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2010 Human Rights Report: Belgium

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

The Kingdom of Belgium, with a population of approximately 10.7 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: national, regional (Flanders, Wallonia, and Brussels), language community (Flemish, French, 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 Representatives) of the bicameral parliament. Federal parliamentary elections held during the year were considered free and fair. Security forces reported to civilian authorities.

The following human rights problems were reported: overcrowded prisons, lengthy pretrial detention, poor detention conditions prior to deportation of adults and children whose asylum applications were refused, violence against women, child abuse, trafficking in persons, and racial and ethnic discrimination in the job market.

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. In its July 23 report on the situation in Belgian prisons, the Council of Europe (COE) Council for the Prevention of Torture (CPT) highlighted events that occurred in the Forest Prison on September 22 and on October 30, 2009. Due to the fact that regular prison staff were on strike, the local Forest police took over, resulting in

prisoners being beaten, subjected to verbal abuse, and in two instances, hospitalized. Both disciplinary and criminal investigations were ongoing. The two officers in charge of the police squad were temporarily suspended; however, the Council of State cancelled the suspension because of a legal technicality.

Prison and Detention Center Conditions

Prison and detention center conditions met most international standards, but overcrowding remained a problem. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

On March 1, 10,561 inmates occupied prison and detention facilities, 400 more inmates than in March 2009. The facilities have a designed capacity of 9,105.

In its July 23 report, the CPT cited a number of allegations of mistreatment by prison guards. Several inmates from the Ittre Prison claimed to have been beaten by prison guards in the so-called naked cells, while wearing handcuffs (for disciplinary reasons, inmates may be undressed and locked in separate cells). On August 8, 2009, in the Jamioulx Prison, an inmate suffering from a mental disorder refused to go to an isolated cell and allegedly was killed by three guards who tried to subdue him. A police investigation of the incident was ongoing.

In June 2009 the human rights commissioner of the COE issued a report noting that 75 percent of all prisons were overcrowded. He also expressed concern over violence among prisoners and the dilapidated state of some prisons and shortcomings in the supply of health care. While the government upgraded some older facilities, incarcerations outpaced construction. Inmates on pretrial detention accounted for 34 percent of the prison population.

Prisoners and detainees have reasonable access to visitors and are allowed religious observance. The authorities permitted prisoners and detainees to submit complaints and allegations of inhumane conditions to judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions and documented these results in a publically accessible manner. The government investigated and monitored prison and detention center conditions.

The government permitted visits to prisons and detention centers by members of parliament and independent human rights groups during the year, including a CPT visit that focused on prison and detention camp conditions. The federal mediator acts as an ombudsman allowing any citizen to address issues with the administration. In 2009, upon request from inmates from the Merksplas Prison, the federal mediator recommended the Ministry of Justice not to use a building of the Merksplas Prison, because the cells were small, overcrowded, and without running water. Following the mediator's report, the Ministry of Justice made the necessary improvements to reopen the building.

During the year the Ministry of Justice continued implementing the 2008-12 master plan for building seven new penitentiaries and upgrading existing infrastructure. To ease overcrowding, 500 inmates were sent to serve part of their sentences in prisons in the Netherlands. Forty percent of all inmates were non-Belgian nationals. Prison authorities provided meals that met the dietary requirements of the various religious faiths practiced by inmates. In March there were 420 female inmates, constituting approximately 4 percent of the prison population. There were no specific reports of abuses in the seven prisons where women were held.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The federal police are responsible for internal security and nationwide law and order. Local police operated branches in 196 police districts. The federal police General Inspection Service (AIG) handled 1,153 complaints in 2009, and there were

57 cases handled by its disciplinary commission. An independent oversight committee (Committee P) also monitored police activities. In a report submitted to parliament in January, the committee stated that it had received 2,401 complaints about police behavior in 2009 for the federal and local police forces combined. The complaints concerned discriminatory behavior, brutality, racism, failure to intervene, violations of privacy, and arbitrary detention. The committee pointed out that police officers often fail to observe rules and regulations when dealing with undocumented aliens, prostitutes, and squatters. Civilian authorities maintained effective control over the federal and local police and the armed forces, and the government has effective mechanisms to investigate and punish abuse and corruption.

