

BELGIUM 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies generally protect religious freedom; however, in practice, the government's respect for religious freedom has weakened somewhat with respect to the Muslim community. The "burqa ban" passed in 2011 remains in place, although it is not consistently enforced. In practice, however, only a few hundred women are affected by the ban. Far more widespread, however, are practices and policies that limit the freedom of Muslim women to wear head coverings. Muslim women faced increased indirect or direct restrictions on head coverings while running for public office, in schools, in public sector employment, and in public spaces. In July the Council of Europe's human rights commissioner criticized several European nations, including Belgium, for legislation negatively affecting Muslims, focusing on the "burqa ban." The government retained the authority to monitor religious groups. The government provides financial support for officially recognized religious groups, including Catholicism, Protestantism, Judaism, Anglicanism (separately from other Protestant groups), Islam, Orthodox Christianity, and secular humanism. Unrecognized groups do not receive subsidies, but may worship freely and openly. Some may qualify for tax-exempt status as nonprofit organizations.

Despite strong anti-discrimination laws, there were continued reports of societal discrimination based on religious affiliation, belief, or practice, most notably against Muslims in the labor and housing markets, in educational opportunities, and in their derogatory or negative portrayal in the news and popular media. Eighty-three percent of reported cases of religious discrimination involved Muslims. There continue to be indications that society at large was increasingly more accepting of limitations on wearing headscarves in certain public sector jobs involving contact with the public and in schools. The government received increased reports of anti-Semitism, largely among the Muslim or Muslim-origin community.

U.S. embassy officers met with government officials, civil society, and religious groups to raise awareness about religious freedom issues, particularly with respect to discrimination against Muslims, and to discuss the importance of protecting religious freedom in law and practice.

Section I. Religious Demography

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The U.S. government estimates the total population at 10.4 million (July 2013 estimate). The Belgian government does not collect or publish statistics on religious affiliation.

A 2011 report by the King Baudouin Foundation estimates the religious affiliation of the population to be 50 percent Roman Catholic, 32 percent without affiliation, 9 percent atheist, 5 percent Muslim, 2.5 percent other Christian, 0.4 percent Jewish, and 0.3 percent Buddhist. Other religious groups include Hindus, Sikhs, Hare Krishnas, and Scientologists.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies generally protect religious freedom. The law prohibits discrimination based on religious or philosophical orientation.

Federal law prohibits public statements that incite national, racial, or religious hatred, including Holocaust denial. The maximum sentence for Holocaust denial is one year in prison.

The government provides financial support for certain officially recognized religious groups. A religious group seeking official recognition applies to the Ministry of Justice, which then recommends approval or rejection. In determining which religious groups to recognize officially, the government evaluates whether the group meets specific organizational and reporting requirements, and forwards the decision to parliament. The government applies criteria based on administrative precedents in deciding whether to recommend that parliament grant recognition to a religious group. The religious group must have a structure or hierarchy, a “sufficient number” of members, and a “long period” of existence in the country. It must offer “social value” to the public, abide by the laws of the state, and respect public order. The government does not formally define “sufficient number,” “long period of time,” or “social value.” Final approval is the sole responsibility of parliament; however, parliament generally accepts the ministry’s recommendation. Recognized groups receive subsidies such as payment of clergy salaries, maintenance and equipment for facilities and places of worship, and tax exemptions.

The government officially recognizes Catholicism, Protestantism (including evangelicals and Pentecostals), Judaism, Anglicanism (separately from other

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Protestant groups), Islam, Orthodox (Greek and Russian) Christianity, and secular humanism. Unrecognized groups do not receive government subsidies, but may worship freely and openly. Some may qualify for tax-exempt status as nonprofit organizations.

The Center for Equal Opportunity and Opposition to Racism (CEOOR) is an independent but publicly funded agency responsible for litigating discrimination cases, including those of a religious nature. It is part of the prime minister's office and operates under administrative management of the minister of equal opportunities, but the government exercises no control over the center's substantive work or its conclusions. The government appoints the board of directors and managing director for renewable six-year terms.

The justice minister appoints a magistrate in each judicial district to monitor racism and discrimination cases and facilitate prosecution of discrimination as a criminal act.

The public education system, from kindergarten to university, requires strict neutrality in the presentation of religious views, except with regard to the views of teachers of religion as expressed in the classroom. Religious or "moral" instruction is mandatory in public schools and is provided according to the student's preference. All public schools provide teachers for each of the seven recognized groups, as well as for secular humanism 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 community government's education minister. Private authorized religious schools following the same curriculum as public schools are known as "free" schools. They receive government subsidies for operating expenses, including building maintenance and utilities. Teachers in these schools, like other civil servants, are paid by their respective community governments.

Individual public schools have the right to decide whether to impose a ban on religious attire or symbols such as headscarves. Many public schools have policies restricting headscarves. At least 90 percent of public schools sponsored by the francophone community continue to ban headscarves. Likewise, virtually all Flemish public schools continue to ban headscarves, and only four Brussels schools allow the headscarf. Private employers may ban religious attire such as headscarves if they believe such attire would interfere with the performance of an employee's duties.

