



FREEDOM IN THE WORLD 2021

Belgium

FREE

96
/100

<u>Political Rights</u>	39 /40
<u>Civil Liberties</u>	57 /60

LAST YEAR'S SCORE & STATUS

96 /100 **Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Belgium is a stable electoral democracy with a long record of peaceful transfers of power. Political rights and civil liberties are legally guaranteed and largely respected. Major concerns in recent years have included the threat of terrorism, corruption scandals, and rising right-wing nationalism and xenophobia.

Key Developments in 2020

- A political deadlock in place since the May 2019 elections lasted until September 2020, when an unstable seven-party governing coalition under the leadership of Prime Minister Alexander De Croo was formed by the Flemish-speaking and francophone wings of the Liberal, Social Democrat, and Green parties, along with the Flemish Christian Democrats.
- Belgium suffered one of the highest death rates in Europe during the COVID-19 pandemic, with insufficient protection in nursing homes leading to numerous deaths and garnering national and international criticism. The new government responded to a severe second wave in autumn by imposing stringent restrictions that rapidly reduced cases. According to researchers at the University of Oxford, the country registered nearly 650,000 cases and 20,000 deaths by year’s end.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	4/4
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The Belgian monarchy is largely ceremonial, although the king retains constitutional authority to mediate the process of government formation. He was particularly active in this role in 2020 as negotiations over a new government stalled. The prime minister, who is the leader of the majority party or coalition, is appointed by the monarch and approved by the legislature. In October 2019, Sophie Wilmès was appointed prime minister of the caretaker, interim government while governing coalition talks continued. In late September 2020, seven parties forged a parliamentary majority

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under the leadership of Flemish Liberal Alexander De Croo, who was sworn in as prime minister in October.

Belgium’s multilayered subnational administrative units have their own governments with varying degrees of autonomy. In addition to the three main geographic divisions of French-speaking Wallonia in the south, Flemish-speaking Flanders in the north, and the bilingual Brussels capital region, there are overlapping governments for the French community, the Flemish community, and the much smaller German-speaking community. Beneath these are provincial and various local governments. In late 2019, the German-speaking community launched an system of participatory democracy in which citizens are selected by lot to join a Citizens’ Council, which provides input on policy matters and features a mechanism to monitor the regional parliament’s response.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	4 / 4
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Belgium’s federal parliament consists of two houses: the Chamber of Representatives and the Senate. The 150 members of the lower house (the Chamber) are elected directly by proportional representation. The Senate is composed of 50 members selected by community and regional parliaments, and an additional 10 members chosen by the first 50 based on the results of the Chamber of Representatives elections. Members serve five-year terms in both houses, and elections are generally free and fair.

In the May 2019 elections, establishment parties lost significant shares of support to parties on the far left and far right of the political spectrum. The right-wing, nationalist New Flemish Alliance (N-VA), lost some power, taking 25 seats in the Chamber of Representatives (down 8 seats), but the far-right, separatist Flemish Interest (VB) party won 18 seats, a gain of 15. The francophone Socialist Party (PS) won 20 seats, down 3 from the previous election. The Greens, composed of the francophone Ecolo (in Wallonia and Brussels) and their Flemish-speaking counterpart Groen (in Flanders and Brussels) won 21 seats, a significant increase. The francophone Liberals (MR) of incumbent prime minister Charles Michel won 14 seats, while the Christian Democratic party (CD&V), the Workers’ Party of Belgium (PvdA in Flemish, PTB in

TOP

French) and the Flemish Liberals (VLD) took 12 seats each. It took until September 2020 to form a new government, a delay that is not historically unusual for Belgium.