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Arrest Procedures and Treatment While in Detention

Under the constitution, an individual may be arrested only while committing a crime or by a judge's order carried out within 24 hours. The law provides a person in detention with the right to a prompt judicial determination of the legality of his or her detention, and the authorities generally respected this right. Detainees were promptly informed of charges against them. There is a functioning bail system. Alternatives to incarceration included conditional release, community service, probation, and electronic monitoring. In 2009 the Ministry of Justice handled 10,112 alternative punishment (e.g., community service) cases, compared with 10,131 the previous year. By the end of 2009, an additional 928 convicts were monitored electronically outside of prison premises.

The law provides rights to inmates regarding disciplinary matters, correspondence, telephone conversations, and religious practice. Brochures were handed out to inmates informing them of their rights. Implementation courts are responsible for handling release issues, penitentiary leave, and electronic monitoring. Legislation protects offenders with mental disorders, and the government implemented plans to treat more of these inmates outside of prisons.

According to 2010 figures, pretrial detainees made up almost 35 percent of the prison population. The average length of pretrial detention was approximately 90 days.

e. Denial of Fair Public Trial

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

Trial Procedures

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

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

On January 10, the ECHR released its judgment in the Muskhadzhiev case involving five Chechen asylum seekers, a mother and her four children. The family arrived in Belgium on October 11, 2006, and requested asylum on October 12. The request was denied; following the dismissal of their application family members were all detained in a closed center. The family ultimately brought its case to the ECHR in September 2007. The court found two violations, namely that the

children had been detained in a closed center meant only for adults and the health of the children was very poor. These issues have been addressed, through payment by the state of 17,000 euros (\$22,780) to the family for damages and through a regulation that the country will no longer house children in closed centers, even if they are accompanied by adults.

In 2009 the ECHR issued judgments that found five violations of the right to a fair trial, two violations for the length of proceedings, one violation of the right to liberty and safety, one violation for the absence of effective inquiry and one violation for inhuman and degrading treatment as provided under the European Convention on Human Rights. The government treated all ECHR decisions as binding.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Plaintiffs may seek damages either individually or through specialized organizations for human rights violations under the applicable antidiscrimination legislation.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech 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.

Holocaust denial is a criminal offense, and there was one conviction during the year. On September 15, the Brussels Appeal court confirmed the charge of holocaust denial against Roeland Raes (a member of the Flemish extremist party Vlaams Belang) for his 2001 statements contesting the authenticity of Anne Franks' diary (see section 6 Anti-Semitism). Individuals could criticize the government publicly and privately without reprisal.

On March 31, a group of extremist Muslims called "Sharia4Belgium" interrupted a reading organized by Antwerp University. The reading was entitled "The Islam Debate: Long Live God, Down with Allah." Police led approximately 20 shouting protesters out of the building, but there was no violence. No one was detained.

Internet Freedom

There were no government restrictions on access to Internet sites. There were no reports that the government monitored e-mail or Internet chat rooms, and individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In cooperation with the government, Child Focus, a government-sponsored center for missing and exploited children, developed programs to warn users of Web sites containing illegal content, especially child pornography.

According to International Telecommunications Union statistics for 2009, approximately 76 percent of the country's inhabitants used the Internet.

There were no reports of the government attempting to collect any personally identifiable information on internet users.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

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

Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The law allows authorities to grant "subsidiary protection" to individuals who might not qualify as refugees but who could establish that upon return to their home country, they would face the death penalty, torture, or other inhuman treatment. From January through September, 504 applicants, mostly from Iraq and Afghanistan, qualified for subsidiary protection. During the year 19,941 applications were filed, compared with 17,186 applications in 2009. Most applicants came from Iraq, Kosovo, Russia, Guinea, and Afghanistan. From January through September, the Commissariat for Refugees awarded refugee status to 1,470 applicants. Most accepted refugees came from Iraq, Guinea, and Afghanistan.

During 2009 scores of asylum seekers who stayed in the country illegally after their applications were refused took refuge in churches and went on hunger strikes to draw public attention to their situation. On the eve of its 2009 summer recess, the government reached agreement on a new set of criteria for awarding residence permits for undocumented aliens. The latter were allowed to submit applications between September and December. The newly defined criteria covered aliens who had become victims of an unduly long asylum application process and undocumented aliens who were living in a precarious humanitarian situation or who could prove that they were integrated into local society, either by having lived in the country for at least five years or by having been gainfully employed for at least one year.

