



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



## U.S. Department of State

### Belgium Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

---

#### BELGIUM

Belgium is a parliamentary democracy under a constitutional monarch who plays a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Constitutional reforms enacted in 1993 transformed Belgium from a unitary into a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German) levels. The judiciary is independent.

The Government maintains effective control of all security forces. The Police Judiciaire and the Belgian Gendarmerie share responsibility for internal security with municipal police. In September the Government announced a plan to reorganize the federal and municipal police forces. The reorganization envisions an integration of the Police Judiciaire and the Gendarmerie at the federal level. At the local level, the plan calls for closer cooperation between federal and municipal police. The plan also calls for the creation of an oversight body for the federal police.

Belgium is a highly industrialized state with a vigorous private sector and limited government participation in industry. The economy supports a high standard of living for most citizens.

The Government respects the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial 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 such practices, and there were no reports that officials employed them.

Prison conditions vary. Newer prisons meet international standards. Older facilities meet or strive to meet minimum international standards despite their Spartan physical conditions and limited resources. The Government permits visits by human rights monitors. In December the prison system, designed to hold 6,933 prisoners, had 8,231 occupants. In early 1997, the Government implemented a program of prison refurbishment and expansion designed to reduce overcrowding. The program is designed to improve overall conditions and expand capacity to 8,000 prison beds by the year 2000.

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition. Arrested persons must be brought before a judge within 24 hours. Pretrial confinement is subject to monthly review by a panel of judges, which may extend pretrial detention based on established criteria (e.g., whether, in the court's view, the arrested person would be likely to commit further crimes or attempt to flee if released). Bail exists in principle under the law but is rarely granted. The Government no longer sees a need to separate convicted criminals and pretrial detainees. Pretrial detainees receive different benefits from convicted criminals, such as more frequent family visitation rights. Approximately 40 percent of the total prison population consists of pretrial detainees. Arrested persons are allowed prompt access to a lawyer of their choosing or, if they cannot afford one, to an attorney appointed by the state.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process. The judicial system is organized according to specialization and territorial jurisdiction, with 5 territorial levels: canton (222), district (27), province (9), courts of appeal (5), and the whole Kingdom--the Cour de Cassation. The latter is the highest appeals court. In the wake of public dissatisfaction with the Government's handling of the 1996 Dutroux pedophile investigation, Parliament enacted legislation designed to improve the functioning of the judiciary. This legislation included the creation of a board of attorneys-general, whose purpose is to oversee and streamline nationwide policy on criminal prosecutions.

The judiciary enforces the law's provision for the right to a fair trial. When a preliminary judicial

investigatory phase is completed, a suspect is formally charged if the evidence so warrants. Charges are clearly and formally stated, and there is a presumption of innocence. All defendants have the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal. Military tribunals try military personnel for common law as well as military crimes. All military tribunals consist of four officers and a civilian judge. At the appellate level the civilian judge presides. The accused has the right of appeal to a higher military court.

Following its review of the judicial system, the Government implemented several reforms that granted stronger rights to victims of crime. These measures allow victims to have more access to information during an investigation, as well as the right to appeal if an investigation does not reach a decision to bring charges. As part of its program of judicial reform, the Government in November opened the first in a series of planned "justice houses." These facilities combine a variety of legal services under one roof, including legal aid, mediation, and victims' assistance. The Government plans to open 27 justice houses in 27 judicial districts by 2001.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law prohibits such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction.

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

#### a. Freedom of Speech and Press

The law provides for these freedoms, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

The Government operates several radio and television networks but does not control program content. Programs are supervised by boards of directors which represent the main political, linguistic, and opinion groups. A government representative sits on each board but has no veto power. Private radio television stations operate with government licenses. Almost all homes have access by cable to television from other Western European countries and elsewhere abroad. Satellite services are also available.

There are restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence.

#### b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice. Citizens are free to form organizations and establish ties to international bodies, but the Antiracism Law (see Section 5) prohibits membership in organizations that practice discrimination overtly and repeatedly.

