



Belgium

Country Reports on Human Rights Practices - [2000](#)

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Belgium is a parliamentary democracy with 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. Belgium is 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 Gendarmerie currently share responsibility for internal security with the municipal police, but the two organizations are to be merged at the federal level, and the Gendarmerie and municipal police are to be integrated at the local level under a reorganization plan scheduled to be implemented in 2001.

The country is highly industrialized, with a vigorous private sector and limited government participation in industry. The primary exports are iron and steel. The economy provides a high standard of living for most citizens.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. The Government is taking steps to combat violence against women and trafficking in persons.

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.

In addition to the integration of the police forces, a reorganization plan calls for the creation of an independent oversight body for the federal police and also for the creation of a new anticorruption unit.

Prison conditions vary. Newer prisons meet international standards. Older facilities meet or nearly meet minimum international standards despite their Spartan physical conditions and limited resources. In August the prison system, designed to hold some 7,500 prisoners, held 8,395. The Government instituted a pilot project intended to reduce overcrowding in prisons by using electronic surveillance at home for prisoners near the end of their sentences.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government observes these prohibitions. 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 granted rarely. The Government does not separate convicted criminals and pretrial detainees. Pretrial detainees receive different privileges from convicted criminals, such as the right to more frequent family visits. Approximately 40 percent of the 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.

In July the Government came under intense criticism for the detention of Fehriye Erdal, a Kurdish woman accused of involvement in a terrorist attack in Turkey in which a prominent businessman was killed. Erdal was arrested in Knokke in October 1999 and charged with weapons violations. The Government refused the Turkish Government's extradition request for Erdal because of the possibility that she could face the death penalty in Turkey. The Government also refused to try her on the terrorism charges in Belgium because of a technicality in the international agreement requiring such action. After a month-long hunger strike, Erdal was released from prison in August and placed under house arrest pending a trial on the weapons charges. The trial was not expected to begin until early 2001.

In June over 800 British football fans were arrested for disturbing the peace during outbreaks of hooliganism at the Euro 2000 soccer championship. Most were deported immediately to the United Kingdom but five were held for trial under the new summary trial act (see Section 1.e.). Credible reports indicate that some innocent bystanders were caught up in the police action and held incommunicado for as long as 36 hours without adequate food or water.

The law prohibits exile, and the Government does not employ it.

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 (225), district (27), provinces and Brussels (11), courts of appeal (5), and for the whole Kingdom--the Cour de Cassation. The latter is the highest appeals court.

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.

Each judicial district has a Labor Court, which deals with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits.

The judiciary enforces the law's provision for the right to a fair trial. Charges are stated clearly and formally, 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.

As part of an ongoing program of judicial reform, the Government's summary trial act became effective on April 1. This act, which covers crimes punishable by 1 to 10 years' imprisonment, allows a prosecutor to issue an arrest warrant for the immediate appearance in court of an offender caught in the act of committing a crime. The warrant expires after 7 days and the court must render its verdict within 5 days of the initial hearing. The first conviction under this act, against a British citizen accused of hooliganism during the Euro 2000 soccer championship (see Section 2.b.), was overturned on appeal, and the defendant was retried under regular procedures. Several human rights organizations claim that summary trial violates the presumption of innocence and jeopardizes the right to a full and fair defense. By year's end, the courts had not ruled on the legality of the summary trial act.

In 1999 the Government created a High Council on Justice to supervise the appointment and promotion of

magistrates. In early 2000, the Council formally was instituted, and members were elected. The Council is designed to serve as a permanent monitoring board for the entire judicial system and is empowered to hear complaints against individual magistrates.

Following a 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 result in a decision to bring charges. As part of its program of judicial reform, the Government undertook to open "justice houses" in each of the 27 judicial districts. These facilities combine a variety of legal services under one roof, including legal aid, mediation, and victim's assistance. As of September, 14 of the proposed justice houses had opened. Personnel at some of the justice houses complained publicly about high workloads and staffing shortages.

In 1999 Parliament enacted legislation that further defines crimes against humanity, war crimes, and genocide and also imposes penalties for such crimes. In 2000, as a result of the new law, the courts became a forum for trying alleged human rights violations by high profile participants in past and present conflicts in Central Africa, the Middle East, and South America.

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. However, there were reports that Muslim women in traditional dress or headscarves in some cases were subjected to discrimination in admission to school (see Section 2.c.).

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.

The Government operates several radio and television networks but does not control program content. Boards of directors that represent the main political, linguistic, and opinion groups supervise programs. A government representative sits on each board but has no veto power. Private radio and television stations operate with government licenses. Almost all homes have access by cable to television from other Western European countries and elsewhere. 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. A 1999 law prevents political parties that espouse discrimination from receiving federal funds.

