

BELGIUM 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of Belgium is a parliamentary democracy with a limited constitutional monarchy. The country is a federal state with several levels of government: national, regional (Flanders, Wallonia, and Brussels), language community (Flemish, French, and German), provincial, and local. The Federal Council of Ministers, headed by the prime minister, remains in office as long as it retains the confidence of the lower house (Chamber of Representatives) of the bicameral parliament. Observers considered federal parliamentary elections held on May 25 to be free and fair. Authorities maintained effective control over the security forces.

The main human rights concern was discrimination against racial and religious minorities in employment, housing, and societal attitudes. Muslim women faced discriminatory dress restrictions in public and private sector employment, schools, and public spaces. Anti-Semitic statements and attacks rose sharply during the summer as a reaction to the conflict in Gaza. A gunman shot and killed four persons at the Brussels Jewish Museum.

Other human rights problems included continued prison overcrowding and trafficking in persons.

Authorities actively prosecuted and punished officials who committed abuses, whether in the security services or elsewhere in the government, and no cases of impunity were reported.

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, abductions, or kidnappings.

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

Prison and detention center conditions met most international standards, and the government permitted visits by members of parliament and independent human rights observers.

Physical Conditions: Prison overcrowding remained a problem, despite a steady decrease in the number of inmates as of the end of 2013, the establishment of new prisons during the year, and the increased use of electronic home monitoring. This trend toward a steady decrease in the number of inmates was not yet visible in the average number of inmates in 2013, which was registered as 11,645 inmates, whereas the country's prison capacity only allowed for approximately 9,385 prisoners. During the year a Council of Europe report highlighted overcrowding in prisons, noting that there were 132 detainees for every 100 places. A UN Committee Against Torture (CAT) report during the year also highlighted the overcrowding of prisons and the fact that inmates in need of psychiatric treatment were still imprisoned, despite earlier decisions from the European Court of Human Rights that prisoners should be moved to mental health facilities. To ease prison overcrowding, 650 inmates served part of their sentences in Tilburg Prison in the Netherlands, which operated under shared Belgian-Dutch jurisdiction. As overcrowding decreased, the Belgian minister of justice transferred approximately 100 detainees from Tilburg Prison to Belgian prisons in mid-year.

In 2013 a total of 56 inmates died in prisons, including 14 suicides. On average there were 472 female inmates imprisoned in 2013, constituting approximately 4 percent of the prison population. There were no specific reports of abuses or that women were treated worse than men in the seven prisons housing women. Instead of being sent to traditional prisons, juveniles are housed in centers known as "public institutions for the protection of youth," where they complete educational and social reintegration programs. While most of the centers operated on an outpatient basis, the country had three institutions where juveniles were sentenced to full-time detention. These institutions had a capacity of 124 juveniles, with an average occupancy of approximately 109 persons. In its 2013 CAT submission,

Amnesty International noted that several prisons did not separate pretrial detainees and sentenced prisoners, reportedly due to overcrowding.

Prisoners had sufficient food and access to potable water. Heating, ventilation, and lighting were adequate, as were sanitary facilities. Some older facilities experienced maintenance problems that contributed to poor detention conditions. Medical care was adequate, although lengthy wait times to see medical practitioners were sometimes reported.

Administration: Recordkeeping on prisoners was adequate. Prisoners had recourse to a federal ombudsman. There was an increase in the use of alternative sentences in 2013, especially for nonviolent offenders. For example, community service sentences increased from 556 cases in 2002 to approximately 9,900 in 2013.

Prisoners and detainees had reasonable access to visitors and could observe their religious practices. 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 publicly accessible manner. The government investigated and monitored prison and detention center conditions. Surveillance committees tasked with overseeing conditions of detention were active in all of the country's prisons. Each committee consisted of six to 10 volunteers who could inform the Ministry of Justice of their findings. Observers noted the committees lacked resources and training.

Independent Monitoring: The federal mediator acts as an ombudsman, allowing any citizen to address problems with the administration. The federal mediator is an independent entity appointed for six years by the Chamber of Representatives to investigate and find solutions to problems between citizens and public institutions. Authorities permitted the Council of Europe's Committee for the Prevention of Torture to visit prisons and detention centers.

Improvements: The government continued work on several buildings during the year under the master plan for reform of the prison system, which included the renovation and extension of some prisons, the replacement of the oldest ones, and the construction of several new prisons by 2018. By mid-year two new prisons opened their doors in Leuze-en-Hainaut and Beveren, as well as a psychiatric division in Ghent.