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The government is a member of the International Holocaust Remembrance Alliance, formerly the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

Government Practices

The government imposed restrictions that affected members of minority religious groups, effectively denying them full exercise of their religious beliefs.

City and town administrations continued to withhold approval or were slow to approve construction of new mosques and Islamic cultural centers. Projects in Charleroi and Namur continued to face administrative obstacles and public opposition; however, construction of a mosque began in Liege.

Police continued to enforce a 2011 federal ban on covering one's face in public. The law was widely understood to target Muslim women wearing the burqa or niqab. Over the first six months of 2012, the last period for which statistics were available, police filed 20 reports on violations of the ban. Women who wore the full face veil in public faced a maximum fine of 150 euros (\$207). In July the Council of Europe human rights commissioner criticized several European nations, including Belgium, for legislation negatively affecting Muslims, focusing on the "burqa ban."

On August 6, the legal advisor for some of the plaintiffs in a case challenging the "burqa ban" that had been brought before the Constitutional Court, submitted an appeal to the European Court for Human Rights following the Constitutional Court's ruling in December 2012 that the ban did not violate religious freedom. A verdict from the European Court was still outstanding at year's end.

Muslim women working in the public sector continued to face restrictions on the wearing of headscarves in positions requiring interaction with the public. In May the city council of Ghent voted to overturn a 2007 ban on civil servants wearing headscarves. In March Brussels Secretary of State for Mobility, Civil Service, Equal Opportunities and Administrative Simplification Bruno De Lille stated his support for the right of women to wear headscarves in public service jobs.

On January 2, the labor court ruled on the case of an employee whose employer initially allowed her to wear a headscarf but subsequently asked her to remove it following customer complaints. The employee refused, and her contract was terminated. The court ruled that the employer, who had no policy in place

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regarding religious neutrality in the workplace, had no reason to terminate the employee. The employee received the equivalent of six months of salary as compensation.

On February 1, the council of the Flemish Community Education Network extended the ban on headscarves that had been approved in 2009. Many political parties favored at least a partial ban on headscarves that would prohibit women and girls from wearing a head covering until reaching a certain age or completing a certain level of education. Legal experts questioned this policy's compatibility with the constitution and the European Convention of Human Rights.

There were several cases of Muslim local government employees being dismissed or disciplined for actions they deemed to be in conformity with their religion but which governmental authorities regarded as violations of the practice of maintaining a secular or neutral public sector workspace. In April the Brussels city council dismissed a Muslim city worker for refusing to shake hands with his female boss, the alderman for human resources. She stated that "within the city's administrative services, we have the obligation to be neutral and employees must also show civility." According to media reports, the employee previously refused to touch a tray with alcoholic beverages and reportedly tried to convert colleagues to Islam.

Recognized religious groups received approximately 645 million euros (\$888 million) in official subsidies in 2012. A 2011 study of total public support at all levels of government (including tax exemptions or payment of wages and pensions) to religious groups noted that approximately 86 percent went to the Catholic Church and 2 percent to Muslim groups, although the population was approximately 50 percent Catholic and 6 percent Muslim. Non-Catholics and public financing experts continued to urge the government to disburse public funds in a manner more accurately reflecting the population distribution of religious groups, but the government continued to give a greater proportion of funds to the Catholic Church and a smaller proportion to Muslim and other religious groups than their corresponding percentages of the population.

The Muslim Executive continued to function as the official interlocutor between public authorities and the Muslim community. The government's withdrawal of funding from the group in 2011 had rendered it temporarily incapable of action, had conferred essential tasks onto the president and vice president, and had deprived Muslims of a practical mechanism for recognizing additional imams and mosques or providing state-supported training of imams. Since then, however, the

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Muslim Executive underwent a process of internal reform, with the support of the Ministry of Justice, making it more likely that the government would provide a full level of support. In July the formation of a new General Assembly for the executive was approved by the ministry, and observers stated the full reinstatement of the executive as the government's interlocutor was more likely.

On March 6, a man was sentenced to four months in prison for tearing up a Quran in June 2012 during a demonstration organized by the extremist Vlaams Belang party against a new mosque in Ostend.

In March the Hindu community filed a request for recognition with the Ministry of Justice.

The government provided subsidies to Buddhists to help facilitate the institutional capacity building needed for formal recognition as a "non-confessional philosophical community."

On August 27, the European Court of Human Rights rejected a complaint from the Church of Scientology that a press report stating that the federal prosecutor planned to sue the church's Belgian subsidiary had tarnished the presumption of innocence. The European Court stated that there was no proof that derogatory information about the Church of Scientology reported in the press had come from the prosecution.

The government took steps to improve Holocaust education and to counter anti-Semitism. On January 24, the Senate adopted a resolution recognizing the responsibility of the Belgian authorities in the deportation and the persecution of Jews in Belgium during World War II. The Senate resolution also called on educational authorities to expand Holocaust education in schools, with the aim of ensuring that future generations never forget the lessons of the period.

Initial attempts by the Flemish Ministry of Education to create grade school teaching materials to counter anti-Semitism included a cartoon equating the Holocaust with Israeli treatment of Palestinians. Subsequent publicity resulted in the government removing some of the anti-Semitic material from its website.