Regularization of status on the grounds of an unduly long application period, urgent humanitarian reasons, or medical reasons was granted to 14,830 applicants in 2009, compared with 8,369 the previous year. In 2009 FEDASIL, the government agency providing shelter for refugees, the Red Cross, and local governments provided assistance to an average of 18,164 persons but lacked capacity to deal with the growing demand. Under the law, refugees who spent four months in a collective relief center qualified for independent living and were permitted to leave the centers and provided material assistance to do so.

Following a critical report from a European Parliament commission in 2008, the government announced that unaccompanied minors stopped at the border would no longer be held in closed centers, but in specialized observation and orientation centers. Minors held with their parents had access to individualized education. In May the European

Commission adopted an action plan to harmonize and strengthen the protection of unaccompanied minor migrants. During 2009 FEDASIL provided shelter to 1,074 unaccompanied foreign minors. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refused asylum seekers were informed in writing and in person of repatriation scenarios from which they could choose. The government, in partnership with the International Organization for Migration (IOM), provided relocation assistance to unsuccessful asylum applicants who agreed to return voluntarily to their countries of origin. Unsuccessful applicants who did not leave voluntarily were subject to forced repatriation. A report issued during the year revealed that, between 1984 and 2009, more than 40,000 refused asylum seekers and other immigrants were repatriated under the IOM-sponsored Return and Emigration of Asylum Seekers ex-Belgium (REAB) program, including 2,669 immigrants in 2009. This figure was in line with that of 2008, when 2,446 persons were repatriated under IOM auspices. Refused families with children qualified for temporary individual housing.

In 2009, 6,439 persons were assigned to closed centers, where asylum seekers were not permitted to leave the facility, compared with 6,902 persons in 2008. Their average stay in closed centers was 24 days. Most refugees held at these centers came from Romania, Brazil, Morocco, Bulgaria, or Russia. The COE's human rights commissioner, members of the Belgian parliament, and representatives from the International Federation of Human Rights Organizations visited the closed centers to inspect living conditions.

Nongovernmental organizations (NGOs) complained that living conditions at the closed centers for refused asylum seekers were substandard. The government started to refurbish the closed centers at the Brussels national airport. In July 2009 the Council of Ministers decided to create additional temporary places for asylum seekers, thus accommodating more than 1,000 asylum seekers in 20 hotels. In November 2009 the government approved the creation of 1,200 additional reception places. In December 2009 the Belgian Red Cross increased its capacity by approximately 240 places. Through the Public Organization for Social Support and NGOs, nearly 350 individual reception places were opened. By the end of November, an additional 2,600 places were made available.

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 ages 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

General elections were held on June 13. They were considered free and fair by the media. Political parties could operate without restriction or outside interference. The constitution requires the presence of men and women in federal, regional, and local governments, and the law requires an equal number of male and female candidates on party tickets in European, federal, regional, provincial, and local elections. Failure to meet the requirement would nullify the elections and render any government thereby created illegal.

Following the June 13 elections, there were 60 women in the 150-seat federal Chamber of Representatives and 25 women in the 71-seat Senate; five of the 23 federal cabinet ministers and state secretaries were women.

There were seven members of minorities in the Chamber of Representatives and five in the Senate from Moroccan and Turkish origin.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. Elected officials and high-level civil servants are required to disclose any regular private employment or public jobs they hold and to provide confidential disclosure of their financial situation.

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

The November 2008 and November 2009 reports of the UN Group of Experts (UNGOE) on the Democratic Republic of the Congo (DRC) presented information indicating that Trademet and Traxys, which were based in Belgium, had indirectly funded conflict and perpetrators of human rights abuses in the eastern DRC through the purchase of conflict minerals.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The government-sponsored Center for Equal Opportunity and the Combat Against Racism (CEOCR) is tasked with promoting equal opportunity and with combating all forms of discrimination, exclusion, or preferential treatment based on race, color of the skin, descent, national or ethnic origin, sexual orientation, marital status, birth, wealth, age, religion or ideology, physical condition, disability, or physical characteristics. The center is charged with ensuring respect for the basic rights of foreigners and informs the authorities on migration issues, including smuggling and trafficking. The center is also expected to promote consultation among public and private players, and it has the authority to start litigation regarding complaints sent to the center. Members of the public are entitled to ask the center for an opinion or report possible cases of discrimination. The center may escalate a case and file a complaint with the police. One example during the year involved the center filing a complaint against Archbishop Mgr. Leonard for his derogatory statements about AIDS victims.