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 and report to the ministers of interior and justice. Civilian authorities maintained effective control over the federal and local police and the armed forces, and the government had effective mechanisms to investigate and punish abuse and corruption.

Arrest Procedures and Treatment of Detainees

Under the constitution an individual may be arrested only while committing a crime or by a judge's order carried out within 24 hours. The law provides a person in detention with the right to prompt judicial determination of the legality of the detention, and authorities generally respected this right. Authorities promptly informed detainees of charges against them and provided access to an attorney (at public expense if necessary). Alternatives to incarceration included conditional release, community service, probation, and electronic monitoring. There was a functioning bail system. According to 2013 figures, pretrial detainees made up approximately 31 percent of the total prison population.

In January 2013 the country began implementing the "Salduz law," which provides a suspect the right to be accompanied by a lawyer during his or her first interrogation at a police station. In February 2013 the Constitutional Court modified the Salduz law to require law enforcement investigators to inform a suspect who is not under arrest that he or she is free to leave police custody at will; entitle suspects charged with traffic offenses to legal representation, even if they have not been arrested; and deem inadmissible in court any testimony acquired during hearings in which lawyers were not present. The amended law came into effect on May 25.

In early 2013 the Flemish television channel VRT showed footage of a 2010 incident in which the Antwerp special weapons and tactics (SWAT) team violently restrained an inmate who was suffering a psychotic episode. The individual, who had been arrested by Antwerp police and had subsequently refused transfer to a psychiatric center, had been ordered to be sedated per a local magistrate. Fearing

the inmate's aggressive behavior, the local police ordered the SWAT team to intervene, leading to the inmate's death from internal injuries. The release of the footage in 2013 brought intense scrutiny from the UN CAT, which asked why the officers involved had not been disciplined and why the case was still under investigation. On November 6, the federal court ruled that 11 individuals, eight of whom were members of the SWAT team, would have charges filed against them. Two police officers and a psychiatrist were also to be charged.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair trial, and the judiciary generally enforced this right. All defendants are presumed innocent and have the right to be informed promptly and in detail of the charges against them, to a fair and public trial without delay, to communicate with an attorney of choice, to have adequate time and facilities to prepare defense, to access government-held evidence, to confront witnesses against them and present witnesses and evidence, not to be compelled to testify or confess guilt, and to appeal. Defendants have a right to a trial by jury.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations could seek civil remedies for human rights violations through the courts and appeal national-level court decisions to the European Court of Human Rights (ECHR).

Regional Human Rights Court Decisions

The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the ECHR. The government treated all ECHR decisions as binding but had not yet fully complied with requirements to provide adequate facilities for convicted prisoners in need of mental health treatment. In May the government established a psychiatric center in Ghent. The center was the government's first step in addressing the need for adequate facilities for inmates with specific mental disorders.

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

The constitution and legal code prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech: Holocaust denial, defamation, and incitement to hatred are criminal offenses punishable by a minimum of eight days (for Holocaust denial) or one month (incitement to hatred) and up to one year in prison and fines, plus a possible revocation of the right to vote or run for public office. If the incitement to hatred is based on racism or xenophobia, the case is tried in the regular courts. If, however, the incitement stems from other motives, including homophobia or religious bias, a longer and more costly trial by jury generally is required.

In August a law was adopted that introduces penal sanctions from one month to one year in prison and fines ranging from 50 euros to 1,000 euros (\$63 to \$125) for sexist remarks and attitudes. While observers underlined the symbolic importance of the law, they also highlighted its limitations, as the sexist remark or attitude must target a specific individual (whereby movies or ads do not fall under the scope of the law).