#### c. Freedom of Religion

The Government does not hinder the practice of any faith. The law accords "recognized" status to Roman Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Greek and Russian Orthodoxy,

and these religions receive subsidies from general government revenues. Taxpayers who object to contributing to religious subsidies have no recourse. By law, each recognized religion has the right to provide teachers at government expense for religious instruction in schools, but not all avail themselves of this right. For recognized religions, the Government pays the salaries, retirement, and lodging costs of ministers and also subsidizes the renovation of church buildings.

The Evangelical Association (a joint group of Evangelicals and Baptists) claimed discrimination during the year when the Government refused to consider its application for recognized status separate from the Protestant religion. Instead, the Government offered the Evangelicals and the Baptists a joint seat in the synod of the already recognized Protestant religion. The Evangelicals refused the offer and plan to begin a new round of negotiations early in 1998. The Government successfully negotiated a settlement with the Union of Baptist Communities, which was granted and accepted a seat in the synod of the Protestant religion. The lack of independent recognized status does not prevent religious groups from practicing freely.

The Government established a commission to create a policy to combat the potential dangers that sects may represent to society, especially children. In April this parliamentary commission issued its report, which divided sects into two broadly defined categories. It characterized a "sect" as any religious-based organization, and a "harmful sect" as a group that may pose a threat to society or individuals. Parliament adopted the report's recommendations, including the creation of an independent center to observe sects. The report also recommended the creation of a special police unit to coordinate information exchange among law enforcement agencies that monitor sects, as well as the designation of special magistrates at each judicial district level to handle cases involving sects.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum, and during the first 10 months of the year, 9,753 new applications for asylum were filed, compared to 10,079 for the same period in 1996. A total of 1,335 applicants, mostly from previous years, were granted permanent residence. Counting applications from previous years, a total of 16,154 applications remained pending.

All asylum seekers can plead their cases before immigration authorities. There were no reports of forced expulsion of those having a valid claim to refugee/asylee status. Prior to March 1995, the Government had a special procedure for refugees from the former Yugoslavia under which 5,000 to 6,000 persons received "displaced person" status, while their cases were further considered. In September the Government offered financial incentives for travel and housing to displaced persons from Bosnia-Herzegovina. At that time, 4,392 displaced persons from the former Yugoslavia were still residing in Belgium. In November the Government announced that it would grant temporary residence permits to 4,000 of the Bosnian refugees. These individuals may also apply for permanent resident status.

As a result of a 1996 amendment to immigration law, asylum seekers arriving by air with no papers have been detained indefinitely while awaiting consideration of their cases. Children in such centers do not attend school. In September the Government imposed an 8-month limit on these detentions. If no asylum decision has been reached by the end of the 8-month period, then the asylum seeker is released or voluntarily repatriated. At the discretion of the Minister of Interior, the Cabinet may exempt certain cities, which have already accepted large refugee populations, from giving legal residence to new refugees/asylees.

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

The law provides citizens with the right to change their government peacefully. Citizens the age of 18 and older exercise this right in practice through periodic, free, and fair elections held on the basis of universal and compulsory (under penalty of fine) suffrage. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operate freely.

Belgium has failed to comply with a European Council directive requiring member states to accord to all citizens of European Union countries resident in another EU country the right to vote in municipal elections. Because of Belgium's failure to meet the 1996 compliance deadline, the European Commission has referred the case to the European Court of Justice.

The Federal Government is responsible for such matters of state as security, justice, social security, and fiscal and monetary policy. The regional governments are charged with matters that directly affect the geographical regions and the material well-being of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and administration of certain social welfare programs.

Women hold some high-level positions in the Government. Two of 15 federal ministers are women. In the Federal Parliament, 19 of 150 House members and 18 of 71 Senators are women. The law requires that 33 percent of the candidates on the ballot in all future elections be women.