Federal and regional government ombudsmen monitor and publish reports on the workings of the agencies coming under their respective jurisdictions. In 2009 the federal ombudsman released a report on the closed centers for rejected asylum seekers.

The government cooperated with international tribunals in the prosecution of war crimes. In May 2008 police arrested Jean -Pierre Bemba, the leader of the Movement for the Liberation of Congo and a former Congolese vice president, after an arrest warrant was issued by the International Criminal Court. Bemba was charged with crimes against humanity and war crimes and transferred to The Hague in July 2008. His trial was scheduled for April but was postponed due to the defense's claim of insufficient financial resources. Bemba's trial finally began on November 22.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions.

The law identifies 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color of skin, descent, national origin, and ethnic origin. A separate law governs gender discrimination in the workplace. Under a directive issued by the Board of Prosecutors General, the police and prosecutors must mention racial motivation when recording offenses. Specifically, police must highlight if there were

racial motivations when an offense was reported, and if so, the case must be escalated by the prosecutor (e.g. if there were a racial motivation in a murder case, the charge would additionally include a hate crime offense.)

Women

Rape, including spousal rape, is illegal, and the government prosecuted such cases. In 2009 the federal police registered 2,751 rape cases, compared with 2,786 the previous year. A convicted rapist may be imprisoned for a minimum of 10 years to a maximum of 30 years. 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 the victim, and the use or absence of violence during the crime.

The minimum age for consensual sex is 16. Statutory rape carries penalties of imprisonment from 15 to 20 years. If the victim is under the age of 10, the imprisonment rises to 20 to 30 years. In May a Brussels court convicted a man of raping his three children.

The law prohibits domestic violence. In 2009 the federal police reported 20,471 such cases of physical violence between partners, compared with 19,768 cases in 2008. In 2009 the federal police registered 138 cases of sexual violence between partners, compared with 131 cases in 2008. In 2009 there were 17,258 cases of psychological violence or mental cruelty between partners, compared with 16,927 cases in 2008. 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. An action plan for dealing with domestic violence was in force, and the regional governments formally joined the effort. Police forces and prosecuting magistrates registered all complaints and official actions taken in connection with domestic violence.

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

In a 2008 report to the Senate, the federal police noted 17 honor killings that had taken place over the preceding five-year period. There were no reports of honor killings in the country during the year. During the year the Institute for the Equality of Men and Women claimed damages in the case of a Pakistani woman who died in an honor killing in 2007 resulting from a failed arranged marriage. The brother of the victim was found guilty, with the complicity of many other members of the family.

Reliable statistics on sexual harassment are not easily accessible since formal complaints may be filed with various entities. The law aims to prevent violence and harassment at work, obliging companies to set up internal procedures to handle complaints by employees.

The law prohibits discrimination on the grounds of gender, pregnancy, motherhood, or sex change. It also prohibits sexual intimidation in labor relations and in access to goods, services, social welfare, and health care. A separate law prohibits sexual harassment in the workplace, and the government generally enforced it.

The constitution provides for complete freedom in the way that persons organize their private lives, including the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning. There are no restrictions on the right to access contraceptives. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV. According to estimates compiled by international organizations, there were approximately five maternal deaths per 100,000 live births in country in 2008.

Women have the same legal rights as men, including rights under family law, property law, in the judicial system, in labor relations, and in social welfare protection. The federal government's Institute for the Equality of Men and Women, which is tasked with promoting gender equality, may initiate lawsuits if it finds that equality laws have been violated. Most of the complaints received during the year were work-related and most concerned women whose employment contract was terminated because of pregnancy.

During the year the government continued implementation of the Gender Mainstreaming Act of 2007, which obliges the authorities to address gender aspects in planning policy, collecting data, drafting budgets, awarding contracts, and drafting reports. As per the Institute for Equality of Men and Women, the authorities were in the process of implementing the decree to establish a gender test (an evaluation of all administrative and legal acts in terms of male-female equality) and an interdepartmental coordination group.

