



## Belgium

### International Religious Freedom Report 2006

Released by the Bureau of Democracy, Human Rights, and Labor

The constitution provides for freedom of religion, and the Government generally respected this right in practice.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion. However, the government organization mandated to act as a clearinghouse for nonrecognized religions and sectarian organizations continued to attract much attention from the groups they monitored and researched.

The generally amicable relationship among religious groups in society contributed to religious freedom. Some Muslim community leaders and spokespersons for nonrecognized religions cited instances of perceived discrimination by government organizations and officials. There were also isolated instances of discrimination by private individuals.

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. During the period covered by this report, the United States urged government officials to intensify their efforts to fight anti-Semitism and racism, and to promote religious freedom, and has cooperated with the Government on Muslim outreach programs.

#### Section I. Religious Demography

The country has an area of 11,780 square miles and a population of approximately 10.3 million.

The population was predominantly Roman Catholic. According to the 2001 Survey and Study of Religion, jointly conducted by a number of the country's universities and based on self-identification, approximately 47 percent of the population (4.8 million persons) identified themselves as belonging to the Roman Catholic Church. This survey described the Muslim population as approximately 400,000, with an estimated 328 mosques in the country. Protestants numbered between 125,000 and 140,000. The Greek and Russian Orthodox churches had approximately 70,000 adherents. Jews numbered between 45,000 and 55,000. The Anglican Church had 10,800 members. The larger nonrecognized religions included Jehovah's Witnesses (25,000 baptized, 50,000 church goers). Estimates for other bodies included the independent Protestant congregations, 10,000; Buddhists, 10,000; members of the Church of Jesus Christ of Latter-day Saints (Mormons), 4,000; Seventh-day Adventists, 2,000; Hindus, 5,000; Sikhs, 3,000; Hare Krishna, 1,500; and the Church of Scientology, 1,000.

Estimates indicated that approximately 18 percent of the population did not identify with any religion, approximately 7.4 percent of the population described itself as "secular" (members of nonconfessional philosophical organizations), and 1.1 percent belonged to organized laity that received funding for their programs.

A 2005 Free University of Brussels (ULB) document estimated that 15 percent of the Roman Catholic population attended weekly religious services, and 10 percent of the Muslim population was "practicing Muslims." However, religion continued to play a role in major life events. Within the Catholic population, 65 percent of the children born in the country were baptized, 49.2 percent of couples opted for a religious marriage, and 76.6 percent of funerals included religious services.

#### Section II. Status of Religious Freedom

##### Legal/Policy Framework

The constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government accords "recognized" status to Roman Catholicism, Protestantism (including evangelicals and Pentecostals), Judaism, Anglicanism, Islam, and Orthodox Christianity (Greek and Russian). Representative bodies for these religions receive subsidies from government revenues. The Government also supports the freedom to participate in secular organizations. These secular humanist groups serve as a seventh recognized "religion," and their organizing body, the Central Council of Non-Religious Philosophical Communities of Belgium, receives funds and benefits similar to those of the six recognized religions.

The federal Government and Parliament have responsibility for recognizing faiths and paying the wages and pensions of ministers of those faiths.

As a result of constitutional reforms enacted by Parliament in 2001, religious instruction, financial accountability of religious groups, and

religious buildings have become the jurisdiction of the regional governments. Secular organizations remain under the jurisdiction of the federal authorities.

By law, each recognized religion has the right to provide teachers at government expense for religious instruction in public schools. The Government also pays the salaries, retirement benefits, and lodging costs of ministers and subsidizes the construction and renovation of religious buildings for recognized religions. The ecclesiastical administrations of recognized religions have legal rights and obligations, and the municipalities in which they are located must pay any debts that they incur. Some subsidies are the responsibility of the federal Government, while the regional and municipal governments pay others.

In 2006, the Government paid \$104 million (82 million euros) to recognized non-Muslim religious groups, \$12.7 million (10 million euros) to secular organizations, and \$7.7 million (6.1 million euros) to Islamic groups. For 2005, the budgetary outlays were \$101 million (79.5 million euros) for the recognized faiths, \$11.8 million, (9.3 million euros) for the secular organizations and \$7.6 million (6 million euros) for the Muslim faith.

