

BELGIUM

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. Muslim women in particular faced increased restrictions on head coverings, most notably in the form of a newly enacted “burqa ban.” Additionally, conditions were not optimal for groups officially designated as “sects” or “cults.” The government retained the authority to monitor religious groups. Religious and political leaders continued to call for reforms in the way religious groups are recognized and financed and to further the dialogue between recognized and non-recognized religious groups. Despite these efforts, no significant reforms have been enacted.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, most notably of Muslims in the labor and housing markets, and in their derogatory or negative portrayal in the news and popular media. Eighty-four percent of all cases of religious discrimination reported to the authorities involved discrimination against Muslims. There is likewise growing societal acceptance of limitations on the wearing of headscarves in certain public sector jobs involving contact with the public and in schools.

The U.S. government actively engaged government officials, civil society, and religious groups in an effort to monitor developments and raise awareness about the U.S. government’s views on the most significant questions of religious freedom in the country, particularly with respect to discrimination against Muslims.

Section I. Religious Demography

The government does not collect or publish statistics on religious affiliation.

In a 2011 report, the King Baudouin Foundation said the religious affiliations of the population were as follows: 50 percent Roman Catholic, 32 percent no affiliation, 9.2 percent atheist, 5 percent Muslim, 2.5 percent other Christian, 0.4 percent Jewish, and 0.3 percent Buddhist.

According to a 2007 report, larger non-recognized religious groups who do not receive funds from the state include Jehovah's Witnesses with 23,701 baptized and 50,000 "churchgoers"; The Church of Jesus Christ of Latter-day Saints (Mormons) with 4,000 members; Seventh-day Adventists with 2,000; Hindus with 5,000; Sikhs with 3,000; Hare Krishnas with 1,500; and the Church of Scientology with 200 to 300 members. Experts consider these statistics to be accurate still.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. The 2007 Anti-Discrimination Act outlaws discrimination based on religion or philosophical orientation, among other grounds. However, conditions were not optimal for Muslims or groups listed as potential "sects."

The government funds the Center for Information and Advice on Harmful Sectarian Organizations (CIAOSN), which collects publicly available information on a wide range of religious and philosophical groups, provides information to the public, and, upon request, gives advice to authorities on "sectarian" organizations. CIAOSN published no reports during the year. CIAOSN continues to maintain on its website a document that contains a list of 189 groups that could be considered "sects," including the Church of Scientology, the Mormons, and Jehovah's Witnesses. This document was used as a justification for founding the center. The list does not officially designate such groups as "sects," nor does it provide a definition for what constitutes a sect. Some organizations on the list, however, claim that it creates a presumption that they are "sects." According to officials at the center, the largest number of public inquiries concern new, therapeutic organizations focusing on mental or physical well-being. The government likewise maintains an Interagency Coordination Group on "harmful sects" that deals primarily with confidential material, and works with legal and security institutions of the government to coordinate government policy.

By the end of the year, parliament had not amended the criminal code to include a special section on "offenses committed by sectarian organizations." Currently "sectarian organizations" can be investigated under existing laws on such grounds as embezzlement, money laundering, abuse of confidence, misappropriation of wills, illegal medical practices, and fraud.

The country belongs to the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research, and spent much of the year preparing to assume the presidency of the task force in 2012. Federal law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust. The maximum sentence for Holocaust denial is one year imprisonment.

The government accords “recognized” status to Catholicism, Protestantism (including evangelicals and Pentecostals), Judaism, Anglicanism (separately from other Protestant groups), Islam, and Orthodox (Greek and Russian) Christianity. Representative bodies for these religious groups receive subsidies from the federal, regional, and local governments, including payment of wages and pensions for their clergy. The federal government and parliament have responsibility for recognizing religious groups. The government also supports the freedom to participate in secular organizations to an equal extent and thus funds activities related to secular humanism.

The government applies five criteria in deciding whether to grant recognition to a religious group: the religion must have a structure or hierarchy; the group must have a sufficient number of members; the religion must have existed in the country for a long period of time; it must offer social value to the public; and it must abide by the laws of the state and respect public order. These criteria are not listed in decrees or laws, and the government does not formally define “sufficient,” “long period of time,” or “social value.” A religious group seeking official recognition applies to the Ministry of Justice, which then conducts a thorough review before recommending approval or rejection. Final approval of recognized status is the sole responsibility of parliament; however, parliament generally accepts the recommendation of the Ministry of Justice. There have been no instances in which a group has applied for official recognition and been denied. However, the Church of Scientology claims it has not bothered to apply since its assumption is it would be denied recognition.

The lack of recognized status does not prevent a religious group from practicing freely and openly. While unrecognized groups do not qualify for government subsidies, they may qualify for tax-exempt status as nonprofit organizations.

In 1993 the government established the Center for Equal Opportunity and Opposition to Racism (CEOOR), an independent agency responsible for litigating discrimination cases, including those of a religious nature. It is formally part of the Office of the Prime Minister and operates under control of the Ministry of Interior.