Laurent Louis, former member of the federal parliament and radical member of the disbanded political party "Debout les Belges" (Stand up, Belgians!) called for a "European congress of dissidence" to be held on May 4. While the organizers kept

the meeting location secret to prevent authorities from preemptively banning the event, Louis actively promoted the guest speakers, among whom were French personalities known for their radical, discriminatory, and anti-Semitic positions: Alain Soral, Herve Reyssen, Kemir Seba, and Dieudonne. The director of the Belgian League Against Anti-Semitism warned local mayors around Brussels about the meeting, fearing it would be anti-Semitic as per the list of invited participants. When Louis announced on May 3 that the meeting would take place in Anderlecht, the local mayor promptly forbade it. Approximately 400 supporters and participants gathered at the meeting point on May 4, and Louis filed an immediate injunction at the Council of State asking that the event be allowed to take place based on freedom of expression laws. Police used water cannons to attempt to break up the crowd, and the Council of State ruled that the Anderlecht mayor had rightfully prohibited the meeting, asserting that freedom of expression is not absolute and must, in its turn, respect the freedom of third parties. The council also cited security reasons for prohibiting the event, as well as the high risk of counterdemonstrations.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to estimates compiled by the International Telecommunication Union, approximately 82 percent of the population had access to the internet in 2013.

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 the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

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

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees, including specific subsidiary protection that goes beyond asylum criteria established by the 1951 Convention relating to the Treatment of Refugees and its 1967 protocol.

In 2013 the government adopted several concrete measures to combat illegal immigration, developed individual repatriation plans for asylum seekers, including those who wished to return to their home countries, and established awareness campaigns in specific countries to reduce the number of illegal migrants from those countries. While 5,656 migrants voluntarily departed the country in 2012, only 4,585 did so in 2013. During the first six months of the year 1,769 migrants voluntarily returned to their home countries. Authorities regularized the legal status of immigrants on a case-by-case basis on grounds that included an unduly long application period, urgent humanitarian reasons, or medical grounds. Authorities regularized the status of 1,336 migrants in 2013, compared with 4,412 migrants in 2012. Of the 1,279 processed asylum requests of Syrian refugees in 2013, 161 were granted "refugee" status, while 1,013 were granted "subsidiary protection" status.

While the number of overall asylum requests fell (15,840 in 2013, which represented a 16 percent drop from the 21,463 requests in 2012), the number of requests based on sexual orientation increased, from 376 cases in 2009 to more than 1,000 in 2012. Some observers noted that basing an asylum request on sexual orientation represented one of the last loopholes for gaining access to the country legally, since authorities had toughened conditions for approving requests based on humanitarian reasons, medical grounds, or family reunification. Despite alleged claims of asylum request abuse based on falsifying one's sexual orientation, the

country continued to review and accept legitimate requests based on actual discrimination of sexual orientation.

Safe Country of Origin/Transit: The country implemented the Dublin III Regulation. Following an ECHR ruling, authorities ceased transferring asylum seekers to Greece if it was the first EU country the asylum seeker entered.

Refugee Abuse: In 2013 authorities assigned 6,285 persons to closed centers, facilities that asylum seekers were not permitted to leave. The average stay in closed centers was 33 days. Public health and legal assistance in the centers were available only on a limited basis due to staffing shortages.

Temporary Protection: The country provides temporary protection to individuals who do not satisfy the legal criteria for refugee status but who cannot return to their country of origin due to a real risk of serious harm. Under EU guidelines individuals granted temporary protection are entitled to temporary residence permits, travel documents, access to employment, and equal access to health care and housing. In 2013 authorities granted temporary protection to 1,951 persons.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage peacefully. Voting in all elections is compulsory; failure to vote is punishable by a nominal fine.

Elections and Political Participation

Recent Elections: Federal elections held on May 25 were considered free and fair.

Participation of Women and Minorities: 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 EU, federal, regional, provincial, and local elections. Failure to meet the requirement would nullify the election and render any government thereby created illegal.

Following the May federal elections, there were 56 women in the 150-seat federal Chamber of Representatives. Senators are no longer directly elected but are determined by their political parties from the regional parliaments. There were

three female ministers and one female state secretary in the new federal government.

There were 11 members of Moroccan and Turkish origin elected to the Chamber of Representatives, eight of whom were women. Many political parties, citing the need to keep the public sphere free of religious symbols, compelled headscarf-wearing Muslim candidates to forgo the headscarf to advance politically.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively.

Corruption: In October 2013 the Organization for Economic Cooperation and Development released a report critical of anticorruption efforts in the country. The report, based on the country's implementation of the 1999 Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions, highlighted the government's failure to allocate resources to combat transnational bribery, lack of political will to address the problem, and record of imposing only the light fines and sentences on officials indicted for corruption.

Financial Disclosure: The law does not require elected officials to disclose their income or revenue, but they must report if they serve on any board of directors, regardless of whether in a paid or unpaid capacity.