The total outlays by all the governments (for faith education, and by municipal authorities for buildings) amounted to approximately \$29.6 billion (23.4 billion euros).

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 a social value to the public; and it must abide by the laws of the state and respect public order. The five 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 responsibility of Parliament alone; however, Parliament generally accepts the decision of the Ministry of Justice. A group whose application is refused by the Ministry of Justice may appeal the decision to the Council of State. No minority religious group attempted and failed to be registered in the last three years. In 2005, representatives from both the Armenian Church and the Buddhist faith initiated informal talks to explore the possibility of recognition. The press quoted government officials as favorable to the Buddhist application. The lack of recognized status does not prevent a religious group from practicing its faith freely and openly. Nonrecognized groups do not qualify for government subsidies; however, they may qualify for tax-exempt status as nonprofit organizations.

The Muslim faith was recognized in 1974. Since then, the Government has tried to find reliable interlocutors capable of speaking for the entire Muslim community. The Government pledged in 2004-2005 that, as soon as a new Council and Executive were formed, it could begin the process of paying approved clergy and teachers. However, at the end of the period covered by this report, regional governments were in the process of recognizing mosques eligible for funding. In October 2005, the Walloon regional government adopted a decree on recognition of mosques and local Muslim communities. A similar decree was enacted by the Flemish regional parliament in September 2005. The Flemish decree covered all recognized religions.

On October 2, 2005, the Council elected seventeen members for the Muslim Executive, which is composed of separate Francophone and Flemish wings. A Turkish-origin Muslim was elected Chairman of the Executive, and the two linguistic wings each have a vice chair. As a result of new parliamentary legislation, which provided a legal basis for a wide range of security checks, candidates for the Muslim Executive were screened, triggering some complaints within the community. An imam born and living in Antwerp was excluded from consideration for membership on the Muslim Executive based on the results of these security checks.

The transfer of power between the old and new executive caused tensions within the Muslim community. The outgoing executive refused to leave the headquarters, upon which the judicial authorities searched the premises and the two former executive chairpersons were charged with embezzlement. Once the new executive was put in place, the authorities closed the case. Continuing internal tensions hampered the ability of the executive to finalize its proposals for official support. The executive was cooperating with government educational and nongovernmental organizations (NGOs) on proposals to begin training imams in the country.

In 1993, the Government established by law the Center for Equal Opportunity and the Struggle against Racism. Commonly known as the Anti-Racism Center, it is an independent agency responsible for addressing all types of discrimination, including religious. Although formally part of the Office of the Prime Minister, it is under the guidance of the Ministry of Social Integration. Its head is appointed by the prime minister for six years, but the prime minister may not remove the individual once appointed. Several NGOs, such as the Movement against Racism, Anti-Semitism, and Xenophobia; the Ligue des Droits de l'Homme; Human Rights without Frontiers; and the Liga voor Mensenrechten were also active in promoting religious freedom.

#### Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion; however, the Ministry of Justice and Parliament continued to research and monitor religious and quasi-religious groups that were not on the official list of recognized religions.

As a result of a 1997 parliamentary commission committee report, Parliament passed a law establishing two bodies: a group monitoring harmful sects and an interagency coordinating group on harmful sects. The first body, the Center for Information and Advice on Harmful Sectarian Organizations (CIAOSN), collects publicly available information on a wide range of religious and philosophical groups and provides information and advice to the public upon request regarding the legal rights of freedom of association, privacy, and freedom of religion. There are eight board members who are allowed to serve a renewable six-year term. The Center's library is open to the public and contains information on religion in general, as well as on specific religious groups, including information provided by those groups. The Center has the authority to share with the public any information it collects on religious sects; however, it does not have the authority to provide assessments of individual sectarian organizations to the general public. Despite its name, regulations prohibit it from categorizing any particular group as harmful. Testifying behind closed doors for the House of Representatives working group on sects, the head of the Center

told House members that in 2004 the Center had received more than 500 inquiries about sectarian organizations. Seventeen percent of the queries came from public institutions. Reportedly, there were a growing number of questions (8 percent) about evangelical and Pentecostal churches. Most queries (21 percent) concerned Jehovah's Witnesses. Some inquiries (12 percent) related to faith healing. Unlike the Anti-Racism Center, this body cannot initiate litigation.

