

BELGIUM 2022 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 antisemitism and anti-Muslim sentiment; and gender-based violence against women and girls, and 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 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, and Other Related Abuses

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 allegations of excessive use of force by police. 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 November 2021 a previously authorized protest in central Brussels against COVID-19 restrictions swelled to an estimated 35,000 individuals. Police used water cannons and tear gas to break up the crowds, which damaged property and threw fireworks and paving stones at police. There were reports of three officers injured and 44 arrests.

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 presented health risks due to overcrowding, hygiene problems, inadequate physical activity, and lack of access to materials and medical care.

Abusive Physical Conditions: Prison overcrowding remained a problem.

Most Flemish and Francophone prison wardens went on a 24-hour strike on January 2 and 3 to protest understaffing and overpopulation in prisons. The country's 35 prisons can accommodate 9,500 detainees, but the current population is 10,700. The country's provision allowing the suspension of prison sentences was scheduled to end in October 2020; however, it has been repeatedly extended to help alleviate overcrowding.

Prison directors claimed that in addition to overcrowding there are problems with severe understaffing, chronic staff absenteeism, and buildings in disrepair. One prison director called for more staff support, therapy training, and social programs to prepare prisoners for reintegration into society.

Following several cases that the country lost at the European Court of Human Rights (ECHR) and repeated calls to address detention conditions, the Council of Europe's Committee of Ministers in June expressed "deep concern at the worsening situation in Belgian prisons" and urged the country to take further steps.

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 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 a 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 initiated.

On January 24, police arrested 245 persons, including 86 children, during an unauthorized protest against police violence in Brussels. The Brussels public prosecutor and the parliamentary police oversight committee, "Committee P," opened an investigation following several reports of police violence and unjustified arrests in connection with the protest. The police union denounced the Brussels police's actions in an open letter to the mayor of Brussels, alleging 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 country's railways in transporting Jews and other victims to concentration camps.

On February 17, Prime Minister Alexander De Croo gave an inventory of 84,000 art objects of Congolese origin to Prime Minister of the Democratic Republic of the Congo Jean Michel Sama Lukonde. The works in question have indeterminate origin, and experts in the two countries will work together to determine who should be the rightful owner and where the art should reside. This is the latest step in a process initiated by Belgium's State Secretary for Science Policy Thomas Dermine in 2020 with the goal of correcting for the errors and violence of the colonial era.

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 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 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 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 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.

The prohibition of Holocaust denial, defamation, sexist remarks or behavior 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.

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. 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 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 2021 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. In July 2021 the protestors and the government reached an agreement to evaluate asylum applications on case-by-case basis, ending the hunger strike.

Following the July 2021 agreement between then State Secretary for Asylum and Migration Sammy Mahdi and the undocumented hunger strikers, the administration reviewed the applications on an individual basis, but there was no legal change in existing policy. The number of asylum seekers reached a high of more than 21,000 applicants by the end of August. For all of 2021, the Foreigners' Office registered 25,971 individuals requesting international protection.

In December 2021 an NGO opened the first reception center dedicated to LGBTQI+ asylum seekers. The center has the capacity to house 14 asylum seekers escaping homophobia and transphobia in their countries of origin.

On January 10, organizations pressed charges against the Federal Agency for the Reception of Asylum Seekers (FEDASIL) for its lack of reception capacity that forced dozens of asylum seekers to sleep on the street while awaiting processing. In response, federal courts ordered FEDASIL to pay a fine of €5,000 (\$5,314) per day if it continued to deny registration and failed to provide accommodation for asylum seekers. FEDASIL did not pay any fines, claiming that doing so would detract from resources to provide accommodation. Despite the ministry's efforts to solve the reception problem by creating an additional 4,000 spaces in shelters in recent months, bringing capacity to 30,000 in 87 centers across the country, the number of asylum seekers continued to outpace capacity.

In October the country changed its longstanding policy to grant accommodation to all asylum seekers, as the country is no longer able to accommodate everyone and must find new ways to prioritize the most vulnerable groups. New State Secretary for Asylum and Migration Nicole de Moor, who replaced Sammy Mahdi, announced that asylum seekers who have a job must leave the federal government's reception centers within a month to free approximately 2,000 spots for new arrivals and minors. The government prioritizes housing for unaccompanied minors, but due to the unprecedented demand for asylum, FEDASIL confirmed that approximately 20 minors could not obtain shelter on October 11. In the year, Belgium experienced the highest volume of asylum

applications since the asylum crisis in 2015, with over 33,000 by the end of November.