Public Access to Information: With some exceptions, such as material involving national security, the law provides public access to government information. The government respected this law.

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

Various domestic and international human rights groups operated without government restriction and were free to investigate and publish their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: Federal and regional government ombudsmen monitored and published reports on the workings of agencies under their respective jurisdictions. On January 1, the government-funded institution formerly known as

the Center for Equal Opportunities and Opposition to Racism (CEOOR), was split into two entities: a federal migration center that analyzes the migration flows to and from the country, and a center for equal opportunities that is responsible for promoting equal opportunity and combatting discrimination and exclusion at any level (federal, regional, provincial, or local). The purpose of the split was to consolidate the objectives and missions of the previous center into two specialized bodies and to respond to the UN request to establish a national human rights institution. The centers enjoyed a high level of public trust, were independent in their functioning, and were well financed by the government.

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 specifically identifies 18 categories of discrimination subject to legal penalty: age, sexual orientation, civil status, place of birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color, 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, police and prosecutors must cite racial motivation or sexual orientation if present when reporting or recording offenses. In such instances the prosecutor must escalate the case (for example, in a racially motivated crime, the charge would additionally include a hate-crime offense).

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, and the government prosecuted such cases. In 2013 federal police registered 3,072 rapes and 3,561 indecent assaults. A convicted rapist may be imprisoned for 10 to 30 years, depending on factors such as the age of the victim, the difference in age between the offender and the victim, their relationship, and the use or absence of violence during the crime.

The law prohibits domestic violence and provides for fines and incarceration. In 2013 federal police registered 20,090 complaints of physical violence between partners, 101 complaints of domestic sexual violence, and 18,245 complaints of domestic psychological violence. In June 2013 the 2010-14 national action plan against domestic violence was amended to include other forms of violence such as forced marriages, honor crimes, or female genital mutilation. Women from

Eastern Europe, sub-Saharan Africa, and Asia were subjected to sexual exploitation.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. Reported cases were filed primarily by recent immigrants or asylum seekers. No cases were reported during the year. Specialized nongovernmental organizations (NGOs) organized several awareness campaigns against FGM/C during the year.

Other Harmful Traditional Practices: Harmful traditional practices were rare occurrences, with the most common being FGM/C. The 2010-14 national action plan of the Federal Institute for Equality of Men and Women focused inter alia on violence linked to honor and FGM/C.

Sexual Harassment: Reliable statistics on sexual harassment were 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 employee complaints. The government generally enforced the antiharassment legislation. Although a national campaign to fight sexual harassment does not exist, politicians and organizations such as the Federal Institute for the Equality of Men and Women worked to raise awareness of the dangers of sexual harassment. A number of government-supported shelters and telephone help lines were available across the country for victims of domestic abuse. In addition to providing lodging, many shelters assisted in legal matters, job placement, and psychological counseling to both partners.

A law adopted in August introduced penal sanctions (from one month to one year in prison and fines ranging from 50 euros to 1,000 euros (\$63 to \$125) for sexist remarks and attitudes. While observers underlined the symbolic importance of the law, they also highlighted its limitations, as the sexist remark or attitude must target a specific individual (whereby movies or ads do not fall under the scope of the law). Observers noted that, as a practical matter, legal procedures and evidentiary requirements could make it difficult for many victims to pursue legal recourse under the new law.

Reproductive Rights: The constitution provides for complete freedom in the way 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 operated freely in disseminating information on family planning. There are no restrictions on the right to access contraceptives.

Discrimination: 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 law requires equal pay for equal work and prohibits discrimination on the grounds of gender, pregnancy, or motherhood as well as sexual intimidation in labor relations and in access to goods, services, social welfare, and health care.

The Federal Institute for the Equality of Men and Women, which is responsible for promoting gender equality, may initiate lawsuits if it discovers violations of equality laws. Most complaints received during the year were work related and concerned the termination of employment contracts due to pregnancy (see section 7.d.). Economic discrimination against women continued. In 2013 the institute released a survey (based on 2011 data) indicating women were paid at an hourly rate 10 percent less than their male colleagues. This represented an annual gap of 22 percent, taking into account part-time work. The law requires that one-third of the board members of publicly traded companies, but not private ones, be women.

The law requires companies with at least 50 employees to provide a clear overview of their compensation plans, a detailed breakdown by gender of their wages and fringe benefits, a gender-neutral classification of functions, and the possibility of appointing a mediator to address and follow up on gender-related problems. All elements of the law were implemented through royal decree.