Regional elections held concurrently in May 2019 showed a similar trend, with losses by establishment parties in all parts of the country. However, the N-VA remained the biggest party in Flanders and was able to form a government in coalition with the CD&V and the VLD that October. The PS remained the biggest party in Wallonia and formed a new coalition government with Ecolo and MR in September. In Brussels, a coalition was formed between PS and Socialist Party Differently (SP.A), Ecolo and Groen, the liberal VLD, and the francophone party DéFI.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

4/4

Despite the complexity of the political system, the electoral laws and framework are generally fair and impartially implemented.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

4/4

The party system is robust but highly fragmented, with separate Flemish and Francophone political parties representing various positions on the left-right spectrum.

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B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

4/4

Belgium's coalition-based politics allow individual parties to move easily in and out of government, and there is a long record of peaceful transfers of power between rival parties at the federal level. However, the 2019 regional and federal elections showed decreasing support for establishment parties and increasing support for far-right, far-left, and green parties across the country. The increasing power of the Flemish right-wing N-VA and the far-right VB makes coalitional majorities that exclude these nationalist parties increasingly difficult to assemble. The N-VA and VB, in turn, criticized the formation of a government lacking the participation of the biggest parties in one of the two main regions, with several thousand participants mounting a protest near Brussels in September.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

4/4

The political choices of voters and candidates are generally free from undue interference.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

4/4

Members of racial, ethnic, religious, and other minority groups are free to participate in national and subnational politics, and women also enjoy full political rights. In the 2019 elections, women were elected to 65 seats out of 150 in the Chamber of Representatives; this 43 percent share represented a rise of 4 percentage points from the 2014 elections. The Senate must have a minimum of 20 women senators.

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In general, the larger parties incorporate members of minority groups, including in senior positions. In 2019, Belgians elected Petra de Sutter, an openly transgender member of the Green party, as a member of the European Parliament; in 2020 de Sutter also became deputy prime minister in the new government.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

4/4

Elected officials generally adopt and implement laws and policies without improper interference from unelected entities, though the difficulty of forming majority coalitions has sometimes disrupted governance over the past decade.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

3/4

Public officials can face heavy fines and up to 10 years' imprisonment for corruption-related offenses, and enforcement of anticorruption legislation is generally adequate. However, recent corruption scandals have drawn attention to abuses involving politicians who hold multiple positions on the boards of public and private entities, with some officials holding more than a dozen paid positions. The Group of States against Corruption (Greco), a Council of Europe anticorruption body, has repeatedly warned about Belgium's lethargic implementation of recommended anticorruption reforms.

C3 0-4 pts

Does the government operate with openness and transparency?

4/4

The law provides mechanisms for the public to access government information, and these procedures generally function in practice. Legislators and other high-ranking elected officials are required by law to regularly disclose their assets as well as ³ ~~top~~ or unpaid mandates, executive functions, and occupations to the Court of Audit. Information about asset declarations is not publicly accessible, but declarations of interests are published in the official government gazette.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

4/4

Freedom of the press is guaranteed by the constitution and generally respected by the government, though some law enforcement actions affecting journalists have raised concerns in recent years. Belgians have access to numerous public and private media outlets that present a range of views. Internet access is unrestricted. Although online harassment cases remain rare, journalist Florence Hainaut was the victim of sustained digital harassment in July 2020 after writing an opinion piece criticizing bans on Islamic headscarves. A draft law introduced in 2019 received criticism for threatening whistleblowers and journalists with criminal penalties for revealing classified information; the government pledged revisions to the bill, which remained pending throughout 2020.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

3/4

More than half of the country's population identifies as Roman Catholic. Freedom of religion is generally protected, but members of minority religious groups have complained of discrimination and harassment. A ban on the partial or total covering of the face in public locations, which is understood to target Muslims, has been in effect since 2011. The 2020 US Department of State *Report on International Religious Freedom* noted that anti-Muslim and antisemitic incidents continue to affect the Jewish and Muslim communities. The rise of nationalist and far-right parties in Flanders has contributed to the normalization of anti-Muslim rhetoric in some

political discourse. In June 2020, the Constitutional Court received criticism following a ruling that higher education institutions are allowed to ban headscarves and other religious symbols.

