



U.S. DEPARTMENT of STATE

Belgium

Country Reports on Human Rights Practices - [2006](#)

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The Kingdom of Belgium, with a population of approximately 10.5 million, is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The country is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), community (Flemish, Francophone, and German), provincial, and local. The Council of Ministers (cabinet), led by the prime minister, holds office as long as it retains the confidence of the lower house (Chamber of Deputies) of the bicameral parliament. Federal parliamentary elections held in 2003 were free and fair and resulted in a four-party coalition government. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported: lengthy pretrial detention, violence against ethnic and religious minorities and against women, racial and ethnic discrimination in the job market, and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Overcrowding remained a problem in a system where approximately 9,500 inmates filled facilities with a capacity of 8,311. Almost half of all inmates were foreign nationals, with the latter also accounting for about half the group in pretrial detention. The large number of noncitizen inmates prompted the authorities to acknowledge cultural problems in the prisons.

In April the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) issued a report on its April 2005 visit to the country. The report expressed concern about reports of mistreatment in police custody. The CPT expressed concern about detention conditions at the special center of the Brussels national airport. This facility holds persons suspected of seeking to enter the country illegally. The report also noted that, during a strike by prison wardens, authorities failed to provide a decent quality of life for inmates. This failure occurred despite efforts by police, Belgian Red Cross, and civil protection teams to maintain security, family visits, and access to lawyers. The delegation also examined the circumstances in which two prisoners died during a 2003 strike at the Andenne prison. Legal proceedings resulted in a court decision to throw out the case. The report also expressed concern about conditions at psychiatric wards, where inmates were held in small cells.

Prisons met most international standards. The government was upgrading some older facilities but overcrowding remained a problem as incarcerations outpaced construction. During the year the country continued to expand psychiatric prison ward capacity following criticism of inmate treatment.

Juvenile prisoners were sometimes held with adults. Convicted criminals and pretrial detainees were held together.

The government permitted visits by members of parliament and independent human rights groups, and they visited during the year. In addition the government instituted a system in which an independent control committee exercised oversight of each individual prison. A nationwide body, the Central Control Council, coordinates and oversees the prison-based organizations.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The federal police council, an anticorruption unit, and the federal Interior Ministry managed the operations of the federal police forces. An independent oversight committee monitored police activities and compiled an annual report for parliament. The federal police were responsible for internal security and nationwide law and order. The local police operated branches in all 196 police districts responsible for local law enforcement. There were isolated incidents of corruption in the police force; during the year the federal Ministry of the Interior issued a new ethics code aimed at further reducing instances of corruption.

In 2005 the parliamentary oversight committee received 2,221 complaints about police behavior, a 16 percent increase compared to the previous year. The complaints concerned discriminatory behavior, racism, failure to intervene, violations of privacy, and arbitrary detention. The oversight committee found 212 cases of individual mistakes, and 46 cases concerning organizational defects. In general one in eight complaints appeared to be justified, according to a parliamentary body responsible for police oversight.

Arrest and Detention

Under the constitution, an individual can only be arrested while committing a crime, or by order of a judge that must be served within twenty-four hours of the time of arrest. The law provides a person in detention the right to a prompt judicial determination of the legality of his detention, and the authorities generally respected this right in practice. Detainees were promptly informed of charges against them. There is a functioning bail system, but during the year there was mounting controversy over the conditional release system which was viewed as being too lenient. The justice minister was forced to issue a temporary conditional release stop for certain categories of hardened criminals.

According to May figures, 37 percent of the prison population consisted of pretrial detainees. The average length of pretrial detention was 90 days.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The judicial system is composed of civil and criminal courts, which both refer cases to courts of appeal. The courts of first instance (district courts) are responsible for civil and commercial litigation for matters that exceed the jurisdiction of a justice of the peace. There are five appellate courts and one Supreme Court of Appeal (Cour de Cassation) overseeing both the civil and criminal courts. The Supreme Court of Appeal verifies that the law has been correctly applied and that no procedural errors have been committed. When the Supreme Court of Appeal overturns a ruling, the case is referred to one of the appeals courts to reexamine the facts.

