Representatives and five in the Senate. However, many political parties, citing the need to keep the public sphere free of religious symbols, compelled headscarf-wearing Muslim candidates to forego the headscarf to advance politically. For example, Mahinur Ozdemir, the first and only woman to wear a headscarf openly in the Brussels Regional Parliament, was prohibited by party guidelines from holding an executive branch post or running for the federal parliament as long as she kept her headscarf. Although her party, the Democratic Humanist Center (cdH), in 2009 eventually broke new ground by allowing her to wear the headscarf during legislative functions, the decision was not uniformly supported within the party. Likewise, on March 1, during preparations for the municipal elections, Layla Azzouzi, a candidate from Verviers, was forced to give up her spot on the local electoral list for wearing a headscarf. Subsequently, when fellow party member and candidate Hajib El Hajjaji publicly protested the decision, he was dropped from the slate and asked to leave the party. In Brussels Faridah Tahar, a candidate on the francophone Parti Socialiste (or PS) slate was allowed by the local PS president to keep her headscarf, but this was unique to the constituency and not standard PS practice.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. There were no major reports of government corruption during the year.

The disclosure of income and revenue of elected officials was not required, but they were required to list any Boards of Directors on which they might serve, regardless of whether they are paid or unpaid. The federal police has a specific Central Office for combating corruption charged with investigating possible fraud cases involving public institutions. The nongovernmental organization (NGO) Transparency International, the media, and political parties were also efficient in highlighting cases of possible corruption.

With some exceptions, such as material involving national security, the law provides public access to government information. The government respected this law in practice.

While there was no direct arms trade between the country and Libya or Gaza, Belgian arms were abundant in these conflicts, raising questions of their source.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Various domestic and international human rights groups operated without government restriction and were free to investigate and publish their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The government-funded Center for Equal Opportunities and Opposition to Racism (CEOOR) is responsible for promoting equal opportunity and combating all forms of discrimination, exclusion, or preferential treatment based on legally stipulated criteria. It also monitors respect for the fundamental rights of foreign nationals, observes the nature and scope of migration flows, and assists in antitrafficking efforts. The center enjoyed a high level of public trust, was independent in its functioning, and well-financed by the government.

Government Human Rights Bodies: Federal and regional government ombudsmen monitored and published reports on the workings of agencies under their respective jurisdictions.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. The law identifies 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, place of birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color, descent, national origin, and ethnic origin. A separate law governs gender discrimination in the workplace. Under a directive issued by the Board of Prosecutors General, police and prosecutors must cite racial motivation if present when reporting or recording offenses. In such instances the prosecutor must escalate the case (for example, in a racially motivated crime, the charge would additionally include a hate crime offense).

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, and the government prosecuted such cases. In 2011 the federal police registered 2,968 rapes, a slight increase from the previous year, and 3,573 indecent assaults. A convicted rapist may be imprisoned for a minimum of 10 years to a maximum of 30 years depending on such factors as the age of the victim, the difference in age between offender and victim, the relationship between the pair, and the use or absence of violence during the crime.

The law prohibits domestic violence and provides for fines and incarceration. In 2011 federal police registered the following complaints related to domestic violence: 21,838 complaints of physical violence between partners (21,940 in 2010); 123 for sexual violence (127 in 2010); and 21,167 for psychological violence (20,832 in 2010). The Federal Institute for Equality of Men and Women coordinated a national action plan to combat violence between domestic partners. Women from Eastern Europe, sub-Saharan Africa, and Asia were subjected to sexual exploitation.

Harmful Traditional Practices: The 2010-14 national action plan of the Federal Institute for Equality of Men and Women focuses on forced marriages, violence linked to honor, and female genital mutilation. On December 20, the jury of the Namur Court sentenced the parents of Sadia Sheikh to 25 years of prison for the father and 15 years for the mother for the 2007 murder of their daughter for having refused an arranged marriage.

Sexual Harassment: A number of government-supported shelters and telephone help lines were available across the country for victims of domestic abuse. In addition to providing lodging, many shelters assisted in legal matters, job placement, and psychological counseling to both partners. Reliable statistics on sexual harassment were not easily accessible since formal complaints could be filed with various entities. The law aims to prevent violence and harassment at work, obliging companies to set up internal procedures to handle employee complaints; the government generally enforced the antiharassment legislation. On July 26, a much-heralded student film, *Femme de la Rue*, provided an account of sexual harassment faced by ordinary women on the streets of Brussels, perpetuated primarily by recent immigrants.

Reproductive Rights: The constitution provides for complete freedom in the way that persons organize their private lives, including the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs operated freely in disseminating information on family planning. There are no restrictions on the right to access contraceptives. Men and women received equal access to diagnosis and treatment for sexually transmitted infections. According to estimates compiled by international organizations, during the year there were approximately five maternal deaths per 100,000 live births in the country.