In December 2019, the town of Aalst renounced the United Nations Educational, Scientific, and Cultural Organization (UNESCO) designation associated with its Carnival, after a long dispute over a racially insensitive float in the Carnival parade. Town officials claim the float—featuring stereotypical depictions of a Jew with a hooked nose, sitting on piles of money—is meant to be humorous, while UNESCO, Jewish groups, and the European Union (EU) have condemned its antisemitic message, reminiscent of 1930s Nazi propaganda. In 2020, the Carnival again featured grotesque caricatures of Jews.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	4/4
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The government does not restrict academic freedom. Schools are free from political indoctrination, and there are no significant impediments to scholarly research or discussion.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	4/4
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Private discussion is open and vibrant, and freedom of expression is guaranteed by the constitution, though there are laws banning incitement to hatred and other such offenses, which occasionally lead to prosecutions, fines, and jail terms.

E. Associational and Organizational Rights

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E1 0-4 pts

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Is there freedom of assembly?	4/4
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Freedom of assembly is protected by law and generally respected in practice.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	4/4
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Freedom of association is guaranteed by the constitution, and nongovernmental organizations operate without undue restrictions.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	4/4
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Workers at companies that employ more than 50 people have the right to organize and join unions and to bargain collectively. Employers found guilty of firing workers because of union activities are required to reinstate the workers or pay an indemnity.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	4/4
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The judiciary is independent by law and in practice, and court rulings are duly enforced by other state entities.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	4/4
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The judicial process generally guarantees a fair trial, and the authorities typically observe safeguards against arbitrary arrest and detention. Extraordinary security measures adopted in the period surrounding terrorist attacks in 2015 and 2016 have eased significantly in the years since, though a 2017 legal change increased the maximum length of detention in police custody without a judicial order from 24 to 48 hours.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

4/4

Although conditions in prisons and detention centers meet most international standards, the facilities continue to suffer from overcrowding and other problematic living conditions.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

3/4

Antidiscrimination legislation prohibits bias and acts of hatred and incitement based on categories including gender, race, ethnicity, nationality, and sexual orientation. Nevertheless, some groups, including immigrants, Belgians of African descent, and Romany residents, continue to face a degree of discrimination in practice.

In February 2019, UN experts stated that racial discrimination is institutionally endemic in Belgium and called for recognition of the country's history of human rights abuses during its colonial rule over what is now the Democratic Republic of the Congo. Following debates prompted by the Black Lives Matter protests in the spring of 2020, King Philippe expressed regrets over Belgian colonial rule. Although politicians have gradually become aware of the need for critical discussion about the country's past, the rising influence of hard-right, nationalist parties in Flanders has been accompanied by racism and xenophobia.

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In April 2020, the death of a young adult of Moroccan descent after a police chase in Brussels resulted in brief riots and prompted discussion of police discrimination

against Belgians with racial or ethnic minority backgrounds who reside in areas of high poverty. The Interfederal Centre for Equal Opportunities (UNIA), which acts as the state antidiscrimination agency, has received hundreds of complaints of police mistreatment and abuse of migrants and members of ethnic and racial minority groups in recent years. The agency logged a nearly 50 percent increase in discrimination complaints in 2020.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

4/4

The law provides for freedom of domestic movement and foreign travel, and the government upholds these rights in practice. There are no restrictions on the right to change one's place of residence, employment, or education.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

4/4

The legal framework supports property rights, and commercial activity is regulated without arbitrary interference.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

4/4
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There are few significant restrictions on personal social freedoms. Belgium legalized same-sex marriage in 2003, and in 2006 same-sex couples gained the right to adopt

children.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	3/4
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Immigration has increased in recent years, but non-EU immigrants and their native-born children remain poorly integrated into the labor market.

Despite government efforts to combat the problem, Belgium remains a destination country for human trafficking, particularly for sexual exploitation and domestic labor; victims generally originate in Eastern Europe, Asia, and Africa.



On Belgium

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Country Facts

Global Freedom Score

96/100 **Free**

Other Years

2022

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