The board of directors and managing director are appointed by the government for renewable six-year terms.

The minister of justice appoints a magistrate in each judicial district to monitor racism and discrimination cases, thus making it easier to prosecute discrimination as a criminal act.

The public education system, from kindergarten to university, requires strict neutrality with regard to the presentation of religious views except from teachers of religion. Religious or “moral” instruction is mandatory in public schools and is provided according to the student’s religious or nonreligious preference. All public schools provide teachers for each of the six recognized religious groups if a sufficient number of pupils wish to attend. Public school religion teachers are nominated by a committee from their religious group and appointed by the minister of education of the concerned community government. Private authorized religious schools that follow the same curriculum as public schools are known as “free” schools. They receive community government subsidies for operating expenses, including building maintenance and utilities. Teachers, like other civil servants, are paid by their respective community governments.

The government observes the following religious holidays as national holidays: Easter, Ascension, Pentecost, Assumption, All Saints Day, and Christmas.

Government Practices

There were no reports of abuses of religious freedom. However, Muslim women in particular faced increased restrictions on head coverings, most notably in the form of a newly enacted “burqa ban” and growing societal acceptance of limitations on wearing headscarves in certain public sector jobs involving contact with the public and in schools. Further, on March 15, the Constitutional Court upheld the right of certain schools under the authority of the Flemish Community to maintain their 2009 headscarf ban, ruling that the ban of all religious symbols at schools did not violate the principle of neutrality. The court noted the decision did not take into account the compatibility of the ban with religious freedom. The ban applies to approximately 700 secondary schools, representing 15 percent of schools in Flanders. Additionally, conditions were not optimal for groups officially designated as “sects” or “cults.”

On July 23, a federal ban on wearing the burqa or niqab in public came into force. Five separate court cases were introduced at the level of the Constitutional Court to

challenge the law's compatibility with the Constitution and the European Convention on Human Rights. The five cases were subsequently bundled into one by the Constitutional Court. There were at least three known incidents of the ban being enforced: once at a court hearing against those suing to overturn the ban, and twice where the police stopped a burqa-clad woman on the street. In the latter two cases, a physical altercation between the police and the women's husbands ensued, and the husbands were arrested but there were no injuries.

Since the 1990s Muslim women working for the government have faced increasing restrictions on their right to wear headscarves in positions requiring interaction with the public. Additionally, individual public schools are given the freedom to decide whether to impose a ban on headscarves. Eighty-five percent of public schools sponsored by the Francophone Community have opted to do so. Many political parties are in favor of at least a partial ban on wearing headscarves, which would, for example, prohibit women and girls from wearing a head covering until they reach a certain age or complete a certain level of education. Legal experts have questioned the compatibility of this policy with the Belgian Constitution and the European Convention of Human Rights.

Broadly speaking, recognized religious groups received approximately 645 million euros (\$851 million) from the government in 2009. This amount can be divided into three categories: first, 240 million euros (\$316 million) for subsidies, salaries, deficit coverage, and renovation work on religious buildings; second, 80 million euros (\$106 million) for retirement allowances, work on "protected" buildings used for religious purposes, and tax waivers; and finally, 325 million euros (\$429 million) for religious education at schools. According to a 2011 study based on 2008 data of the total contributions from public authorities (federal, local, provincial, regional or benefits in kind through tax exemptions or payment of wages and pensions), about 86 percent of public support goes to the Catholic Church, 8 percent to organized secularism, 3 percent to Protestantism, 2 percent to Islam, 0.8 percent to Orthodox churches, 0.4 percent to Judaism, and 0.2 percent to Anglicanism. In contrast, the percentages of the different communities are (as previously noted): 50 percent for Catholicism, 9.2 percent for atheism, 5 percent for Islam, 2.5 percent for other Christian communities, 0.4 percent for Judaism, 0.3 percent for Buddhism, and 32 percent claiming no religious affiliation.

According to the Ministry of Justice, on December 1, the federal government paid the salaries of 2,570 Catholic priests, 333 lay consultants, 122 Protestant/Evangelical pastors, 15 Anglican ministers, 49 Orthodox priests, 34 rabbis, and 39 Muslim imams.

The Muslim Executive of Belgium has historically acted as the official interlocutor between public authorities and the Muslim community. It was not involved in religious matters other than administrative issues. On March 31, the mandate for the Muslim Executive was not renewed. On August 28, it was essentially dissolved by the government, its essential tasks conferred to the exiting President and Vice President. This occurred after a long period of internal divisions in the Muslim Executive's membership that, according to the government, effectively prevented it from accomplishing its mandate. The practical implication is that, unlike any other recognized religion in the country, there is now no official interlocutor between the public authorities and the Muslim community and thus no practical mechanism for additional imams or mosques to be recognized. It is not clear how long it would take for these problems to be resolved and for a functioning Muslim Executive to be reconstituted.