In August in response to a request from the League for Human Rights, the Namur district court issued an injunction to halt distribution of a subscription-only newsletter that published the names of 50 convicted or accused pedophiles. The publisher also was ordered to remove the list from his Internet site and pay a fine of \$22,200 (Bfr 1 million) for every copy distributed in any form. The court ruled that publication of the names constituted an invasion of privacy.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly, and the Government respects this provision in practice.

The law provides for freedom of association, and the Government respects this provision in practice. Citizens are free to form organizations and establish ties to international bodies; however, the Antiracism Law (see Section 5) prohibits membership in organizations that practice discrimination overtly and repeatedly. In May the Ghent appeals court overturned a 1999 district court ruling that the "Hells Angels" are a private militia and should be disbanded. However, several members of the group were convicted of criminal offences.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. 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 expenses of ministers and also subsidizes the renovation of church buildings.

The Government also supports the freedom to participate in nonconfessional philosophical organizations (laics). Laics serve as a seventh recognized "religious" group, and their organizing body receives funds and benefits similar to the six recognized religions.

In spite of Islam's status as a recognized religion, spokesmen for the Council of Muslims report that women and girls in traditional dress or headscarves in some cases are subjected to discrimination in employment and school admissions.

The lack of independent recognized status generally does not prevent religious groups from freely practicing their religions.

In September 1999, 110 national police officers raided Church of Scientology facilities and the homes and businesses of about 20 members of the Church. One member's home in France was raided simultaneously by the French authorities. At year's end, an investigation continued, and no arrests had been made.

In April the Belgian authorities began refusing visas to missionaries of the Church of Jesus Christ of Latter-Day Saints to enter the country for missionary work. Similar visas had been processed for decades without problems. In July the Ministry of Interior instituted temporary procedures designed to ensure the issuance of visas to these missionaries and undertook to establish permanent procedures by October 2000. At year's end, visas were being issued, albeit at a much slower pace than in the past. The Government still had not devised new permanent procedures for visa issuance but was continuing its talks with church leaders to solve the problem.

The Evangelical Association (a group of evangelical Christian organizations) continued to claim discrimination due to the Government's refusal to grant it recognized status separate from the Protestant religion. Despite the Government's refusal, it is negotiating with the group in an effort to ensure that the Evangelical Association enjoys the same benefits as recognized religions. The Government is mediating discussions to enable the Evangelical Association to obtain representation in the leadership of the recognized Protestant church.

In 1998 Parliament adopted recommendations from a 1997 commission's report on government policy toward sects, particularly sects deemed "harmful" under the law. The report 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. One of the primary recommendations was to create a government-sponsored Center for Information and Advice on Harmful Sectarian Organizations. The center began limited operations in October 1999 and is now fully operational and open to the public. The Government tasks the center with collecting publicly available information on a wide range of religious and philosophical groups and providing information and advice to the public regarding the legal rights of freedom of association, privacy, and freedom of religion. The center is authorized to share with the public any information it collects on religious sects but, despite its name, the regulations prohibit it from categorizing any particular group as harmful. In May the Government announced the composition of an interagency coordination group designed to work in conjunction with the center to coordinate government policy on sects. The coordination group's first meeting was held in October. The Government also named a national magistrate and one magistrate in each of the 27 judicial districts to monitor 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.

In January (as a result of a December 1999 act of Parliament) the Government announced a "regularization" program for three categories of undocumented aliens: Those who had applied for asylum at least 4 years earlier and had received no answer or a negative answer; those whose medical condition made a return to their country of origin inadvisable; and those who could not return to their country of origin for political reasons.

Undocumented aliens who could demonstrate evidence of a lasting integration into their community also were allowed to apply. Successful applicants were to be granted legal residence status. During the application period, January 10 to 30, the Government received 32,662 applications representing 50,600 individuals. Human rights groups criticized both the border controls that were imposed during the application period to prevent undocumented aliens living in other countries from applying and the slow pace of the approval process. The Government initially promised to complete the review of all applications by July 2001; however, by December it had processed only 1,570 of the 32,662 files.

In March Parliament amended the nationality code to facilitate acquisition of Belgian citizenship. Under the terms of the amended code, foreigners can apply for naturalization after living legally in the country for 3 years. Stateless persons and refugees can apply after 2 years. Moreover, foreigners who have maintained their residence in the country for 7 years may acquire citizenship simply by declaring their intent to their local municipal authorities. Adult foreigners living outside the country may declare their Belgian nationality as soon as one parent legally has acquired it.