Economic discrimination against women continued. During the year the Institute for the Equality of Men and Women released a survey (based on 2007 data) showing an average gap of 11 percent in the gross wages paid to men and women. The gap was 27 percent for white-collar and 16 percent for blue-collar workers. The gap was smaller in the public sector, where female contract workers earned 7 percent less than their male colleagues. Female statutory civil servants earned 1 percent more than their male colleagues. Taking into account part-time work, the overall wage gap was 25 percent. According to the report, the main factors contributing to the gap were job classification, branch of employment, type of employment contract, and time actually worked. Through legislation and decrees, federal and regional authorities sought to increase the presence of women on the boards of public enterprises and government agencies. Data from the European Professional Women's Network indicated that women filled 11.1 percent of the positions on boards of directors of the country's leading private companies compared with 7 percent in 2008.

Children

The government registered all live births immediately, and citizenship is conferred to the child through the parents' nationality.

There were reports of child abuse. In 2009 the federal police registered 5,201 cases of child abandonment, abuse, and neglect, compared with 3,971 cases in 2008.

The NGO Child Focus reported that it handled 2,087 missing children and child abuse cases in 2009. There were 1,019 cases of runaways; approximately half of these returned home within 48 hours, although the average time for runaways to be missing increased. Thirty-six cases concerned abduction by a third person. Child Focus handled 467 of the cases (involving 672 children) of abduction to another country.

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

The law provides for the protection of youth against sexual exploitation, abduction, and trafficking, and provides severe penalties for child pornography and possession of pedophilic materials. The penalties for producing and disseminating child pornography range from five to 15 years' imprisonment and from one month to one year for possession of such material. The law permits the prosecution of residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children must receive specialized treatment before they can be paroled and must continue counseling and treatment after their release from prison. The NGO Child Focus handled 257 sexual abuse cases and continued its Internet-based public awareness campaign. In 2009 the group received 2,131 reports of child pornography on the Internet and forwarded relevant cases to the specialized units of the federal police.

According to official figures, in 2009 the federal police investigated 388 child pornography cases, and international networks operating in several countries were dismantled with the help of Europol and Eurojust. In several court cases judges handed down prison sentences for downloading child pornography. Following a 2007 Europol investigation in Austria and Poland, approximately 40 citizens were identified in child pornography cases. One of them was a former member of parliament from the city of Mons. In May a school director was arrested for viewing and sending child pornography. The trial of a lawyer, who previously worked on the case of the infamous child killer Marc Detroux, also began during the year; he was accused of viewing and sending child pornography.

Rape and forcible sexual assault are criminal offences, and penalties range from five years' to 30 years' imprisonment, with the maximum penalty in effect for cases resulting in the death of the victim.

During the reporting period, the federal prosecutor launched investigations into allegations of child abuse carried out over many years by priests in the Catholic Church. A 10-hour questioning session of high-ranking members of the clergy and intrusive searches of tombs led to complaints from religious freedom advocates.

Anti-Semitism

The size of the Jewish community was estimated at 40,000 to 50,000. During the year there were 47 reports of anti-Semitic acts, including attacks against persons, verbal harassment of Jews, and vandalism of Jewish property, down from the 109 reported incidents in 2009. The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust. Unidentified vandals threw Molotov cocktails at three different synagogues on separate days: Antwerp synagogue in January, then Charleroi and Brussels synagogues during April. Verbal and cyber hate incidents were also reported. In September two incidents took place in Antwerp between drunken Polish men and members of the Jewish community. The intoxicated men were physically aggressive, insulting all Jews they encountered. On November 8, three teenagers threw stones at a Jewish man and woman coming out of a shop in Antwerp.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law provides for the protection of persons with physical, sensory, intellectual, and mental disabilities from discrimination in employment, education, and access to health care and other state services. In 2009 the CEOCR received 255 complaints regarding discrimination against persons with disabilities. Most were employment-related and concerned access to private and public buildings and services, including public transport, and access to banks, bars, and restaurants. While the government mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings were still inaccessible because of preservation orders.

National/Racial/Ethnic Minorities

A survey released in November 2009 on discrimination and intolerance as perceived by ethnic minorities from northern Africa, Turkey, sub-Saharan Africa, and Eastern Europe revealed that skin color and dress associated with Islam were the most important factors contributing to intolerance and discrimination, especially in the areas of housing and employment.