The criminal courts consist of the magistrate's court, correctional courts, and the criminal chambers of the court of appeal. In addition, each province has a special criminal court, with a public jury to try murder cases. Each judicial district has a labor court, which deals with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits. There is also a magistrate in each district to monitor cases involving religious groups (see section 2.c.).

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. All defendants are presumed innocent and have the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

An amendment to the youth protection code adopted in May provided judges of juvenile courts with a wider range of possibilities for mediation and sentencing young offenders. Young offenders committing serious crimes can be tried by a regular court for adults, but with youth judges present, and these offenders can be incarcerated in special youth detention centers until the age of 23.

The law authorizes jurisdiction over war crimes and crimes against humanity outside the national territory when the victim or perpetrator is a citizen of or resides in the country. In April the law was amended to avoid discrimination against refugees and to guarantee means of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Plaintiffs can either individually or through specialized organizations seek damages for human rights violations under the prevailing antidiscrimination legislation. There were no problems enforcing court orders.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust. The maximum sentence for Holocaust denial is one year's imprisonment. In April the Brussels Chamber of Indictment ruled that Roeland Raes, a former vice chairman of the Vlaams Belang party and former senator, would have to stand trial for denying the Holocaust during a television show broadcast in 2001. The trial had not taken place by year's end.

On June 21, two staff members of the Belgian Islamic Center were convicted for denial of the Holocaust. They received a 10-month sentence, which the court reduced by half, and were fined.

Individuals could criticize the government publicly and privately without reprisal, and the government made no attempts to impede criticism.

In 2005 and during the year Parliament enacted legislation to protect journalistic sources, including protecting them from judicial investigation, unless such an investigation could prevent the commission of criminal acts or endanger life.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. The government and service providers were developing programs to warn users of Web sites containing illegal content, such as child pornography.

Government incentives to expand Internet access increased the total number of Internet connections to 2.3 million out of a 10.5 million population.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

The law accorded "recognized" status to six religions and a grouping of nonconfessional philosophical or secular organizations, each of which received benefits from the federal and regional governments. The lack of recognized status generally did not prevent nonrecognized religious groups from freely practicing their religions, and citizens generally practiced their religion without official harassment or impediment. During the year the Buddhist community formally applied for recognition as a nonconfessional faith; the Syrian Orthodox Church sought recognition as a confessional faith.

Since 1999 the Center for Information and Advice on Harmful and Sectarian Organizations (CIAOSN), a government agency, has conducted research on 598 organizations, generally at the behest of members of the public requesting information about particular groups. CIAOSN has an advisory role and can point out the possible risk, in its view, of joining a particular group, but cannot prevent people from doing so.

In April the Brussels appellate court ruled that the Francophone community government must cease circulating a flyer in which Anthroposophism was labeled as a dangerous sect. The court awarded a symbolic \$1.31 (one euro) in damages to the plaintiffs.

In June the Brussels appellate court in a summary trial ruled that the CIAOSN was wrong in identifying Sahaya Yoga as a dangerous sect. The court ordered CIAOSN to make public the ruling and to change its Web site and annual report accordingly.

School authorities in Brussels terminated the contracts of two teachers for wearing Muslim headscarves. The two filed an appeal with the personnel appeals board of the Brussels public schools, but the latter upheld the decision. In the absence of nationwide guidelines, individual schools remained free to decide on restrictions regarding the personal display of religious symbols.

In June a judge of the local police court ruled that the police in the Flemish town of Maaseik acted lawfully in 2005 when fining a woman of

Moroccan origin for wearing a niqab, (a face veil worn by some devout Muslim women). The local police had fined the woman under a 1993 ministerial directive that people in the street should be identifiable.

In June three religion teachers in an Antwerp mosque were arrested for allegedly spanking students in their charge for dressing immodestly.

There is no provision in immigration law for foreign members of religious groups to enter the country to conduct religious work or for them to obtain work permits for that purpose. However, various religious groups continued to receive visas for members from abroad to temporarily conduct missionary activities. Foreign-born ministers of recognized faiths are not required to obtain work permits.