For all children born or adopted as of June 1 and, as a matter of transition, for all minor children until May 31, 2015, parents have the option to choose between the father's, the mother's, or both last names to register their children. Children of these parents must then have the same last name. A child's default name remains the father's last name.

Children

Birth Registration: The government registered all live births immediately. Citizenship is conferred on a child through the parents' nationality.

Child Abuse: In 2013 the federal police registered 136 complaints of child abandonment, 249 of neglect, 130 of food deprivation, and 3,888 involving physical, sexual, psychological, or other child abuse within the family. The NGO Child Focus reported handling 2,113 missing children and child abuse cases in 2013.

Early and Forced Marriage: The law provides that both (consenting) partners must be at least 18 to marry. Early marriage was not a problem in the country.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. Reported cases were filed primarily by recent immigrants or asylum seekers. No cases were reported during the year.

Sexual Exploitation of Children: The law provides for the protection of youth against sexual exploitation, abduction, and trafficking and includes 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 in prison for possessing such material. The law permits the prosecution of residents who commit such crimes while abroad. The law also provides that criminals convicted of child sexual abuse must receive specialized treatment before they can be paroled and must continue counseling and treatment after their release from prison.

Child Focus reported handling 562 sexual abuse cases in 2013. In its annual report, Child Focus noted that despite a decrease in the number of cases handled, the gravity of these cases and the young age of the victims were still worrisome. The NGO continued its internet-based public awareness campaigns, targeting both children and adult audiences. In 2013 the NGO received 1,232 reports of child pornography on the internet and forwarded such cases to specialized units of the federal police. According to official figures, the federal police investigated 611 child pornography cases in 2013.

The minimum age for consensual sex is 16. Statutory rape carries penalties of imprisonment for 15 to 20 years. If the victim is under the age of 10, imprisonment increases to 20 to 30 years.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see travel.state.gov/content/childabduction/english/country/belgium.html.

Anti-Semitism

The country's Jewish community was estimated at 40,000 to 50,000 persons. There were 85 reports of anti-Semitic acts in 2013, including some physical

attacks, but mainly verbal harassment of Jews and vandalism of Jewish property. The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust.

On May 24, a man shot and killed four individuals at the Brussels Jewish Museum. Mehdi Nemmouche, a French-Algerian dual national, who was arrested a few days later near Marseille, was the key suspect in the shooting. He was extradited to Belgium on July 30 and was in detention awaiting trial at year's end.

After the start of the Israeli military operations in the Gaza Strip on July 8, numerous pro-Palestinian demonstrations and marches took place in the country, primarily in Brussels and Antwerp. There were reports of anti-Semitic statements and actions. Police interventions were made primarily on an administrative basis, focused on minor incidents committed by small radical groups. On July 23, police arrested two persons during a demonstration in Brussels for incitement to hate, violence, and discrimination towards a community. Police investigated all allegations of anti-Semitic acts. As of year's end, no cases had gone to trial.

In July an Antwerp-based doctor refused to treat a Jewish woman, allegedly suggesting that she travel to Gaza for medical care instead. According to press reports, the local alderman called the doctor, who confirmed that he had made those statements to the woman. The woman's family filed an anti-Semitism complaint.

In August Hassan Aarab, an elected official of the Flemish Christian Democrat political party, posted an anti-Semitic comment on his Facebook account. He apologized for his statement a few hours later, claiming that he realized how his position was not representative of the cooperation and interfaith efforts made by different communities. A few days later, his political party rescinded his membership.

On November 4, the prime minister, minister of foreign affairs, and minister of interior announced the imposition of a travel ban against controversial Kuwaiti cleric Tareq al-Suwaidan. According to government officials, the travel ban was instituted in reaction to anti-Semitic statements al-Suwaidan made in July surrounding the conflict in Gaza. Al-Suwaidan had been scheduled to speak at the third annual Muslim Fair in Brussels, a four-day conference designed to celebrate cultural and commercial components of Muslim society in the country.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law provides for the protection of persons with physical, sensory, intellectual, and mental disabilities from discrimination in employment, education, transportation, access to health care, and the provision of other state services. The government generally enforced the provisions. The CEOOR received 344 complaints in 2013, most related to employment and concerned access to private and public buildings and services, including public transport and access to banks, bars, restaurants and amusement parks (also see section 7.d.).