The second body established by Parliament, the Interagency Coordination Group, deals primarily with confidential material and works with the legal and security institutions of the Government to coordinate government policy. Through a December 2005 Royal Decree, the group's composition was changed to include representatives from the College of Prosecutors General; the Federal Prosecuting Office; the Federal Police; the State Security; Defense Intelligence; and the Justice, Interior, Foreign, and Finance Ministries. The Coordinating Group's executive board meets quarterly and reports to the full group. It produces no publicly available reports. The Government designated the federal prosecutor and a magistrate in each of the twenty-seven judicial districts to monitor cases involving sects.

Regarding the Interagency Coordination Group, the parliamentary watchdog committee found that the Government had failed, together with the college of prosecutors general, to determine the official guidelines for prosecuting offenders. Created in 2002, the Federal Prosecution Office had not filed its first injunction against a "sectarian" organization. Moreover, Parliament was undecided about amending the criminal code to include a special section on "offenses committed by sectarian organizations." In the absence of such special legislation, sectarian organizations can be investigated on such grounds as embezzlement, money laundering, abuse of confidence, misappropriation of wills, illegal medical practice, and fraud.

In June 2005, a Brussels appellate court judge ruled that the Church of the Kingdom of God had suffered damage by appearing in the parliamentary report of sectarian organizations. The president of the Chamber of Representatives argued that the judge's ruling undermined the legislative authority and independence of the lawmakers and filed an appeal with the country's highest court. The High Court overturned the ruling because the original court did not have the competence to rule on legislative matters.

Since 1999, the CIAOSN had conducted research on 598 organizations. In its 2006 report, the parliamentary watchdog committee mentioned an increasing number of queries about organizations originating from Northern American Protestant and African evangelical movements.

Most queries concerned Jehovah Witnesses (3.7 percent), other Protestant denominations (12.6 percent), Scientology (4.8 percent), Oriental faiths (11.2 percent), dissident Catholic organizations (5.5 percent), esoteric religions (6.6 percent), physical welfare and therapeutical organizations (11.6 percent), and New Age and New Paganism (6.6 percent).

The parliamentary committee noted that since it was established in 1999, the queries coming from the public had shifted from sectarian organizations to those offering mental and physical healing, generated by a rapidly growing number of groupings and organizations, often hard to identify.

In its recommendations, the committee also requested that brainwashing and mental manipulation be established as criminal offences.

The Council of Ministers adopted proposed draft legislation aimed at including an additional chapter in the criminal code regarding "abuse of an individual's ignorance or weakness." The key provision reads: "Anyone abusing the ignorance or weakness of a minor or a very vulnerable individual, either due to his/her age, sickness, disability, physical or mental deficiency, illegal residence or precarious living condition or pregnancy, so as to force the person to do an act or refrain from doing an act that would seriously endanger his/her physical or mental integrity, or affect his assets, will be sentenced to a prison term from three months to three years and a fine" from \$318 to \$25,400 (250 to 20,000 euros.).

The concept of abuse of vulnerability is not new, since the vulnerable position of the victim is an aggravating circumstance for such offences as rape, indecent assault, obscenity, human trafficking and smuggling, begging, and exploitation of slum dwellers. Similar draft legislation was submitted by members of the two houses of Parliament, but in light of the Government's own initiative, no further action on these individual initiatives was expected.

The 1998 act concerning the country's intelligence services tasked the State Security with monitoring sectarian organizations. The judicial branch of the Federal Police had a special department dealing with terrorism and harmful sects. Within this department only one person dealt with sectarian organizations. Sects were also monitored by local police forces, in particular at the level of judicial districts. Without providing specific detail, the Federal Police identified thirteen sectarian organizations that had potential for threatening public order.