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 may request accommodation, which FEDASIL coordinates with the regional governments. Ukrainians granted protection in the country are entitled to the same benefits local citizens receive, including a work permit, access to public schooling, unemployment benefits, and a stipend of approximately €800 (\$850.24) for single persons and €1,400 (\$1,484) for cohabitating parents, plus €250 (\$265) for every child. On December 28, there were over 60,000 Ukrainian refugees registered in the country.

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. The so-called Dublin asylum seekers, however, who have a request pending (or even finalized) in another EU country represent a growing proportion of the requestors in the country, with about 10 percent of the total. In August the government opened a registration center to process the applications of Dublin refugees.

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 293 persons between January and August. 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.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

According to UNHCR, at the end of 2021, the latest date for which data were available, there were 1,159 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 Wilmès became the country's first female prime minister and oversaw the operation of the caretaker government. After some ministerial replacements, the federal government includes 11 female cabinet members, more than in any previous government.

In the October report of the Committee on the Elimination of Discrimination Against Women, 24 municipalities had more female councilors than male. The Flemish government aimed for 40 percent women within the administration and undertook various initiatives to achieve this. Efforts were made to improve gender parity in the diplomatic service, including increased recruitment of women as career diplomats. Currently, 23 percent of diplomatic positions are held by women.

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. 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.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of a person, regardless of gender, 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 government did not keep a record of the number of femicides. According to federal police statistics, there were approximately 38,000 official complaints of domestic violence against women and men to include physical, psychological, or economic abuse, including 203 complaints of sexual violence, during 2021.

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 2020 estimates, there were more than 23,000 female minor and adult victims of FGM/C in the country, while more than 12,000 were at risk – an increase from the previous year. Most of those at potential risk of FGM/C were asylum seekers from Cote d’Ivoire, Egypt, Guinea, and Somalia.

Sexual Harassment: The law aims to prevent gender-based violence and harassment at work, obliging companies to set up internal procedures to handle

employee complaints. Sexist remarks and behavior targeting a specific individual are illegal; parties found guilty are subject to fines. The government generally enforced antiharassment laws.

The deputy director of the Institute for the Equality of Women and Men reported that the sexual criminal law was the subject of a major reform in March to better fight against sexual abuse and the sexual exploitation of minors and adults, and a series of penalties had been increased.

A June 2021 study titled *Safer Cities* by the NGO Plan International surveyed 700 persons between the ages of 15 and 24 in the cities of Brussels, Antwerp, and Charleroi and found that 91 percent of girls and 28 percent of boys had experienced some form of sexual harassment in public. Eighty-two percent of girls reported that sexist comments and catcalling were the most frequent forms of harassment. In April the “Safer Cities” online reporting tool for harassment, received more than 6,000 notifications. Of these notifications, organizers highlighted that harassment takes place anytime and anywhere, and did have a significant impact on women and girls, as they felt the need to adjust their behavior to develop defense strategies. Bystanders did not intervene in instances of harassment as they were taking place.

In November 2021 the Self-Managed Inclusive Feminist Union (UFIA) boycotted bars and clubs in the wake of rising reports of sexual violence, illustrated by testimonies shared online. The movement began after online accounts of women being drugged and sexually assaulted by an employee at two bars in the Cimetière d’Ixelles neighborhood.

In November 2021 the country implemented the new national action plan to combat gender-based violence as part of the commitment to the Summit for Democracy.

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.

There were no legal, social, or cultural barriers or government policies limiting access to sexual and reproductive health services.

Discrimination: Women have 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 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 healthcare. 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

The laws of May 10, 2007, and August 17, 2013 (which modified the law of July 30, 1981), provide the main legal basis for protection against discrimination. The government enforced the laws effectively. In 2021 UNIA reported a record number of 10,610 discrimination notifications, a 12 percent increase from 2020. The pandemic and public measures to address COVID-19 led to a significant increase of the criteria “medical situation,” with 26.5 percent of the notifications (3,231). Racial criteria were second with 15.1 percent of the notifications (1,839). Most cases of discrimination took place on social media, in the housing market, in the workplace, or on public transportation. UNIA noted that the COVID-19 lockdown boosted the amount of time individuals spent online, creating an environment in which online hate speech increased. The number of hate speech cases UNIA handled remained in line with previous years. UNIA also received COVID-related complaints (age discrimination, employment, access to housing) as well as numerous allegations of police violence.