Children with disabilities were able to attend school, and there were no significant patterns of abuse in educational or mental health facilities. While the government mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings remained inaccessible. Although the law requires that inmates with disabilities receive adequate treatment in separate, appropriate facilities, there were, nonetheless, approximately 1,000 inmates with disabilities in prisons. A new psychiatric department opened in May in Ghent to address the needs of convicted prisoners with disabilities.

National/Racial/Ethnic Minorities

Discrimination against ethnic minorities continued to be the country's most significant human rights problem. This discrimination manifested itself in housing, education, employment, and lack of support by political parties.

In 2013 most complaints received by the CEOOR concerned alleged problems based on nationality or ethnic origin (approximately 38 percent), discrimination on the grounds of religious and philosophical orientation (19 percent), and physical disabilities (19 percent). Discriminatory acts primarily took place over the internet, at work, or while individuals attempted to gain access to various public and private services, such as banking and restaurants.

Observers noted racial discrimination often persisted in the form of religious discrimination or under the guise of practices that purportedly monitored the influence of religion in public life, but which effectively restricted the access of Muslims to employment opportunities, housing, and education. The 2013 annual

reports from the European Network Against Racism and Amnesty International highlighted the continuing de facto discrimination faced by the Muslim community in these areas. Muslim women who wore headscarves faced discrimination in professional-level employment, especially in jobs involving interaction with the public (also see section 7.d.).

The law prohibits the wearing of a full-face veil in public places. Authorities may fine offenders up to 137.50 euros (\$172) and sentence them to up to seven days in jail.

Data released by the Ministry of Justice indicated that in 2013 the courts dismissed approximately two-thirds of cases of alleged discrimination based on ethnicity or sexual orientation.

Roma were frequently victims of discrimination in terms of access to education, work, and housing. In July, in order to expel recently arrived Roma he could not verbally convince to leave, the mayor of Landen requested a disc jockey to play loud music near the Romani camp. Despite concerns expressed by the mayor's party at the tactics used, the Roma decided to depart soon after the incident.

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

The country has a well-developed legal structure of lesbian, gay, bisexual, and transgender (LGBT) rights, which are included in the country's antidiscrimination laws. This structure enjoyed broad political support in society and the government, which was headed by the country's first openly gay prime minister.

The law provides adequate protections for transsexuals but not for the larger transgender community, as the law requires a lengthy procedure including psychiatric diagnosis and physical adaptation of the new gender (including surgery and hormones) before individuals can legally change their gender, and the vast majority did not wish to undergo medical procedures. Federal police showed high levels of support for Rainbow Cops, an association of LGBT officers, as well as for innovative training of officers on LGBT problems.

During the year the government, in cooperation with the regional entities, implemented an antihomophobia action plan. The action plan imposes requirements on government entities involved in family matters, housing, and asylum and migration and calls for awareness campaigns to combat homophobic

stereotypes in schools, youth movements, places of work, and the sports community.

Despite some progress, underreporting of crimes against the LGBT community remained a problem.

Other Societal Violence or Discrimination

The CEOOR received complaints of discrimination based on physical characteristics, political orientation, social origin, or status. Each of these categories accounted for approximately 3 percent of the total number of complaints filed. In 2013 the CEOOR received 19 notifications or questions involving possible discrimination against persons with HIV/AIDS, and the CEOOR opened seven new HIV/AIDS-related cases, mostly pertaining to goods and services and media matters.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

For companies with more than 50 employees, the law provides workers the right to form and join independent unions of their choice without previous authorization or excessive requirements, conduct legal strikes, and bargain collectively. Workers exercised these rights, and citizen and noncitizen workers enjoyed the same rights. Work council elections are mandatory in enterprises employing more than 100 employees, and safety and health committee elections are mandatory in companies employing more than 50 employees. Work council elections took place in 2012 and were considered fair. Employers sometimes used judicial recourse against associations attempting to prevent workers who did not want to strike from entering the employer's premises.