Some religious groups expressed concern that an amendment to the criminal code providing special protection for "vulnerable persons" against physical or psychological abuse could be used against religious groups deemed to be aggressively proselytizing or against groups considered to be "sects."

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There were no such cases reported.

Section III. Status of Societal Respect for Religious Freedom

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

Members of some political parties used anti-Islamic sentiments in their political campaigns. For example, the far-right anti-immigrant party Vlaams Belang used a poster depicting a woman's leg to equate compliance with skirt length with adherence to Islam. In the poster, entitled "Freedom or Islam," the leg was demarcated at various levels to express alleged compliance with sharia dress code. The lengths ranged from "Sharia Compliance" to "Moderate Muslim," culminating in "Whore," "Rape," and "Stoning."

In 2012, the most recent year for which data were available, the CEOOR received 265 complaints of religious discrimination, representing a 33 percent increase compared to 2011. Eighty-three percent of the complaints concerned Muslims. Most involved hate speech on the internet, but many new cases concerned access to goods and services or labor problems. Forty-five percent of incidents were media-related, 21 percent labor-related, and 9 percent school-related.

A study by the Flemish daily *De Morgen* in Antwerp and Ghent released in February indicated that one in three Flemings had a completely negative view of Muslims and almost one in five believed that many Muslims were criminals. One-fifth of the respondents thought Muslims should be prohibited from practicing their religion.

Many incidents of discrimination against Muslims occurred in the workplace. Professional Muslim women wearing headscarves continued to be targets of discrimination.

Anti-Semitic acts and threats recorded by Belgium's Centre for Equal Opportunities and Opposition to Racism increased from 62 to 88 from 2011 to 2012, the last full year for which data was available. The European Union's Fundamental Rights Agency (FRA) survey on anti-Semitism, released in November, found 63 percent of 438 Belgian respondents (out of a "core Jewish population" of 30,000) had experienced or observed anti-Semitic verbal or physical attacks and 73 percent of respondents had not reported these incidents to the

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police; 88 percent believed anti-Semitism had gotten worse over the past five years and 40 percent considered emigrating because of anti-Semitism.

Anti-Semitic acts continued to include physical attacks, verbal harassment, and vandalism of Jewish property. In February the Aalst Carnival, which has been recognized by UNESCO as an example of the intangible cultural heritage of humanity, featured a float that lampooned the center-right Flemish nationalist party N-VA. The float was designed to look like a Nazi rail car used to carry Jews to death camps during the Holocaust. Men on the car were dressed in full Nazi regalia along with an Orthodox Jewish boy character; the car was decorated with posters depicting pails labeled “Zyklon,” the chemical used in Nazi gas chambers to exterminate Jews. In a letter to UNESCO Director Irina Bokova, who had condemned the incident, Flemish Regional Culture Minister Joke Schauvliege wrote that the Flemish government “regret[s] that the carnival participants were perceived as wanting to spread an anti-Semitic message. [...] We condemn any form of anti-Semitism and racial hatred, but carnival remains a place for mocking, often in a grotesque way.” The leader of the carnival group that created the float apologized as well. “We were not making fun of the Holocaust at all and we apologize if we have been misunderstood. We were making fun of the exaggerated nationalism of the N-VA. [...] It was just a carnival act and nothing more should be read into it.”

In March a poster announcing a debate about Zionism by Presence et Action Culturelle (Presence and Cultural Action) and the Socialist Party (PS) of Molenbeek featured an anti-Semitic caricature of a Jew. The poster had been rejected by the local party chiefs, who saw it as defamatory, but was then published in error by the party’s cultural office in Molenbeek, provoking complaints from across the political spectrum. The local PS headquarters immediately canceled the conference and issued a statement conveying its “deep regret and apologies to anyone who was offended by this error.”

In June a Jewish woman was severely beaten in Antwerp after she and her Israeli partner placed a mezuzah on their apartment door. Neighbors banged on the walls and shouted, “stinking Jews” and then broke down the door and beat the woman. She was hospitalized for 15 days. The assailants later stated that they had come “to finish what the Nazis started,” according to the woman’s lawyer.

Section IV. U.S. Government Policy

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U.S. embassy representatives frequently discussed the importance of religious freedom with government officials, in particular discrimination faced by Muslims in employment and housing. The embassy engaged Catholic, Muslim, and Jewish communities to promote inter-religious understanding and foster religious freedom. The embassy sponsored the visits of several U.S. academic and legal experts as well as religious figures to engage in interfaith dialogue, explain U.S. perspectives on religious freedom, and build bridges between religious communities to combat intolerance. In June the Special Envoy to Monitor and Combat Anti-Semitism visited Brussels to deliver a speech on combating anti-Semitism at a conference honoring the centenary of the birth of Raoul Wallenberg co-sponsored by the U.S., Swedish, Hungarian, and Israeli embassies. The special envoy also participated in embassy-organized roundtables with Jewish leaders and anti-discrimination NGOs, an interfaith event organized for her visit by the Grand Rabbi of Brussels, and meetings with government officials.