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 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 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 2021 recorded 9 cases of forced marriage.

Sexual Exploitation of Children: The law prohibits sexual exploitation, abduction, and using children for commercial exploitation, including sex trafficking of children. The law 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 2021 annual report confirming the rising number of reports of sexual exploitation, with 2,467 in 2021, 2,416 in 2020, and 1,648 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 2,147 reports of child pornography in 2021 and 2,056 reports in 2020 on its *stopchildporno.be* website.

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. Laws on immorality or loitering were not disproportionately applied to LGBTQI+ persons.

Violence Against LGBTQI+ Persons: 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.

In May 2021 a student in Oudenaarde was beaten because of their perceived sexual orientation. The assailants were minors attending the same school. They were arrested and tried in juvenile court.

Discrimination: The law prohibits discrimination against LGBTQI+ persons in housing, employment, application of nationality laws, and access to government services, such as healthcare. The government enforced the law, but underreporting of crimes against the LGBTQI+ community remained a problem.

Currently, men who have sex with men are excluded from donating blood for 12 months after last sexual contact. Heterosexuals who engage in “risky sexual behavior” were also excluded, but 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.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Intersex babies and children are often subjected to surgery or hormone treatment to give them more “socially acceptable sex characteristics.”

In May the federal government launched a 133-measure action plan *LGBTQI+ Friendly Belgium* to increase safety and maximize inclusiveness, including a prohibition of “conversion therapy” practices. The draft bill against “conversion therapy” has been submitted to parliament but has not yet been debated.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions on those speaking out about LGBTQI+ issues.

Persons with Disabilities

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

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 healthcare.

Other Societal Violence or Discrimination

While the 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 religious practices. Muslim and Jewish communities challenged the restrictions on grounds of discrimination and violation of religious freedom. In December 2020 the EU Court of Justice, to promote animal welfare in the context of ritual slaughter, made it legal for Member States to allow reversible stunning without infringing the Fundamental Rights of the Charter.

On June 17, the Brussels Regional Parliament voted against a legislative proposal that would have banned animal slaughter without stunning. Brussels remains the only one of the country's three regions where ritual slaughter – animal slaughter following kosher and halal religious practices – can take place.

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 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 actions 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.

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.

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 Romany community.

In July, Antwerp's Labor Prosecutor's Office identified 55 potential human trafficking victims of Philippine and Bangladeshi origin at the large construction site of the chemical company Borealis AG, located on the outskirts of the Port of Antwerp. Borealis executives claimed that these individuals were not employees of the company itself, but the subcontractor IREM-Ponticelli. The victims received a monthly salary of €650 (\$689) to work six days a week on the site.

In response to the incident, the Flemish Labor Minister, Jo Brouns, announced on September 8 that he had canceled nearly 500 work permits within the Antwerp transport company Antwerp Container Transport International (ACT) and two subcontractors of the company Borealis.

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, ethnicity, age, 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.

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.

In November 2021 four police unions participated in disruptive strikes that blocked

traffic in the downtown area and caused dozens to miss flights during strikes at the Brussels airport, calling for salary increases that had been stagnant since 2001. After several months of negotiations, Interior Minister Annelies Verlinden reached agreement with two of the four unions on January 28 for a pay raise and other improvements.

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 jeopardizing their employment. The primary responsibility for identifying unsafe conditions 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.

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 have the authority to make unannounced inspections and levy fines. Inspections took place during the pandemic when possible.

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 4 percent of the country's GDP and often consisted of undocumented migrants and students. The Information and Social Research Service, a specialized governmental department created to oversee the

informal economy, conducted more than 15,000 inspections in 2021 and initiated investigations, mainly in the construction, restaurant, hotel, and cleaning sectors. In total, the government conducted more than 100,000 inspections among all sectors including the formal and informal work sectors. Infringements of workers' rights were found in 35 percent of all inspections. The construction sector saw infractions in 28 percent of inspections; bars and restaurants reported infractions in 53 percent of inspections; moving businesses reported irregularities in 40 percent of inspections; the janitorial sector reported 39 percent; and car washes reported 54 percent. Authorities may fine employers for poor working conditions but may also treat such cases as trafficking in persons.