Discrimination: Women have the same legal rights as men, including rights under family law, property law, in the judicial system, in labor relations, and in social welfare protection. The law also prohibits discrimination on the grounds of gender, pregnancy, or motherhood as well as sexual intimidation in labor relations and in access to goods, services, social welfare, and health care.

The Federal Institute for the Equality of Men and Women, which is responsible for promoting gender equality, may initiate lawsuits if it discovers violations of equality laws. Most complaints received during the year were work-related and most concerned the termination of employment contracts due to pregnancy. Economic discrimination against women continued. During the year the institute released a survey (based on 2009 data) indicating that women earned an hourly rate 9 percent less than their male colleagues. This represented an annual gap of 22 percent, taking into account part-time work. The law requires that one-third of the board members of publicly traded companies, but not private ones, be women.

On March 8 (International Women's Day), the federal parliament passed a law to combat wage discrimination by requiring 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.

Children

Birth Registration: The government registered all live births immediately. Citizenship is conferred on a child through the parents' nationality.

Child Abuse: In 2011 the federal police registered 166 complaints of child abandonment (168 in 2010); 243 of neglect (256 in 2010); 90 of food deprivation

(134 in 2010); and 3,977 involving physical, sexual, psychological, or other child abuse within the family (3,707 in 2010). The NGO Child Focus reported handling 2,328 missing children and child abuse cases in 2011, a slight increase over 2010 (2,203).

Child Marriage: Legally, both (consenting) partners must be at least 18 to marry. Early marriage was not a problem in the country.

Sexual Exploitation of Children: The law provides for the protection of youth against sexual exploitation, abduction, and trafficking and includes severe penalties for child pornography and possession of pedophilic materials. The penalties for producing and disseminating child pornography range from five to 15 years' imprisonment and from one month to one year in prison for possessing such material. The law permits the prosecution of residents who commit such crimes while abroad. The law also provides that criminals convicted of child sexual abuse must receive specialized treatment before they can be paroled and must continue counseling and treatment after their release from prison. During 2011 Child Focus handled 534 (331 in 2010) sexual abuse cases and continued its Internet-based public awareness campaigns. In 2011 the group received 1,479 reports of child pornography on the Internet (1,320 in 2010) and forwarded such cases to specialized units of the federal police. According to official figures, the federal police investigated 414 child pornography cases in 2011 (425 in 2010).

On July 31, a court ordered the release of Michelle Martin, former wife and accomplice of convicted pedophile and serial child killer Marc Dutroux, after serving only eight of her 30 year conviction for criminal conspiracy to abduct and sequester children. Despite a wave of public indignation and prosecution efforts to keep her incarcerated, Martin was released on August 28 to reside under supervision in a convent near Namur.

The minimum age for consensual sex is 16 years old. Statutory rape carries penalties of imprisonment from 15 to 20 years. If the victim is under the age of 10, imprisonment increases to 20 to 30 years.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The country's Jewish community was estimated at 40,000 to 50,000. There were 65 reports of anti-Semitic acts in 2011 and 53 (until November 23) during the year, including physical attacks and verbal harassment of Jews and vandalism of Jewish property. The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust.

One issue receiving considerable media attention was the board of the Free University of Brussels' decision to approve a student chapter of B.D.S. (Boycotts, Divestment, and Sanctions), which calls for economic protest against Israeli policy towards Palestinians. This was construed by some within the Jewish community as a further example of anti-Semitic attitudes at the university. Others contended the club was an example of freedom of political expression. The debate was ongoing at year's end.

Anti-Semitism was expressed by an imam at the Al-Amal mosque in Brussels, preaching against Jews in a Friday sermon in April; he was reprimanded and subsequently fired by the board of the NGO running the mosque. Also in April a doctor at the Brussels University Hospital in Jette (UZ Brussel) was fired for shouting "siege heil" and telling his Jewish subordinate to "head back into the gas chamber."

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law provides for the protection of persons with physical, sensory, intellectual, and mental disabilities from discrimination in employment, education, transportation, access to health care, and the provision of other state services, and the provisions were generally enforced. The CEOOR received 320 complaints in 2011, compared with 319 in 2010. Most were employment-related and concerned access to private and public buildings and services, including public transport and access to banks, bars, and restaurants.

Children with disabilities were able to attend school, and there were no significant patterns of abuse in educational or mental health facilities. While the government

mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings were still inaccessible. The law requires that inmates with disabilities receive adequate treatment in separate, appropriate facilities. However, there were approximately 1,000 inmates with disabilities in Belgian prisons in spite of this law.