Societal Abuses and Discrimination

The Center for Equal Opportunity and the Fight Against Racism (CEOOR) counted 56 anti-Semitic incidents during the year, including three violent incidents. There were 58 anti-Semitic incidents reported the previous year. Most incidents occurred in Antwerp, and to a lesser extent in Brussels. Verbal abuse and the painting of anti-Jewish graffiti were the most common complaints. As in the past, incidents appear to have been generated from the Muslim immigrant community. CEOOR also reported an increase in anti-Semitic incidents due to the July-August conflict involving Israel and Lebanon. Before the war the organization received one or two complaints of anti-Semitism per week; after hostilities commenced they received about one complaint per day. The complaints generally involved Internet hate messages and anti-Semitic letters and articles in the press. In addition, anti-Semitic graffiti on Jewish homes and insults against Jews on the streets were reported. An official investigation was under way at year's end to determine responsibility.

On July 5, a young man of North African origin yelled anti-Semitic insults while passing two Jewish boys who were walking outside the yeshiva (Talmud school) in Wilrijk (Antwerp). The North African man returned shortly later with some friends to assault the Jewish boys. One boy was badly hurt and the other boy escaped. The perpetrators were not found despite a police investigation.

On the evening of July 24, the National Monument for the Jewish Martyrs of Anderlecht was vandalized. Documents, windows, and the memorial's crypt were destroyed. The crypt included an urn containing ashes from Auschwitz, which was emptied and vandalized. The memorial, in the Anderlecht quarter of Brussels, had been a target of desecration before. There were no reported arrests, but the investigation continued, according to authorities.

On November 30, Turkish youths from the town of Beringen shouted abuse and threw stones at a group of Jewish boys visiting a coal mine museum. The perpetrators appeared before a magistrate, who ordered them to perform community service, to pay damages, and to formally apologize to the Jewish youths.

The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust. The maximum sentence for Holocaust denial is one year's imprisonment. In April the Brussels Chamber of Indictment ruled that Roeland Raes, a former vice-chairman of the Vlaams Belang party and former senator, would have to stand trial for denying the Holocaust during a television show broadcast in 2001. The trial had not taken place by year's end.

On June 21, a Brussels court convicted two persons held responsible for disseminating racial hatred against Jews on the Web site of the Islamic Center of Belgium. They received a 10 month sentence, which the court reduced by half, and were fined.

In March a judge of the Brussels district court suspended his verdict in the case of a man who had painted anti-Jewish graffiti on the Brussels Airport premises. Because of the isolated nature of the violations, the judge sentenced the defendant to a five-year probation period.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 1,000 persons during the year. This included persons facing an unduly long application period.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

During the initial vetting conducted by the Immigration Office, applicants for refugee status receive material aid and are assigned to an open center. During the second phase of in-depth verification by the Commissariat for Refugees and Stateless Persons, applicants receive housing from a municipal assistance commission and can establish residence anywhere in the country. They can be gainfully employed. If the appeal is rejected, the refugee is still eligible for material aid.

Unaccompanied minor asylum seekers are assigned to designated special centers. Each individual applicant works directly with a custodian whose task is to assist during the application process. School-age applicants must attend school.

During the year 11,600 refugees applied for asylum, compared to 16,000 during 2005. Most applicants came from Russia, Congo, Serbia, and Iraq. In 2005 the authorities rejected 85 percent of the applications placed under review.

Rejected asylum seekers are informed in writing and in person of the repatriation scenarios they can choose from. Each year approximately 30,000 eviction orders are issued, but only 3,000 rejected asylum seekers leave freely. Most rejected asylum seekers remain unaccounted for after receiving the order to leave the country.

The government, in partnership with the International Organization for Migration, provided relocation assistance to unsuccessful asylum applicants who agreed to repatriate voluntarily to their country of origin. Unsuccessful applicants who did not leave voluntarily were subject to forced repatriation.

During the year scores of asylum seekers took refuge in churches and went on hunger strikes. Most of them had stayed in the country illegally after their applications had been rejected. By year's end, the strikes had ended, and the interior minister reiterated his position that individual asylum seekers could apply to regularize their status on humanitarian or medical grounds.

In September Parliament enacted amendments to asylum legislation implementing a European Union directive of 2004 granting subsidiary and temporary protection status to foreigners who could prove that upon return to their home countries they would face the death penalty, torture, or other inhumane treatment. Under the new law the vetting procedure is shortened, and appeals are no longer handled by the Council of State, but by a separate body in order to expedite the growing number of pending cases. Regularization of undocumented aliens remained under the jurisdiction of the Ministry of Interior.