The law provides for the right to strike for all public and private workers except the military. The law prohibits antiunion discrimination and employer interference in union functions, and the government protected this right. Trade union representatives cannot be fired for performing their duties and are protected against being fined by their employers; they are also entitled to regular severance payments. An employee can request reinstatement if he or she was fired illegally, and employers may be fined for failure to comply. The International Trade Union Confederation noted that, despite fines to employers, more than 50 trade union representatives lost their jobs in 2013. On March 26, police attacked workers at an

annual fair protesting against a municipal authority decision to move the location of the fair. Trade unions have the resources necessary to bring cases to court and can organize labor strikes if necessary. The fine for terminating a trade union representative or a nonelected candidate is the equivalent of the salary due the employee until the end of his or her mandate as trade union representative, up to four years.

The government generally enforced applicable laws. Resources, inspections, and remediation were adequate. Penalties were generally not sufficient to deter violations as employers often paid fines rather than reinstate workers fired for union activity. At the same time, fines on workers for strike or collective bargaining actions often resulted in breaking strike movements. Administrative or judicial procedures related to trade unions were not any longer than other court cases.

Freedom of association and the right to collectively bargain were inconsistently respected by employers. Worker organizations were generally free to function outside of government control, but unions indicated that judicial intervention in collective disputes undermined collective bargaining rights.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but there were reports that such practices occurred. The government effectively enforced the law, and resources, inspections, and remediations were adequate. The laws' definitions may be overly broad leading to arrest and conviction data that is not specifically in line with international instruments. Penalties included a maximum sentence of 20 years and is sufficient to deter violations.

Forced and compulsory labor during the year included male victims forced to work in restaurants, bars, sweatshops, agriculture, construction, cleaning, and retail sites. Foreign victims were engaged in forced domestic service. Forced begging continued, particularly in the Romani community.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age of employment is 15. Persons between the ages of 15 and 18 may participate in part-time work/study programs and work full time during school vacations. The Ministry of Employment regulates industries that employ juvenile workers to verify that labor laws are followed and occasionally granted waivers for children temporarily employed by modeling agencies and in the entertainment business. Waivers are granted on a short-term basis and for a clearly defined performance or purpose, which must be listed in the law as an acceptable activity. The law clearly defines, according to the age of the child, the amount of time that may be worked daily and frequency of performance. A child's earnings must be paid to a bank account under the name of the child, and the money is inaccessible until the child reaches 18 years of age.

There are laws and policies to protect children from exploitation in the workplace, and the government generally enforced these laws with adequate resources, inspections, and penalties. Anyone found in violation of child labor laws could face a prison sentence ranging from six months to three years, as well as administrative fines.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations related to employment or occupation prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations.

Discrimination in employment and occupation occurred with respect to women, persons with disabilities, and certain minorities. Discrimination in employment and occupation occurred against internal and foreign migrant workers (see section 6).

e. Acceptable Conditions of Work

The monthly national minimum wage was 1,501.82 euros (\$1,880) for workers who were age 21; 1,541.67 euros (\$1,930) for workers who were 21 1/2 with six months of service; and 1,559.38 euros (\$1,950) for workers who were 22 with one year of service. The estimated poverty income level remained 1,000 euros (\$1,250) per month for a single adult.

The standard workweek is 38 hours, and workers are entitled to four weeks of annual leave. Departure from these norms can occur under a collective bargaining

agreement, but work may not exceed 11 hours per day and 50 hours per week. An 11-hour rest period is required between 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. The law forbids or limits excessive overtime. Without specific authorization no employee can accumulate more than 65 hours of overtime during one quarter.

The Employment and Labor Relations Federal Public Service generally enforced regulations effectively. Inspectors from both the Ministry of Labor and the Ministry of Social Security enforced labor regulations. These ministries jointly worked to ensure that standards were effectively enforced in all sectors, including the informal sector, and that wages and working conditions were consistent with collective bargaining agreements.

A specialized governmental department created to fight the informal economy conducted 14,570 investigations in 2013, mainly in the construction, restaurant/hotel, retail, manufacturing, transport, and agriculture sectors. The department found 7,298 infractions in total, including instances of unregistered businesses or workers, documentation of incorrect schedules, or unregistered foreign workers. Authorities can fine employers for poor working conditions but also treat them as cases of trafficking in persons. Fines can range from administrative to criminal sanctions, depending on a number of factors, to include the nature of the infraction, ensuing consequences, and length of time the infraction occurred. In 2013 there were 150,519 work-related accidents, including 23,793 accidents on the way to or from work. There were 123 work-related deaths, including 51 on the way to or from work.

Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment. The Employment and Labor Relations Federal Public Service protected employees in this situation.