In its 2009 annual report, the CEOCR stated that discrimination against the members of the Muslim community, estimated at 500,000, principally of Moroccan and Turkish origin, greatly exceeded that experienced by other immigrant communities. In 2009 the CEOCR, which investigates complaints of discrimination, racism, and hate instigation, handled

1,692 discrimination and racism complaints, a decrease from the previous year. Most complaints concerned nationality and ethnic descent (49 percent), physical handicaps (15 percent), and discrimination on the ground of religious and philosophical orientation (13 percent). Complaints related to ethnic descent, nationality, race, and skin color accounted for 60 percent of all complaints registered by the CEOCR. Places of work and the Internet were most often cited as the places where the alleged discriminatory acts occurred. Thirty percent of the complaints received by the CEOCR were deemed justified. In 2009 the CEOCR initiated court cases in 1.1 percent of the registered complaints. Courts convicted a number of persons for inciting racial hatred, shouting abuse, denying the Holocaust, and using violence against asylum seekers. Judges convicted employers for discriminating on racial and physical grounds in hiring personnel. Landlords were convicted for discriminating against foreigners and persons with disabilities.

Data released by the Ministry of Justice indicated that in 2008, 61 percent of the cases of alleged discrimination handled by the courts were dismissed.

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

According to the CEOCR, 6 percent of the complaints received in 2009 concerned discrimination based on sexual orientation. Most were work-related, with the center receiving several reports on violence against gays and lesbians. On May 15, 35,000 persons attended the Belgian Pride (equivalent of Gay Pride) without reported incidents of violence.

Other Societal Violence and Discrimination

Of the complaints received in 2009 by the CEOCR, 3 percent involved discrimination based on health or medical conditions, including against persons with HIV/AIDS. Most of the complaints were related to workplace incidents.

Section 7 Worker Rights

a. The Right of Association

The law provides workers the right to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice, with Belgian and non-Belgian workers enjoying the same rights. Work council elections are mandatory in enterprises employing over 100 employees, and safety and health committee elections are mandatory in companies employing more than 50 employees. Approximately 60 percent of private and public sector workers were members of labor unions. The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to strike for all private and all public workers, except for the military. The International Trade Union Confederation (ITUC) noted in its 2010 survey of violations of trade union rights that it was concerned about antiunion discrimination and collective representation in small and medium-sized enterprises.

b. The Right to Organize and Bargain Collectively

The right to bargain collectively is recognized, and the government protected this right. The law prohibits antiunion discrimination and employer interference in union functions, and the government protected this right in practice. The ITUC reported one antiunion incident when a union representative was threatened at knife point on May 4.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. Women, men, and children from Eastern Europe, sub-Saharan Africa, and Asia were trafficked to the country for commercial sexual

exploitation and forced labor. Female victims, including children, worked as prostitutes in massage parlors, as escorts, and through the Internet. Male victims were forced to work in restaurants, bars, sweatshops, horticulture, fruit farms, and construction sites. Police and courts used antitrafficking legislation to combat economic exploitation. In its 2009 report on trafficking, the CEOCR noted several cases of debt bondage, with victims lacking freedom of movement as their documents were retained.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace and the government generally enforced these laws. The minimum age of employment is 15. Persons between the ages of 15 and 18 can participate in part-time work and study programs and work full time during school vacations. The Ministry of Employment regulates industries that employ juvenile workers to ensure that labor laws are followed, and occasionally grants waivers for children temporarily employed by modeling agencies and by the entertainment business. There is growing concern about children exploited by organized begging gangs in larger cities.

e. Acceptable Conditions of Work

The monthly national minimum wage was 1,387.49 euros (\$1,859) for workers 21 years of age, 1,424.31 euros (\$1,908) for workers 21 1/2 years of age with six months of service, and 1,440.67 euros (\$1,931) for workers 22 years of age with one year of service. When combined with extensive social benefits, this 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 work time may not exceed 11 hours per day and 50 hours per week. An 11-hour rest period is required between two work periods. Overtime is paid at a time-and-a-half premium Monday through Saturday and at double time on Sundays. The Ministry of Labor and the labor courts effectively enforced these laws and regulations.

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. Regulations were generally enforced effectively by the Employment and Labor Relations Federal Public Service.

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