The existence of communities speaking Dutch, French, and German engenders significant complexities for the State. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Numerous human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The law prohibits discrimination based on the listed factors, and the Government enforces it. With Dutch, French, and German as official languages, Belgium has a complex linguistic regime, including language requirements for various elective and appointive positions.

#### **Women**

The law prohibits the physical abuse of women, and the Government enforces this ban. The law also prohibits organizing prostitution or assisting immigration for purposes of prostitution. In November Parliament passed a law that defines and criminalizes domestic violence. The legislation protects married as well as unmarried partners and also requires the government to maintain statistics concerning domestic violence. The intention is to make it easier to report, prosecute, and keep statistics on crimes involving domestic violence. Currently neither the Government nor NGO's dealing with women's issues have any accurate statistics on the problem, which the parliamentary report accompanying the bill

termed still "covered by a culture of silence."

The Government actively promotes a comprehensive approach to the integration of women at all levels of decisionmaking. The Division of Equal Opportunity, a part of the Ministry of Labor, focuses specifically on issues affecting women, including violence against women, sexual harassment, and the participation of women in the political process. A telephone hot line for female victims of violence was shut down during the year; calls about violence are now directed toward French and Flemish general help lines.

### Children

Belgium has comprehensive child protection laws, which the Government seeks to enforce. The Francophone and Flemish communities have agencies dealing with children's needs. Government and private groups provide shelters for runaways and counseling for children who have been physically or sexually abused. The Government provides compulsory education up to the age of 18.

In 1995 the Government enacted laws designed to combat child pornography by increasing penalties for such crimes and for those in possession of pedophilic materials. The law permits prosecution of who commit such crimes abroad. Another 1995 law provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison.

Belgium is both a transit point and destination for trafficking in women and children. In the first half of 1997, 120 children from 37 different countries were trafficked in the country, the largest number from Romania (21).

In 1996 the authorities uncovered a pedophile/child pornography and trafficking ring. The criminal investigation of this ring continued through 1997. Five suspects remained in detention; however, their trial was unlikely to begin before mid-1998. A parliamentary commission continued to investigate allegations of corruption and complicity in the law enforcement and judicial system. By December no judicial or police officers had been imprisoned or sanctioned for collusion related to the pedophile case.

In response to the public outcry over the handling of the pedophile case, the Government established a center for missing and exploited children. The Prime Minister appointed the center's president and board of directors in May, and the center opened in December.

Children have the right to a voice in court cases that affect them, such as divorce proceedings. The law states that a minor "capable of understanding" can request permission to be heard by a judge, or a judge can request an interview with a child. Child prostitution is of limited scope, but, in response to recommendations made in a 1994 government study, police have received instructions to be especially diligent in combating prostitution among those who appear to be under the age of 18.

There is no societal pattern of abuse directed against children.

### People With Disabilities

The law provides for protection from discrimination against disabled persons in employment, education, and in the provision of other state services. The Government mandates that public buildings erected since 1970 be accessible to the disabled and offers subsidies to induce the owners of other buildings to make necessary modifications. Many older buildings, however, are not accessible.

The government provides financial assistance for the disabled. It offers special aid for parents of disabled children and for disabled parents. Regional and community programs provide other assistance, such as job training. Disabled persons are eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just their region of residence.

#### National/Racial/Ethnic Minorities

Belgium is a pluralistic society in which individual differences in general are respected and linguistic rights in particular are protected. Some 60 percent of citizens are native Dutch speakers; about 40 percent are French speakers; and fewer than 1 percent are German speakers.

An Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors and for employers to consider these factors in their decisions to hire, train, or dismiss people.

The Center for Equal Opportunity and the Fight Against Racism, a parliamentary organization tasked with investigating complaints of discrimination based on race, handled 2,068 calls asking for information in 1996. Of these calls, 1,086 were to make actual complaints, leading to mediation or court action in 762 cases. In the first 8 months of 1997, the Center handled approximately 1,100 calls, 800 of which were actual complaints.