The law includes provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and reported receiving 42,691 new asylum applications during the year compared with 35,777 during 1999. Only about 10 percent of applications normally are approved. The number of asylum applications continued to rise dramatically throughout the year. For example, the Government received 5,300 applications in the month of October.

The Government, in partnership with the International Organization for Migration (IOM), provides relocation assistance to unsuccessful asylum applicants who agree to repatriate voluntarily to their country of origin. Unsuccessful applicants who do not leave voluntarily are subject to deportation. During the year, more than 10,000 unsuccessful asylum applicants were repatriated to their country of origin, either voluntarily (5,382) or through forced deportation (4,835). This total is double the number of repatriations in 1999. According to the Government, no unsuccessful applicants are repatriated forcibly to countries where they can demonstrate a credible fear of persecution.

In response to complaints about slow processing time and the large backlog of asylum applications, the Government adopted a "last in, first out" policy in processing new applications. This policy is intended to reduce processing time for current applicants.

The special asylum status granted to Kosovar refugees expired in September 1999. The Government, with the cooperation of the IOM, provided financial assistance to Kosovars who voluntarily returned to their homes. The rest were permitted to apply for asylum through the regular application process.

Undocumented asylum seekers arriving by air whose claims do not appear legitimate are not allowed to enter but are held in a closed detention center at the airport for up to 5 months while awaiting deportation or voluntary repatriation. The children of such asylum seekers do not attend school. Those applicants whose claims appear to be legitimate are released to 1 of 27 open asylum centers for shelter and assistance. These centers have a total capacity of 5,000 beds. The centers, funded mainly by the Government and the Belgian Red Cross, have been overtaxed by the increasing numbers of asylum seekers, and the Government has solicited assistance from municipalities to handle the overflow. Municipal assistance commissions are expected to provide an additional 1,400 beds.

In November a working group created by the Minister of Interior to reform the Government's immigration and asylum procedures issued its report. Its recommendations included: Ending financial aid to asylum seekers (only aid in kind--food and shelter--will be provided); increasing by 10,000 the number of beds available at open shelters; establishing 10 registration offices at the borders (applicants will have to apply immediately upon entering Belgium and also will have to supply information on the route they followed to get to Belgium); creating a "fast track" processing procedure for applicants whose claim appears on the surface to be noncredible; and increasing funding and manpower for the regularization effort. The Government's goal for implementation of the new procedures, many of which must be approved by Parliament, is January 1, 2002. Some human rights groups criticized the new policies as being "repressive and restrictive."

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, and citizens ages 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.

In 1998 the European Court of Justice censured Belgium for its failure to comply with a European Council directive requiring member states to accord to all citizens of European Union (EU) countries resident in another EU country the right to vote in municipal elections. In 1998 Parliament amended the Constitution to extend that right to EU citizens and passed implementing legislation in January 1999. By the July 31 closing date for registration, a total of 87,858 non-Belgian European Union citizens had registered to vote in the October 2000 municipal elections.

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 the administration of certain social welfare programs.

Women are underrepresented in government but hold some senior positions. Of 18 federal ministers, 3 are women. In the Federal Parliament, 36 of 150 house members and 20 of 71 Senators are women. Federal law requires that one-third of all candidates in national and local 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

While the law already prohibits discrimination based on these factors, in December the Council of Ministers, in order to consolidate and clarify existing laws, voted to introduce legislation in Parliament to outlaw all forms of discrimination. The Government enforces antidiscrimination law. With Dutch, French, and German as official languages, the country has a complex linguistic regime, including language requirements for various elective and appointive positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights.

Women

A 1998 study commissioned by the Ministry of Employment and Labor (which is also responsible for equality issues) reported that the number of women who acknowledged suffering from repeated domestic physical or sexual violence at some point in their lives rose from 6.3 percent in 1988 to 16.8 percent in 1998. The same study found that women between 30 and 39 years of age made more official complaints about physical violence in 1998 than their counterparts a decade earlier (although part of this increase was attributed to a greater willingness to come forward).

A 1998 law defines and criminalizes domestic violence, with the aim of protecting married and unmarried partners. Women's groups believe that the 1998 law is an important step in recognizing domestic violence as constituting an offense distinct from other forms of aggression. The law allows social organizations to represent victims of domestic violence in court provided that they have the victim's consent. A 1999 law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint. According to its proponents, the police do not use the law enough. The Government still has not implemented other provisions of the 1999 law that require it to establish and maintain a database of accurate statistics on domestic violence.