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

The constitution provides citizens with the right to change their government peacefully, and citizens aged 18 and older exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections is compulsory. Failure to vote is punishable by a nominal fine.

Elections and Political Participation

Local elections took place in October; for these elections the franchise was extended to include non-European Union foreign nationals. General elections were last held in 2003. Elections for the regional/community parliaments were held in 2004.

The law requires an equal number of male and female candidates on party tickets in European, federal, regional, provincial, and local elections. The constitution and the law require the presence of men and women in federal, regional, provincial, and local government executive positions. Failure to implement the law would nullify the elections and render any government created thereby illegal.

There were 53 women in the 150-seat chamber of representatives and 26 women in the 71-seat senate; five of the 21 federal cabinet ministers were women, and there were 12 female ministers among 33 regional ministers.

There were four members of minorities in the Chamber of Representatives and six in the Senate; one of the federal cabinet ministers was a member of a minority group, and there were two minority regional ministers.

Government Corruption and Transparency

In January five Flemish civil servants and six private contractors were arrested on active and passive corruption charges in connection with public building contracts. No formal indictments had been filed by year's end.

In October a number of local officials in the Charleroi and Namur areas were arrested in connection with a public housing fund scandal made public the year before by investigative journalists. Other public utility agencies became implicated in the scandal as investigations continued.

With some exceptions--e.g., material involving national security--the government provided unrestricted access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these laws; however, violence against women, trafficking in persons, and violence against minorities were problems.

Women

Domestic violence against women, including spousal abuse, remained a problem. Reportedly, one in five women was subject to domestic violence. In 2005 federal police reported 11,557 cases of domestic violence, compared to 10,137 the previous year. The law defines and criminalizes domestic violence and provides for fines and incarceration. The law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint; however, there were complaints that the police frequently declined to do this in practice. By year's end the government had not fully implemented provisions of the law that required it to establish and maintain a database of statistics on domestic violence.

In March the justice minister launched an updated version of her 2004-2007 action plan for dealing with domestic violence. The directive issued by the minister and leading magistrates ordered police forces and prosecuting magistrates to register all complaints and actions undertaken dealing with violence against women and spousal abuse. The minister assigned the task of handling domestic violence cases to one magistrate within each judicial district of the country.

A number of government-supported shelters and telephone help lines were available across the country. In addition to providing shelter and advice, many offered assistance on legal matters, job placement, and psychological counseling to both partners.

Rape, including spousal rape, is illegal, and the government prosecuted such cases. In 2005, the most recent year for which statistics were available, police registered 2,559 rape cases; there were no figures on the number that went to trial, although in 2003 there were reportedly 497 convictions. A convicted rapist can be imprisoned for a minimum of 10 years to a maximum of life. The length of sentence is based on the age of the victim, the age difference between the offender and the victim, the relationship between the offender and victim, and the use of violence during the commission of the crime.

Prostitution is legal; however, the law prohibits organizing prostitution or assisting immigration for the purpose of prostitution. In an attempt to curb prostitution in the city, the Antwerp police fined men visiting prostitutes.

Trafficking in women was a problem (see section 5, Trafficking).

Sexual harassment is illegal, and the government generally enforced the law. A victim of sexual harassment in the workplace can file a claim with a court of justice and claim damages. While the law provides victims of sexual harassment the right to sue their harassers and provides for financial remedies, most cases of sexual harassment were resolved less formally.

Under the law, women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The federal government's Institute for the Equality of Men and Women is authorized to initiate lawsuits if it finds that equality laws have been violated.

Economic discrimination against women continued. The average annual salary for women was 85 percent of that for men. Discrimination was greatest among older workers and in higher wage categories. There was also discrimination against women in access to leading positions in both the private and public sector. In 2005, the latest year for which statistics were available, the Institute for the Equality of Men and Women received about 100 complaints, 40 percent of which were employment-related.

Children

The government was committed to children's rights and welfare.

Free full-time education is compulsory from ages six to 16; subsequently education remains compulsory until the age of 18, but students may continue on a part-time basis. More than 75 percent of children over 15 finish school with a secondary diploma. Girls and boys had equal access to education.

The government funded health care; boys and girls had equal access.