### **Section 6 Worker Rights**

#### a. The Right of Association

Under the Constitution, workers have the right to associate freely. This includes freedom to organize and join unions of their own choosing. The Government does not hamper such activities, and workers in fact fully and freely exercise their right of association. About 60 percent of workers are members of labor unions. This number includes employed and unemployed workers. Unions are independent of the Government but have important links with major political parties. Since the Government does not require unions to register, there are no prohibitions against antiunion actions before registration.

Unions have the right to strike, and strikes by civil servants and workers in "essential" services are tolerated. Despite government irritation over wildcat strikes by air traffic controllers, no strikers were prosecuted. A number of significant labor strikes and work stoppages took place during the year. (Ministry of Labor statistics show that 37 strikes took place in 1996, involving 13,788 workers; no figures were available for 1997.) Even though many strikes begin as wildcat actions, strikers are not prosecuted for conducting illegal strikes.

The International Confederation of Free Trade Unions (ICFTU) in its "Annual Survey of Violations of Trade Union Rights 1997" noted a 1996 practice of using civil court rulings to end strikes. The ICFTU report stated that the rulings include a threat of fines against strikers. After noting that these rulings had been made without giving a hearing to the unions, the ICFTU report concluded that such rulings call question the free exercise of the right to strike. The report acknowledged government efforts to solve this problem. It also noted that there was a decrease in the number of such court rulings. This development is a result of labor-management talks in 1996, which brokered an informal agreement to minimize court rulings in exchange for less secondary boycott activity by the unions.

Unions are free to form or join federations or confederations and are free to affiliate with international

labor bodies.

#### b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is recognized, protected, and exercised freely. Every other year the Belgian Employers Federation and unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at plants and branches. In 1996 the nationwide collective bargaining talks failed, but talks at the branch level in 1997 resulted in numerous agreements covering 1.5 million private sector workers. Public sector workers also negotiate collective bargaining agreements. Collective bargaining agreements apply equally to union and nonunion members, and over 90 percent of workers are thus covered under collective bargaining agreements. As part of the Government's global economic reform plan, wage increases in both private and public sectors remain suspended. However, the suspension did not affect Belgium's wage indexation policy, which permits an across-the-board wage increase to keep workers' pay level with inflation.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. Effective mechanisms such as the labor courts exist for adjudicating disputes between labor and management.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor, including by children, is illegal and does not occur. Domestic workers and all other workers have the same rights as nondomestic workers. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively. The Government also enforces laws against those who seek to employ undocumented foreign workers.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children is 15, but schooling is compulsory until the age of 18. The Government prohibits forced and bonded child labor and enforces this prohibition effectively. Youths between the ages of 15 and 18 may participate in part-time work/study programs and may work full time during school vacations. The labor courts effectively monitor compliance with national laws and standards. There are no industries where any significant child labor exists.

#### e. Acceptable Conditions of Work

In August the monthly national minimum wage rate for workers over 21 years of age was set at \$1,214 (44,538 BF); 18-year-olds must be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent. The minimum wage rate, coupled with extensive social benefits, provides workers with a standard of living appropriate to a highly developed nation. Minimum wages in the private sector are set in biennial, nationwide collective bargaining meetings(see Section 6.b.), which lead to formal agreements signed in the National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. By law, the standard workweek cannot exceed 40 hours and must have at

least one 24-hour rest period. Many collective bargaining agreements set standard workweeks of 36 to 39 hours. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 40th to the 50th hour per week is considered allowable overtime. Longer workdays are permitted only if agreed upon in a collective bargaining agreement. These laws and regulations are enforced effectively by the Ministry of Labor and the labor courts.

Comprehensive provisions for worker safety are mandated by law. Collective bargaining agreements can supplement these laws. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implements health and safety legislation through a team of inspectors and determines whether workers qualify for disability and medical benefits. Health and safety committees are mandated by law in companies with more than 50 employees. Labor courts effectively monitor compliance with national health and safety laws and standards.

[end of document]

---



[Return](#) to 1997 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.