The Walloon, Flemish, and Brussels regional governments were reviewing additional applications for imams and mosques filed prior to the effective dissolution of the Muslim Executive. The Walloon regional government previously recognized a total of 43 mosques. However, during the year it withdrew its recognition of four of these mosques because they did not meet certain technical requirements regarding the organization of elections to the governance bodies overseeing the mosque. By year's end, the Walloon government recognized 39 mosques, the Flemish regional government recognized 24, and Brussels recognized eight.

At the end of the year, Buddhists reported no progress in obtaining government recognition of Buddhism as a "non-confessional philosophical community," as the Buddhist community desired. The federal government nonetheless continued funding the federal Buddhist Secretariat.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Since ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

In 2010 CEOOR received 185 complaints of religious discrimination and 627 racial discrimination cases. Of the cases of religious discrimination (12.6 percent of all complaints), 84 percent concerned discrimination against Muslims. Most

complaints concerned hate speech on the Internet, but many new cases concerned access to goods and services or labor problems. Twenty-seven percent of the incidents were media-related, 26 percent were labor-related, and 9 percent were school-related.

Many of the incidents of discrimination against Muslims took place in the labor market, in particular against professional Muslim women wearing headscarves. There was a continuing pattern of discrimination against Muslim families in the housing market, which was a contributing factor to the high concentrations of Muslims in specific neighborhoods. For example, a store in Limburg fired one of its temporary workers for wearing a headscarf. The woman had asked if she could wear a headscarf and was told she could, but following negative reactions from customers, the local manager of the store asked her to remove it. When she refused, she was fired. After consultation with trade unions and with the employee, the CEOOR decided to take the case to court in the hope of obtaining a well-founded ruling on the issue of how far a company can go in seeking to present a “neutral” image to its customers.

Schools in Muslim-majority communities continued to perform far below the national average. There were also numerous complaints about how Muslims were portrayed in the news and media, with a continuing tendency towards negative reports about the Muslim community. Many Muslims criticized the significant media attention given to Sharia4Belgium, a marginal radical organization which is largely repudiated by the broader Belgian Muslim community.

The far-right Vlaams Belang (Flemish Interest) political party continued to advocate for its platform from the June 13, 2010 federal elections, which called for an end to government recognition of Islam as an official religion, the closing of mosques whose leaders preached against Western society, and an end to government subsidies for mosques. The popularity of Vlaams Belang has decreased among the overall Flemish electorate, but the party still has a high degree of visibility and maintains a local stronghold in Antwerp, the country’s second largest city.

According to CEOOR statistics, 2 percent of all religious discrimination complaints involved the Jewish community. In total, there were 32 incidents of anti-Semitic acts reported to the CEOOR, including physical attacks and verbal harassment of Jews and vandalism of Jewish property during the year. One such act involved a 13-year old Belgian Jewish girl from Brussels who was physically assaulted and subjected to anti-Semitic epithets by five Belgian girls of Moroccan

origin. A police report was filed, and the CEOOR joined in a lawsuit against the aggressors. Together with the Director of the Coordinating Committee of Jewish Organizations, the CEOOR met with the Brussels regional minister of education to discuss conflict between the Jewish and Muslim communities, and how the center can provide educational training in schools.

In May 2011 Senator Jacques Brotchi, a well-known neurosurgeon, resigned from his position on the fundraising committee of the Free University of Brussels, citing anti-Semitism within the university including anti-Semitic comments in a student magazine. In September, Brotchi explained that after meeting with the rector of the university, he felt that the executive board was taking necessary measures to counter these incidents.

Anti-Semitic statements were observed in some private media outlets as well: in June an article published in a local circular in the beach town of Knokke included disparaging statements against Jews as well as Israel. The anonymous author wrote, "It is no wonder that we do not love Jews, they consider themselves supermen like the Nazis." The city council of Knokke decided to remove the newsletter in question from publication after Belgian Jews and the mayor of Knokke condemned the incident.

Several nongovernmental organizations were active in promoting religious freedom. Among the most prominent were the European Network Against Racism; the Movement against Racism, Anti-Semitism, and Xenophobia; the Ligue des Droits de l'Homme (Human Rights League, French-speaking Belgium); Human Rights without Frontiers; and the Liga voor Mensenrechten (Human Rights League, Flemish speaking Belgium).

Section IV. U.S. Government Policy

U.S. embassy representatives continued to discuss religious freedom with government officials. To promote interreligious understanding and to foster religious freedom, the embassy engaged with the Catholic, Muslim, and Jewish communities, holding regular outreach events and accepting invitations from these communities. Embassy officials also met with representatives of both recognized and unrecognized religious groups, particularly those that reported some form of discrimination during the year. The embassy hosted a number of interfaith events to encourage dialogue among citizens of the country and with the U.S.

government, most notably the 10-year commemoration of the September 11 attacks.