

BELGIUM 2015 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. Civilian authorities maintained effective control over the security forces.

The main human rights problem 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-Semitism remained a similar problem, although less acute than during the previous year.

Other human rights problems included continued prison overcrowding; violence against women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and trafficking in persons.

Authorities actively prosecuted and punished officials who committed abuses, whether in the security services or elsewhere in the government.

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

Prison and detention center conditions met most international standards.

Physical Conditions: Prison overcrowding remained a problem, despite a steady decrease in the number of inmates, the establishment of new prisons during the year, and the increased use of electronic home monitoring. In 2014 the average number of registered inmates was 11,578, while the country's prison capacity was approximately 9,931 prisoners. This represented an over-capacity rate of 16.6 percent, down from 24 percent in 2013. 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 prisoners from Tilburg Prison to Belgian prisons in mid-2014. The director general of Prison Administration noted that the number of detainees dropped by 600 between April 2014 and April 2015. He attributed the decline to the new prisons and psychiatric facilities, alternative sentences, and more efficient expulsion procedures for undocumented detainees.

On June 9, the francophone and German-speaking bars filed a complaint against the state for the overcrowding in the prisons, targeting conditions in three prisons in particular. A spokesperson explained that the prisons were not meeting their objectives, as the rate of repeat offenders was very high.

In 2014 a total of 59 inmates died in prisons, including 18 suicides.

While 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 generally adequate, although lengthy wait times to see medical practitioners were sometimes reported. A report from an umbrella organization of nongovernmental organizations (NGOs) active in prisons, however, highlighted the poor level of health, training, and cultural services available to prisoners in francophone prisons, which reportedly jeopardized rehabilitation.

Administration: 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 the country's prisons.

Independent Monitoring: The federal mediator acts as an ombudsman, allowing any citizen to address problems with prison administration. The federal mediator is an independent entity appointed by the Chamber of Representatives to investigate and resolve 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: During the year the government continued work on several buildings under a master plan for reform of the prison system that included the renovation and extension of some prisons, the replacement of oldest ones, and the construction of several new prisons. By mid-year two new prisons opened in Leuze-en-Hainaut and Beveren, and a psychiatric division opened 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, including migration and border enforcement, 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 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.

In early 2013 a Flemish television channel showed footage of a 2010 incident in which an Antwerp special weapons and tactics (SWAT) team violently restrained an inmate suffering a psychotic episode. The individual, who had been arrested by police and had subsequently refused transfer to a psychiatric center, was ordered sedated by a local magistrate. Fearing the inmate's aggressive behavior, police ordered the SWAT team to intervene, leading to the inmate's death from internal injuries. The release of the footage resulted in intense scrutiny from the UN Committee against Torture, which questioned why the officers involved had not been disciplined and why the case was still under investigation. In a June 25 in-absentia ruling, a court gave seven members of the SWAT team each suspended sentences of four months in prison for involuntary death, and the psychiatrist and chairman of the psychiatric center suspended sentences of six months in prison each for culpable negligence. The nine appealed the ruling.

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. 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 extends the above rights to all citizens.

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).

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 and Expression: 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 was based on racism or xenophobia, the case would be tried in the regular courts. If, however, the incitement stemmed from other motives, including homophobia or religious bias, a longer and more costly trial by jury generally would be required. The government prosecuted and courts convicted persons under these laws.

In August 2014 a law was adopted that introduced criminal sanctions (from one month to one year in prison) and fines ranging from 50 euros to 1,000 euros (\$55 to \$1,100) for sexist remarks and attitudes that target a specific individual (movies or ads do not fall under the scope of the law). As of August there were no reports that any complaints had been filed under the law.

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 85 percent of the population had access to the internet in 2014.

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 internal movement, 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 (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

Access to Asylum: The law provides 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. During the year the country initially struggled to process asylum applications in a timely manner. As a result, refugees and migrants often waited for days to file applications, sleeping in public parks and relying on food and material donations from citizens. 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.

Safe Country of Origin/Transit: The country denied asylum to asylum seekers who arrived from a safe country of origin or transit, pursuant to the EU's 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.