According to the Federal Prosecuting Office, the 2004 criminal investigation into the Belgian Church of Scientology's operations was completed. Formal indictment and trial were scheduled for late 2006.

In 2003, the International Church of Scientology (CSI) opened its European Office for Public Affairs and Human Rights in Brussels. Press reports claimed the Church was planning to move its European Headquarters from Copenhagen to Brussels. Despite generally negative press reports and comments from city officials, CSI operated unhindered by government action and continued, albeit unsuccessfully, to engage the Government in a dialogue.

As they were not one of the recognized religions, the Church of Jesus Christ of Latter-day Saints (Mormons) expressed some concerns about the status of its local workers. The Government had not formalized in writing its 2003 agreement allowing Mormon missionaries to operate in the country, fearing such a written agreement would set a legal precedent that other nonreligious foreign workers could try to exploit.

In February 2006, hearings began in the case of Minh Luong Dang, founder of the Spiritual Human Yoga (SHY), and Vo Hinh Hiep, his former representative in the country. The two faced charges of committing fraud and illegally practicing medicine. The movement was on the parliamentary list of sectarian organizations, but the trial concerned the two defendants personally. Since the opening of the litigation in 1999, no SHY groups in the country had been banned or denied permission to teach and apply Dang's techniques.

In April 2006, the Brussels Appellate Court ruled that the Francophone Community Government must cease circulating a flyer in which anthroposophism was labeled as a dangerous sect. The court awarded one euro symbolic damage to the plaintiffs.

Some courts in the Flanders region have stipulated, in the context of child custody proceedings and as a condition of granting visitation rights, that a noncustodial parent who is a member of Jehovah's Witnesses may not expose his or her children to the teachings or lifestyle of that religious group during visits. These courts claimed that such exposure would be harmful to the child; however, other courts had not imposed this restriction, and other sources stated that custody issues rather than religion prompted the decisions.

Religious or "moral" instruction was mandatory in public schools and was provided according to the student's religious or nonreligious preference. All public schools provided teachers for each of the six recognized religions, if a sufficient number of pupils wished to attend. Public school religion teachers were nominated by a committee from their religious group and appointed by the minister of education of the respective community governments. Private authorized religious schools that follow the same curriculum as public schools were known as "free" schools. They received community government subsidies for operating expenses and buildings. Teachers, like other civil servants, were paid by their respective community governments.

There were no reports of religious prisoners or detainees in the country.

#### Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

#### Anti-Semitism

The Jewish Community registered forty-eight anti-Semitic incidents during 2005 and twelve incidents during the first two months of 2006. Most incidents took place in Antwerp, and to a lesser extent in Brussels. Verbal abuse was the most common complaint, together with the painting of anti-Jewish graffiti. As in the past, incidents appeared to have been generated from the Muslim immigrant community.

In April 2005, a youth threatened a group of Jewish boys with a knife in Antwerp. The young assailant was arrested. Later that month in Antwerp a Jewish boy was knocked off his bicycle and sustained injuries. In November a Jewish elder was harassed by local youths. By the end of the reporting period, no court action had started in these cases.

The Antwerp First Instance court handed down a six-month prison sentence and payment of a fine to a Moroccan immigrant for insulting and threatening a Jew. The same court sentenced a local inhabitant to a six-month suspended prison sentence for issuing threats against a Jew. The Brussels first instance court convicted a Brussels National Airport employee of tagging baggage coming from Israel with anti-Semitic slogans. The judge suspended his verdict, while imposing special working conditions on the defendant.

Observers noted that courts in the country were becoming less lenient on anti-Semitic offences and that an increasing number of judges had taken such cases.

In April 2006, the Brussels Chamber of Indictment ruled that Roeland Raes, a former far-right Vlaams Blok vice-chairman and former senator, would have to stand trial for denying the Holocaust during a television show in 2001.

#### Section III. Societal Abuses and Discrimination

The generally amicable relationship among religious groups in society contributed to religious freedom; however, several religious groups reported incidents of private discrimination, particularly Jews and Muslims, as well as religious groups that have not been accorded official "recognized" status by the Government.