A number of shelters and telephone help lines are available throughout the country. In addition to providing shelter and advice, many offer assistance on legal matters, job placement, and psychological counseling for both partners. Approximately 80 percent of these organizations' budgets are provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution itself. A 1995 law defined and criminalized trafficking in persons, but cases of trafficking in women continued (see Section 6.f.).

Sexual harassment is illegal. The Government has implemented procedures to monitor sexual harassment claims. Victims of sexual harassment have the right to sue their harassers under existing law. According to a 1999 revision of the law on equal opportunity in the workplace, sexual harassment can be a form of sexual discrimination. The act outlaws discrimination in hiring, working conditions, promotion, wages, and contract termination. Despite these laws, most cases of sexual harassment are resolved informally. A study by the Ministry of Defense found that 54 percent of women in the armed forces had been subjected to abusive language, 36 percent had experienced unwelcome physical contact, and 4.6 percent reported being the victim of sexual harassment involving physical violence.

Equal treatment of men and women is provided for in the Constitution, federal law, and treaties incorporated into law. 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. At mid-year the unemployment rate was 10.1 percent for women compared with 7.2 percent for men. The net average salary for a woman is only 84 percent of the national net average salary. In 1996, the last year for which comparative statistics are available, women in blue collar jobs earned 79 percent of the salary of their male counterparts. The average salary for women in white collar jobs was only 70 percent of the salary of their male counterparts.

Children

The Government demonstrates its strong commitment to children's rights and welfare through its well-funded system of public education and health care. It provides compulsory education up to the age of 18. The Francophone and Flemish communities have agencies specifically dealing with children's needs.

Government and private groups provide shelters for runaways and counseling for children who were abused physically or sexually.

There are comprehensive child protection laws. 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 that a judge can request an interview with a child. The law is designed to combat child pornography by the use of high penalties for such crimes and for those in possession of pedophilic materials. The law permits the prosecution of Belgian residents who commit such crimes abroad and 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.

In March Parliament amended the Constitution to include an article on children's rights. The new article stipulates that every child has the right to respect for his or her moral, physical, mental, and sexual integrity.

Belgium is both a transit point and a destination for trafficking in children (see Section 6.f.).

Child Focus, the government-sponsored center for missing and exploited children, reported that it handled 1,503 cases in 1999 and 722 cases in the first 4 months of 2000. Nearly 12 percent of the cases reported from January to April involved sexual exploitation.

Child prostitution is of limited scope.

There is no societal pattern of abuse directed against children.

People with Disabilities

The law provides for the protection of disabled persons from discrimination 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. However, many older buildings are not accessible.

The Government provides financial assistance for the disabled. It gives special aid to parents of disabled children and to 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.

The 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 workers.

In 1999 the Government-sponsored Center for Equal Opportunity and the Fight Against Racism, which is tasked with investigating complaints of discrimination based on race, handled 919 complaints, 18 of which led to court action. In March 2000, the Government extended the mandate of the center to include all forms of discrimination. In its 2000 report, the center drew attention to discrimination against non-Belgians in certain categories of public service jobs. The report also referred to a study on behalf of the International Labor Organization (ILO), which revealed persistent discrimination against immigrants in private sector employment. However, the center reported that it found very little discrimination in eligibility for, and the payment of, social security benefits.

Section 6 Worker Rights

a. The Right of Association

Under the Constitution, workers have the right to associate freely, which includes the freedom to organize and join unions of their own choosing. The Government does not hamper such activities, and workers 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. The Government does not require unions to register.

In its 1999 report, the ILO's Committee of Experts on the Application of Conventions and Recommendations reiterated its criticism that the Government should adopt legislation establishing "objective, predetermined, and detailed criteria" to enable employers' organizations and trade unions to have access to the National Labor Council. Because of restrictive interpretation of the legislation in force, only the Christian, Socialist, and Liberal trade union confederations have access to the National Labor Council. This criticism was not repeated in the organization's 2000 report, although the Government took no action on the issue.

Unions have the right to strike, and even strikes by civil servants and workers in "essential" services are tolerated. However, seamen, the military, and magistrates have no right to strike. In 1999 the Gendarmerie obtained a limited right to strike as part of the police reform package; this provision is to be implemented by April 1, 2001.

Even though many strikes begin as wildcat actions, strikers are not prosecuted for failure to observe strike procedures in collective bargaining agreements. Crimes committed during a strike action, such as causing bodily harm or damage to property, are clearly illegal strike methods, which the authorities prosecute.

Federal police have the right to strike. The Government has the authority to order necessary forces back to work during a strike in order to maintain law and order.