Durable Solutions: In 2014 the government committed to host and integrate 75 Syrian refugees through the UNCHR resettlement program. The government increased the commitment to 225 persons during the year.

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 ("subsidiary protection") are entitled to temporary residence permits, travel documents, access to employment, and equal access to health care and housing. In 2014 authorities granted temporary protection to 1,341 persons. For the first half of 2015, authorities granted temporary protection to 644 persons.

Stateless Persons

According to UNHCR, at the end of 2014, there were 2,554 persons in the country who fell under UNHCR's statelessness mandate. The country does not have a specific legal framework for the protection of stateless persons, and there are no specific procedural rules to determine who is stateless. As a result, authorities apply general texts of laws, such as the judicial code or the General Law on the Foreigners, to find the basis for a statelessness determination in order that the rights of stateless persons are respected on the country's territory. In these general regulations, a person who wants to be qualified as a "stateless" has to file an application before the Tribunal of First Instance, of which there are two.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens with the ability to choose their government in free and fair periodic elections based on universal and equal suffrage. Citizens exercised this right. Voting in all elections is compulsory; failure to vote is punishable by a nominal fine.

Elections and Political Participation

Recent Elections: Federal elections held in May 2014 were considered free and fair.

Participation of Women and Minorities: 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 forego 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. There were isolated reports of government corruption during the year.

Corruption: In February authorities arrested Serge Kubla, a mayor and formerly a minister in the Walloon government, and charged him with corrupting an individual in a public function in a foreign country.

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 effectively implemented the 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. The Interfederal Center for Equal Opportunities is responsible for

promoting equal opportunity and combatting discrimination and exclusion at any level (federal, regional, provincial, or local). The center enjoyed a high level of public trust, was independent in its functioning, and was well financed by the government.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or other communicable diseases, and the government generally enforced these prohibitions. The law 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. A convicted rapist may receive 10 to 30 years in prison, 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. The sanctions for domestic violence are based on the sanctions for physical violence against a third person; the latter range from eight days to 20 years in prison, depending on the means and consequences of the violence. In case of domestic violence, these sanctions are doubled. The law lists several aggravating circumstances, such as violence against the partner and the weakness of the partner (age, pregnancy, illness, and handicap.) A number of government-supported shelters and telephone helplines 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.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for women and girls. Reported cases were primarily filed by recent immigrants or asylum seekers. Since March 2014 two hospitals, in Ghent and Brussels, were reference hospitals for FGM victims. There were no new cases reported in 2014, but a recent study estimated that, as of the end of 2012, there were 48,092 women or girls in Belgium from a country where FGM was practiced. The study estimated that 13,112 individuals were likely excised already, while 4,084 were deemed “at risk” of the practice.

The number of requests for asylum in the country based on FGM risk rose from 554 in 2013 to 701 in 2014. Parents often filed requests on behalf of their children. When asylum was granted (in 65 percent of cases in 2014), authorities followed up to ensure that FGM did not take place by having a parent sign a declaration and by requesting a medical certificate each year. Criminal sanctions apply to persons convicted for FGM. On February 6, the International Day against FGM, several NGOs introduced an assistance packet that included prevention tools and information for frontline workers, victims of FGM, and women at risk of becoming victims of FGM.

Sexual Harassment: Reliable statistics on sexual harassment were not easily available, 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 antiharassment legislation. Although a national campaign to fight sexual harassment did not exist, politicians and organizations such as the Federal Institute for the Equality of Men and Women worked to raise awareness of the problem.

In August 2014 a law was adopted that introduced criminal sanctions (from one month to one year in prison) and fines ranging from 50 euros to 1,000 euros (\$55 to \$1,100) for sexist remarks and attitudes targeting a specific individual (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 that persons organize their private lives, including the right of couples and individuals to decide the number, spacing, and timing of their children; manage

their reproductive health; and have the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: Women have the same legal rights as men, including rights under family, property, labor, nationality, and inheritance laws. 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. Government oversight bodies reported some discrimination based on gender, national origin, religion, and sexual orientation during the year (see section 7.d.).