Prejudice in the private sector against members of the Muslim community was not unknown, affecting housing, employment, and, in some cases, education. However, these prejudices affected primarily the North African communities (including both immigrant and first-generation). Muslims of Turkish and other national origins appeared to be far less frequently the targets of such prejudice, which could be described as more ethnic than religious. At the same time, Muslim-heritage immigrants were increasingly visible, particularly in the public and nonprofit sectors.

The Center for Equal Opportunity and the Fight against Racism, an independent government agency, reported that 7.5 percent of the discrimination complaints filed with the Center during 2002 cited religion as the basis of the alleged discrimination. In June 2005, the Center released a report covering 2004, which provided, among other topics, information on anti-Semitism.

At the national level, there is an annual general assembly of the National Ecumenical Commission to discuss various religious themes. The Catholic Church sponsors working groups at the national level to maintain dialogue and promote tolerance among all religious groups. At the

local level, every Catholic diocese has established commissions for interfaith dialogue. The president of the National Ecumenical Commission maintains contacts with leaders of other faiths, including both recognized and unrecognized religious groups.

In March 2005, the Center for Equal Opportunity issued a comprehensive report on public symbols of religious and philosophical convictions. The 2003 act made discrimination on religious and philosophical grounds unlawful. The report found that neither Flemish nor Francophone schools imposed restrictions given by the governing authorities, nor was it left to individual schoolmasters to decide which signs would be tolerated. Most schoolmasters in the country imposed a headscarf ban on both pupils and teachers. A survey released in 2004 showed that in Brussels, of 110 surveyed schools, only 8 allowed headscarves. Schools on both sides of the country's linguistic border allow free days for attending religious festivals. The public educational system, from kindergarten to university, requires strict neutrality for teaching personnel, except for teachers of religion. The subsidized Catholic educational institution (which constitutes the largest number of educational establishments nationwide) allows the wearing of religious symbols. Schoolmasters also opposed the invoking of religious grounds for not attending certain courses, physical education classes in particular.

The federal Government has no specific directives on wearing religious symbols. The same applies in regional and municipal services. Wearing religious symbols is prohibited for selected public service officials, such as judges, police, and other uniformed officials.

In a June 2005 landmark case, the Antwerp Appellate Court, the highest court to address the issue, ruled that it was outside the jurisdiction of the state to determine whether the Muslim faith requires women to wear a headscarf. The Court ruled that, in principle, girls in public schools have the right to wear a headscarf. However, the school board also has the authority to restrict that right for organizational reasons, or for the good functioning of the school, but must justify any restrictions it seeks to impose.

At the end of 2005, approximately twenty municipalities had issued a ban on walking the streets completely veiled. In a few cases women were fined \$190 (150 euros) for ignoring the ban. Under a 1993 executive order, persons in the streets must be identifiable, based on laws dating back to the Middle Ages.

In 2005, an Antwerp initiative to further dialogue between the Catholic, Jewish, and Muslim faiths received the formal backing of the King. This was a local initiative.

#### Section IV. U.S. Government Policy

The U.S. government regularly discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

U.S. Embassy representatives frequently discussed the issue of religious freedom with officials from the Prime Minister's Office; with the Ministries of Justice, Foreign Affairs, Social Integration, and Interior; with members of Parliament; and with regional and local officials.

Embassy officials expressed concern regarding anti-Semitic incidents and urged the Government to intensify its efforts to counter this trend. Following embassy engagement with both federal and language community officials, and supporting the efforts of the U.S. Special Envoy for Holocaust Issues, the country formally applied to join the International Task Force on Holocaust Education, Remembrance, and Research. The application had been delayed because of the overlapping competencies on the issue among the federal, regional, and language community governments, but all eventually agreed to provide the needed funding.

The embassy hosted individual interfaith events to encourage dialogue among citizens and with the U.S. government. Embassy officials also met with representatives of both recognized and nonrecognized religions, particularly those that reported some form of discrimination during the period covered by this report.

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