National/Racial/Ethnic Minorities

Discrimination against ethnic minorities continued to be the country's most significant human rights problem. This discrimination manifested itself in housing, education, employment, and lack of support by political parties.

In 2011 most complaints received by the CEOOR concerned alleged problems based on nationality or ethnic origin (39.8 percent), physical disabilities (19.7 percent), and discrimination on the grounds of religious and philosophical orientation (14.1 percent). Discriminatory acts primarily took place at work or over the Internet. The CEOOR deemed 21 percent of the complaints it received to be justified.

Over the past few years, outright racial discrimination has become more socially unacceptable, but it often persisted in the form of religious discrimination – not as universally frowned upon as ethnic discrimination – or in the guise of practices that purportedly checked the influence of religion in public life but which effectively restricted the access of Muslims to employment opportunities, housing, and education. In July the Council of Europe highlighted the country in a report on the spread of anti-Muslim policies and laws across Europe. The report reviewed the discrimination faced by Muslims in employment, housing, educational opportunities, and public dress, in particular restrictions on head scarves and the burqa ban.

The government continued to fall short of its declared goal of developing a national action plan against racism.

The anti-immigrant Vlaams Belang party pursued insulting media stunts, such as handing out pork sausages to students at a halal barbeque in Antwerp.

According to the CEOOR, the economic downturn in Europe contributed to a rise in anti-immigrant sentiment in the country, both among the public and within the political parties. An estimated 50 percent of individuals of Turkish or Moroccan origin lived in poverty, compared to 15 percent of citizens of Belgian origin.

The secular belief shared by most political parties that “the neutrality of the state” regarding religion takes precedence over the freedom of religion and expression in the public sphere was frequently used as a justification for laws that resulted in restricting the rights of certain groups, notably Muslim women. Muslim women who wore headscarves faced discrimination in professional-level employment, especially in jobs involving interaction with the public. In a widely publicized case, a headscarf-wearing employee of a Belgian branch of the Dutch Hema department store was told she could no longer work in customer relations because clients had complained that her headscarf made them uncomfortable.

According to a December National Bank publication, the rate of employment for citizens born outside the European Union was 45.8 percent during the year. The employment rate for native Belgians was approximately 20 percent higher than that of immigrants.

According to the study, discrimination in the labor market played a role, with employers giving preference to native workers. Due to legal obstacles and special training requirements, immigrants were also systematically underemployed in public services and education. Furthermore, immigrants were often most employed in sectors with greater job insecurity, such as hotels and restaurants. They were more likely to be employed under a temporary contract.

In April an AI report highlighted the discrimination against Muslims in various European countries, including Belgium. The report emphasized discrimination faced by ethnic minorities in education or in the labor market, referring to the ban on head scarves in the vast majority of the country’s schools and the difficulty for a woman wearing the hijab to get a job.

In July 2011 a national ban on wearing the full-face veil in public places came into effect. There were several known instances of the ban being enforced, in one case triggering a riot in a Muslim dominated area on May 31. Offenders may be fined 137.50 euros (\$182) and sentenced to up to seven days in jail. Legal proceedings challenging the constitutionality of the ban continued to work their way through the court system.

Data released by the Ministry of Justice indicated that in 2011 the courts dismissed 61.5 percent of cases of alleged discrimination based on ethnicity or sexual orientation.

The Roma were frequently victims of discrimination in terms of access to education, work, and housing. Prior to the October local elections, some mayors in Wallonia took an increasingly hard line against the Roma communities, including undertaking preventive expulsions in several municipalities, specifically in the Liege and Hainaut Provinces. Exact data on the number expelled was unavailable at year's end.

Following the expulsions of Roma elsewhere in Europe in 2010, the European Commission requested EU member states to submit an action plan focusing on Roma; the country did so in February. The action plan called for a number of measures to improve the integration of the Romani community into society. On June 5, the Minister of Equal Opportunities founded a Roma Council to create an institution representing Roma, which could act as an interlocutor with the government. Although not fully operational, the council has developed contacts and initiated some projects. While the action plan was seen as a step forward, observers believed that it did not sufficiently distinguish between the problems of the Roma, who frequently were forced to move due to pervasive discrimination, and "travelers," who voluntarily opted for a more nomadic lifestyle.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The country has a well-developed legal structure for lesbian, gay, bisexual, and transgender (LGBT) rights, which are included in the country's antidiscrimination laws. This structure enjoyed broad political support in society and government, currently headed by the country's first openly gay prime minister.

The law provides adequate protections for transsexuals but not for the larger transgender community, the vast majority of whose members did not wish to undergo medical procedures. Federal police have shown high levels of support for Rainbow Cops, an association of LGBT officers, as well for innovative training of officers on LGBT issues.