Children

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

Child Abuse: In 2014 the federal police registered 1,216 complaints of child abandonment, 302 of neglect, 140 of food deprivation, and 3,785 involving physical, sexual, psychological, or other child abuse within the family. The government continued to prosecute cases of child abuse and to punish those convicted. The NGO Child Focus reported handling 2,113 missing child and child abuse cases in 2013.

Forced and Early Marriage: The law provides that both (consenting) partners must be at least 18 years old to marry.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 years old in the women's section above.

Sexual Exploitation of Children: The law prohibits sexual exploitation, abduction, and trafficking and includes severe penalties for child pornography and possession of pedophilic materials. Authorities enforced the law. 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.

According to official figures, the federal police investigated 723 child pornography cases in 2014. Belgian girls and foreign children were subjected to sex trafficking within the country.

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

Displaced Children: According to the Belgian Office of Foreigners, 953 unaccompanied minors filed asylum claims between January and July. Authorities provided them adequate housing and services.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/en/country/belgium.html.

Anti-Semitism

The country's Jewish community was estimated at 40,000 persons. There were 130 reports of anti-Semitic acts in 2014. Anti-Semitic acts included some physical attacks but consisted mainly of verbal harassment of Jews and vandalism of Jewish property. According to the Interfederal Center for Equal Opportunities, such attacks decreased after military conflict ended in Gaza. Online hate speech continued to be a problem. The center also reported discrimination against Jewish customers by a doctor, a retail establishment, and a restaurant. Jewish groups reported anti-Semitic statements and attitudes in the media and in schools, especially but not exclusively related to the government of Israel and the Holocaust. The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust. The government prosecuted and convicted individuals under this law.

In July the chairman of a trade union in the European Commission (EC) verbally insulted and violently assaulted another EC official at a cafe in Brussels in the belief that she was Jewish. The assailant had been convicted in his home country of a separate crime and reportedly had a history of admiration for Italian fascist leader Benito Mussolini. Authorities were investigating the incident.

On May 24, at a commemoration of the four persons murdered at the Jewish Museum in Brussels in 2014, Brussels mayor Yvan Mayeur condemned the attack, saying that Brussels is a Jewish city because the Jewish community is an integral part of the city. Prime Minister Charles Michel also attended the event.

In September Prime Minister Michel vowed to apply a zero-tolerance policy toward anti-Semitism during visits on several Jewish institutions in Antwerp, calling anti-Semitism “unacceptable.” Michel was joined by the city’s mayor, Bart de Wever, and Jan Jambon, the federal minister of security and interior affairs.

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 prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, and the provision of other state services. The government generally enforced the provisions. The Interfederal Center for Equal Opportunities received 372 complaints in 2014, 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.).

While the government mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings were still inaccessible. Although the law requires that inmates with disabilities receive adequate treatment in separate, appropriate facilities, there were approximately 1,000 inmates with disabilities in prisons in spite of the law. A new psychiatric department opened in May in Ghent to address the needs of convicted prisoners with mental disabilities.

National/Racial/Ethnic Minorities

Ethnic minorities continued to experience discrimination in access to housing, education, and employment. Government efforts to address such problems included internal training of officials and police officers and enforcement of laws prohibiting such discrimination. Laws and traditions permitting companies and individuals to discriminate on the basis of outward displays of religious belief disproportionately affected persons of Moroccan and Turkish ethnic origin.

In 2014 the Interfederal Center for Equal Opportunities received the most complaints of alleged discrimination based on nationality or ethnic origin (approximately 41 percent), physical disabilities (20 percent), and religious and philosophical orientation (16 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 that racial discrimination often took the form of religious discrimination, or occurred under the guise of practices that ostensibly limited the influence of religion in public life, but that effectively restricted the access of Muslims to employment, housing, and educational opportunities. Discrimination against women who wore a headscarf was common in the labor market. Companies commonly cited policies of “neutrality” with regard to religious belief in justifying such discrimination, although this defense was challenged in courts. The law also prohibits the wearing of a full-face veil (niqab) in public places; the provision affected very few Muslims, compared to employment discrimination experienced by women wearing a headscarf. Authorities may fine persons who discriminate on the basis of ethnic origin up to 137.50 euros (\$151) and sentence them to up to seven days in jail.