There were reports of child abuse. Through October there were 60 prosecutions for child abuse. As a result of awareness campaigns to sensitize the general public to the problems of child abuse, the number of reports of child abuse and neglect increased. The law provides for the protection of youth against sexual exploitation, abduction, and trafficking. The law provides for severe penalties for child pornography and persons possessing pedophilic materials. It permits the prosecution of residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot be paroled without first receiving specialized treatment and they must continue counseling and treatment after their release from prison.

Child Focus, a government-sponsored center for missing and exploited children, reported that it handled 3,638 cases in 2005. There were 1,088 cases of runaways (concerning 1,104 individual children), and 233 cases of runaways who returned home within 48 hours. The center handled 35 abduction cases.

The authorities started issuing electronic identification cards to children under age 12. The card has the Child Focus phone number and allows safe chatting on the Internet.

In May police searched 20 houses in an international police drive against a child pornography network active in Europe and the United States. The investigation continued at the end of the year.

Although child prostitution was not widespread, it was a problem. As a result of the government's 2004 campaign to prevent child prostitution, the public appeared more aware of the problem, and reporting increased. Police registered 1,174 pedophile sexual offenses on the Internet during 2005, the last year for which figures were available.

Trafficking in children was a problem.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, through, and from the country. The country was a destination and transit point for women and children from Central Europe, Asia, and sub-Saharan Africa, primarily trafficked for the purpose of sexual exploitation. Men were trafficked for exploitive labor on construction sites and in restaurants and sweatshops. Reportedly, trafficking for forced labor and forced begging increased from past levels. The country ranked "very high" as a destination country in the UN Office on Drugs and Crime's citation index. The government fully complies with the minimum standards for the elimination of trafficking.

Since 2005 the law has criminalized recruiting, transporting, transiting, sheltering, and passing on to others the control over persons for the purpose of prostitution, child pornography, exploitation of poverty, economic exploitation, or organ transplant. The law also makes it illegal to force trafficked persons to commit crimes. Persons convicted of violating the antitrafficking law are subject to one to five years imprisonment and are fined between \$650 and \$65,000 (500 to 50,000 euros). Repeat offenses, offenses of an organized nature, and those with aggravated circumstances are subject to higher penalties. If the offender belongs to a criminal organization or if the trafficking results in manslaughter, the punishment is 15 to 20 years' imprisonment and a fine ranging from \$1,300 to \$195,000 (1,000 to 150,000 euros).

The authorities continued to investigate and prosecute trafficking and provided victims with specialized protection and assistance. In 2005 the federal government established a coordination agency composed of representatives from all concerned ministries. Agencies involved in combating trafficking are connected to a secure Web site, enabling them to exchange information and to have access to all relevant information. The Federal Police identified 144 criminal organizations involved in trafficking, and the federal police intercepted 27,466 illegal aliens, including victims of trafficking.

The government continued to subsidize three specialized trafficking shelters providing assistance to victims of trafficking, and NGOs continued to report excellent cooperation and coordination with law enforcement. The shelters registered 586 victims in 2004 and 600 victims during 2005. The victims were mostly women from Nigeria, China, Romania, Bulgaria, Poland, Russia, and Albania. Eighteen percent were victims of economic exploitation, 65 percent were victims of sexual exploitation, and 15 percent were victims of smuggling. The majority of registered victims opted against help from state-run shelters.

The government continued to provide victims a 45-day "reflection" period during which they could decide whether to assist in the investigation of their traffickers; subsequent government protection was linked to a victim's willingness to testify in court. In practice the government granted permanent residency to many who assisted in prosecutions. Over a third of current shelter residents had been granted indefinite residence status and thus qualified for the full range of social benefits available to citizens, including access to job training, rehabilitation, and medical treatment.

In April a court in Bruges convicted a person under the antitrafficking law who had his boat refurbished by Lithuanian workers smuggled into the country. The judge ruled that the workers were underpaid and that they were housed in unacceptable conditions. In October a judge in Dendermonde handed down sentences ranging from 18 months' to 10 years' imprisonment to 25 Indian and Pakistani human traffickers who had smuggled asylum seekers to the United Kingdom. The judge also ordered fines up to \$65,000 (50,000 euros) and the confiscation of goods worth almost \$1 million (770,000 euros).