There were a string of violent homophobic acts during the summer, including two killings, on April 22 and July 24. In the wake of the November 7 release of a student movie on sexual harassment against women in the streets, an LGBT couple similarly walked in the streets of Antwerp and Brussels, followed by a hidden camera for a Flemish broadcaster. The film highlighted numerous negative reactions, including aggressive looks, insults, threats, or mockery. Most experts believed the increase in homophobic violence represented a random statistical

clustering rather than an increase in overall violence against members of the LGBT community.

Underreporting of crimes against the LGBT community remained a problem, and some members of immigrant communities verbally harassed members of the LGBT community in public. While adoptions were technically legal, in practice LGBT couples faced significantly greater obstacles and delays than non-LGBT couples, both from government administrators and from private adoption agencies.

Other Societal Violence or Discrimination

The CEOOR received complaints of discrimination based on physical characteristics, political orientation, social origin, or status. Each of these categories accounted for approximately 4 percent of the total number of complaints received. There were three possible cases of discrimination against persons with HIV/AIDS filed to the CEOOR in 2011.

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, conduct legal strikes, and bargain collectively. Workers exercised these rights in practice, with citizen and noncitizen workers enjoying the same rights. Work council elections are mandatory in enterprises employing more than 100 employees, and safety and health committee elections are mandatory in companies employing more than 50 employees. These elections took place in May and were considered fair. Employers sometimes used judicial recourse against associations attempting to prevent workers who did not want to strike from entering the employer's premises, thereby interfering with the right to choose between striking or not.

The law provides for the right to strike for all public and private workers except the military. The law prohibits antiunion discrimination and employer interference in union functions, and the government protected this right in practice. Trade-union representatives cannot be fired for performing their mission, they are protected against being fined by their employers, and they are entitled to their regular severance payments. The employee can request reinstatement if it is proven he was illegally fired, and the employer is subject to a new fine if he fails to act

accordingly. However, the International Trade Union Confederation noted in its annual report for the year that “trade unions rights are not sufficiently protected in law or practice. Employers and the public authorities tried to prevent strikes. At least 10 trade union representatives were dismissed and four workers were injured during strike pickets.”

On February 26, the German company Meister sent a 15-man “militia” to its subsidiary based near Liege to break a strike. The militia forced its way into the company warehouses but was eventually blocked by police forces. After several hours of negotiations, the militia left under police escort. Both trade union representatives and politicians condemned the violent action.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. However, there were reports that such practices occurred. Male victims were forced to work in restaurants, bars, sweatshops, agriculture, and construction sites. Police and courts used the appropriate law to combat this exploitation, and the government took appropriate measures to prevent forced labor.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, and the government generally enforced these laws with adequate resources, inspections, and penalties. The minimum age of employment is 15 years of age. Persons between the ages of 15 and 18 may participate in part-time work and study programs and work full time during school vacations. There are no limitations on occupational health and safety restrictions. The Ministry of Employment regulates industries that employ juvenile workers to ensure that labor laws are followed and occasionally granted waivers for children temporarily employed by modeling agencies and in the entertainment business.

d. Acceptable Conditions of Work

The monthly national minimum wage was 1,472.40 euro (approximately \$1,944) for workers 21 years old, 1,511.48 euro (\$1,995) for workers 21 1/2 years old with six months of service, and 1,528.84 euro (\$2,018) for workers 22 years old with

one year of service. The estimated poverty income level in 2011 was 973 euros (\$1,284) per month for a single adult.

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 and 50 hours per week. An 11-hour rest period is required between two work periods. Overtime is paid at a time-and-a-half premium Monday through Saturday and at double time on Sundays. The Ministry of Labor and the labor courts effectively enforced these laws and regulations. The law forbids or limits excessive overtime. Without specific authorization no employee can accumulate more than 65 hours of overtime during one quarter.

The Employment and Labor Relations Federal Public Service generally enforced regulations effectively. Inspectors from both the Ministry of Labor and the Ministry of Social Security enforced regulations on the labor market. These ministries jointly strive to ensure that standards are effectively enforced in all sectors, including the informal sector and that wages and working conditions are consistent with collective bargaining agreements. In addition to fines, poor working conditions may be reported as “trafficking in persons” cases. In 2010 there were, on average, 145 labor inspectors for 273,398 private companies responsible for the well-being of 3,761,016 workers. The average of one inspector per 25,920 workers was below the recommendation of one inspector per 10,000 workers from the Senior Labor Inspectors Committee of the European Agency for Safety and Health. In 2011 there were 170,203 work-related accidents, including 22,349 accidents on the way to and from work. There were 139 work-related deaths, including 57 on the way to and from work.