The International Confederation of Free Trade Unions in its "Annual Survey of Violations of Trade Union Rights 2000" again mentioned that for several years employers made applications to civil courts to end strikes. The report added that, more recently, judges tended to rule that labor conflicts are not within their jurisdiction. This stance reinforced the widely accepted practice that any discussion of the right to strike is a subject for collective bargaining between workers and employers and not a legal matter. Although draft laws were submitted, no action has been taken by Parliament to end the legal confusion.

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 employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. In 1998 employers and unions agreed on a nationwide collective bargaining agreement that focused on collective bargaining at the branch and plant levels and limited compensation increases to 5.9 percent for the 1999-2000 period. The agreement covered cost of living adjustments, wage increases, and job creation measures.

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

The law prohibits forced or compulsory labor, and generally it is not known to occur; however, trafficking in women and children for the purpose of forced prostitution is a problem (see Section 6.f.). The law also prohibits forced and bonded child labor, and the Government enforces this prohibition effectively.

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

The minimum age for employment of children is 15, but education is compulsory until age 18. 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. The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively (see Section 6.c.); however, trafficking in children is a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The monthly national minimum wage for workers over 21 years of age is approximately \$1,030 (Bfr 46,338); 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, coupled with extensive social benefits, provides workers with a decent standard of living. 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 39 hours and must have at least one 24-hour rest period. Many collective bargaining agreements set standard workweeks of 35 to 38 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.

The law calls for comprehensive provisions for worker safety. 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. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitor compliance with national health and safety laws and standards.

f. Trafficking in Persons

The law defines and criminalizes trafficking in persons, and trafficking in women and children is a problem. Under the law, victims of trafficking who provide evidence against the trafficker are granted temporary residence permits and are eligible to receive aid from government-funded reception centers. Since 1994 the majority of cases were victims of either sexual or economic exploitation. The victims of sexual exploitation increasingly are women under age 18. A magistrate is designated in each judicial district to supervise cases involving trafficking in persons. A national magistrate is in charge of coordinating the various antitrafficking initiatives. An antitrafficking unit also has been established in the Gendarmerie. In each of the three regions

(Wallonia, Flanders, and Brussels), the Government has designated (and subsidizes) a nonprofit organization to provide assistance to victims of trafficking. The Center for Equal Opportunity and the Fight Against Racism (see Section 5), which is tasked with monitoring the treatment of trafficking victims, complained that the designated nonprofit organizations lack the funds and staff to assist properly the growing number of victims. The Government reported significant increases in witness testimony and the successful prosecution of traffickers. An average of 130 victims have taken advantage of the residency program in recent years.

Belgium is both a transit point and destination for trafficking in women and children. In September 1999, the three government-designated nonprofit organizations involved in assisting victims of trafficking in persons reported 185 active cases of trafficking in women from over 30 countries. The largest number of victims were Albanian. Cases on 28 children from 7 different countries also were active; the largest number were from Albania and Macedonia. According to statistics compiled by the U.N. High Commissioner for Refugees, nearly 2,000 unaccompanied minors requested asylum in 1999, most from the former Yugoslavia and central Africa. Because of the difficulties involved in traveling to Belgium from those areas, the International Organization for Migration believes that many of these unaccompanied minors were brought in by traffickers or assisted by professional smugglers.

In June 58 Chinese immigrants were found dead of suffocation in a truck at the British seaport of Dover. They apparently had boarded the truck in Belgium before it departed by ferry from the port of Zeebrugge. Police suspect that an organized smuggling ring was involved. The Government was criticized in Parliament for failing to provide effective immigration control at Belgium's seaports and airports. During the first 6 months of the year, 1,105 illegal aliens were apprehended as they attempted to transit the port of Zeebrugge, compared to 1,440 for all of 1999. In November the Government announced its program for reforming asylum and immigration procedures (see Section 2.d.).

In an ongoing program began during the year, the Government, under the auspices of the Ministry of Interior, dispatched attaches to several source countries to provide in-depth analysis of the trafficking situation in those countries. These attaches, whose stays can last anywhere from a few weeks up to 2 years, also are responsible for coordinating antitrafficking information campaigns to warn locals about the potential consequences of being the victim of a trafficking organization.

The Government has worked closely with the International Organization for Migration (IOM) to develop innovative programs to combat human trafficking and to assist its victims. For example, the Government has provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also has provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they have returned home.

In 1996 the authorities uncovered a suspected pedophile/child pornography and trafficking ring. Five suspects remained under investigation, including the accused ringleader, Marc Dutroux. In December the Government announced that his trial would not begin until September 2002. Lengthy delays in bringing this case to trial have led to widespread public cynicism and suspicion about the investigation of this case in particular and about the judicial system in general.

[End.]