During the year Parliament enacted legislation imposing stiffer penalties on persons contracting fake or forced marriages in order to obtain residence permits.

Persons with Disabilities

The law provides for the protection of persons with disabilities from discrimination in employment, education, access to health care, and the provision of other state services. The CEOOR reported that it received 30 percent more complaints of discrimination against disabled persons in 2005 than in 2004. Most of the complaints concerned housing, public transport, public utilities, and access to banks, bars, and restaurants. While the government mandated that public buildings erected after 1970 be accessible to such persons, many older buildings were still inaccessible.

National/Racial/Ethnic Minorities

Immigrant communities complained of discrimination. Members of the Muslim community, estimated at 450,000, and principally of Moroccan and Turkish origin, claimed that discrimination against their community, notably in education and employment and particularly against young

men, was greater than that experienced by other immigrant communities. In 2005 the CEOOR, which investigates complaints of discrimination, handled 1,022 complaints. The CEOOR noted a trend of increased discrimination regarding employment, housing, and restaurant access. It also pointed at an increase in ethnic conflicts among neighbors.

Two percent of the complaints of ethnic discrimination resulted in litigation initiated by the CEOOR. The courts ruled in several landmark ethnic discrimination cases. Not only were Holocaust deniers convicted, but also landlords discriminating against foreigners. An Antwerp court convicted three persons for disseminating a racist version of a popular song through the Internet.

In March the College of Prosecutors General, the body of leading magistrates, issued a directive to all judicial districts ordering magistrates to separately identify all racially-motivated cases.

The CEOOR lost a case in court against an employer who had decided not to hire a Moroccan job seeker upon request from his clients.

Other Societal Abuses and Discrimination

In its annual report for 2005, the CEOOR noted an increase in nonracial complaints. These cases concerned discrimination on grounds of sexual orientation, health condition, and age. Courts have occasionally convicted landlords refusing to lease to same-sex couples, and a judge in Brussels convicted one youth for savagely beating a gay couple. The CEOOR also handled numerous complaints regarding insurance companies discriminating on age, health, and disability grounds.

The country permits homosexual marriages, and same-sex couples can adopt children.

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to associate freely, including the freedom to organize and to join unions of their choice, and workers exercised this right in practice. Approximately 63 percent of employed and unemployed workers were members of labor unions. During the year trade unions complained about legal and practical difficulties they encountered when seeking to organize workers in small businesses and retail groups. According to the International Trade Union Confederation (ITUC), employers prefer to pay fines rather than reinstate workers dismissed for union activities.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protects this right in practice. The right to bargain collectively is recognized, and the government protected this right in practice. The law provides for the right to strike, and workers exercised this right. However, the ITUC reported that, in spite of a European Union directive, workers in small companies are generally denied the right to collective representation. It also stated that the scope of the right to strike is poorly defined, and that employers prefer to pay out legal entitlements rather than reinstate workers terminated as a result of union activities.

In October 2005, during nationwide strikes against the government's pension plans, 75 enterprises sought court intervention against strike actions. These were mostly preventive initiatives to avoid blockades of entire industrial zones. In 34 of these cases, judges imposed penalties as a preventive measure.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The law and policies generally protect children from exploitation in the workplace. The minimum age of employment is 15. Youths between the ages of 15 and 18 could participate in part-time work and study programs and work full-time during school vacations. Trafficking of children occurred (see section 5). The labor courts effectively monitored compliance with national laws and standards; no violations were reported enduring the year.

e. Acceptable Conditions of Work

The monthly national minimum wage for workers over 21 years of age was approximately \$1,636 (1,259 euros), coupled with extensive social benefits, which provided a decent standard of living for a worker and family.

The standard workday is eight hours and the standard workweek is 38 hours. Departure from these norms can occur under the terms of a collective bargaining agreement, but daily work time cannot exceed 11 hours and 50 hours of work per week. An 11 hour rest period is required between two work periods and overtime is paid at a time-and-a-half premium Monday through Saturday and at double time on

Sundays. The Ministry of Labor and the labor courts effectively enforced these laws and regulations.

There are comprehensive provisions in the law for worker safety. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and workers exercised this right in practice. In general regulations were enforced effectively.