There were reports of discrimination against Afro-Europeans. The European Network against Racism reported that racial and ethnic origin played a major role in determining a person’s employment prospects. Persons of Moroccan and Sub-Saharan African origin had the worst and second-worst job prospects, respectively, in the country.

The country continued to celebrate the annual Noirauds folklore parade, which began in 1876 and features participants in blackface collecting money for charitable causes. The parade has received growing criticism in recent years. Participants insist that the event is not intended to be racially insensitive.

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, transgender, and intersex (LGBTI) rights, which are included in the country’s antidiscrimination laws. Despite some progress, the underreporting of crimes against the LGBTI community remained a problem.

In December 2014 a court found the four suspects in the homophobic murder of Ihsane Jarfi guilty and recognized homophobic motives. Three of them were sentenced to life in prison, while a fourth received a 30-year prison sentence.

LGBTI persons from immigrant communities reported social discrimination within those communities. The government supported NGOs working to overcome the problem.

The law provides adequate protections for transsexual persons but not for the larger transgender community. It requires a lengthy procedure, including psychiatric diagnosis and physical adaptation of the new gender (including surgery and hormones), before allowing persons to legally change their gender.

During the year the government, in cooperation with the regional entities, implemented an antihomophobia action plan. The 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.

Other Societal Violence or Discrimination

The Interfederal Center for Equal Opportunities 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 2014 the center received eight notifications or questions involving possible discrimination against persons with HIV/AIDS and opened three HIV/AIDS-related cases, mostly pertaining to access 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. 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. 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. 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 such practices still occurred. The government effectively enforced the law and resources; inspections and remediations were adequate. Penalties included a maximum sentence of 20 years and were sufficient to deter violations.

Women from Eastern Europe, sub-Saharan Africa, and Asia were subjected to sexual exploitation. 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 subjected to 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 years. Persons between the ages of 15 and 18 years may participate in part-time work/study programs and work full time during school vacations. The Ministry of Employment regulated industries that employ juvenile workers to ensure that labor laws were followed; it occasionally granted waivers for children temporarily employed by modeling agencies and in the entertainment business. Waivers were granted on a short-term basis and for a clearly defined performance or purpose that 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. The government generally enforced these laws with adequate resources, inspections, and penalties, although such practices reportedly occurred. Persons 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.

Employers discriminated in employment and occupation against women, persons with disabilities, and members of certain minorities as well as against internal and foreign migrant workers (see section 6). The government took legal action based on antidiscrimination laws. The Interfederal Center for Equal Opportunities also facilitated arbitration or other settlements in some cases of discrimination. Such settlements could involve monetary payments, community service, or other demands imposed on the offender.

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 most concerned the termination of employment contracts due to pregnancy. Economic discrimination against women continued. In 2014 the institute released a survey (based on 2012 data) indicating that women were paid at an hourly rate that was 9 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.

e. Acceptable Conditions of Work

The monthly national minimum wage was 1,501.82 euros (\$1,650) for workers who were 21 years or age; 1,541.67 euros (\$1,700) for workers who were age 21 1/2 years with six months of service; and 1,559.38 euros (\$1,720) for workers who were 22 years old with one year of service.

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 or 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, an employee may not work more than 65 hours of overtime during any 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 15,101 investigations in 2014, mainly in the construction, restaurant/hotel, and cleaning sectors. The department found 7,060 infractions in total, including instances of unregistered businesses or workers, documentation of incorrect schedules, or unregistered foreign workers. Authorities may fine employers for poor working conditions but may also treat them as cases of trafficking in persons. Fines may range from administrative to criminal sanctions depending on a range of factors, including the nature of the infraction, its consequences, and the length of time the infraction occurred.

Workers may 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.