



Belgium

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2009

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The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the reporting period; however, government officials continued to have the authority to monitor religious groups. There were two raids on religious institutions as part of criminal law investigations. Religious and political leaders acknowledged the need to reform the way faiths are recognized and financed and to further the dialogue between recognized and nonrecognized faiths.

Reports of societal abuses or discrimination based on religious affiliation, belief, or practice continued. But these reports are often difficult to ascribe to a primary motivation of ethnicity or religious belief, as they are often inextricably linked.

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

Section I. Religious Demography

The country has an area of 11,780 square miles and a population of 10.6 million.

On November 5, 2008, in a written statement to Parliament, the Justice Minister stated that determining affiliation is at the sole discretion of each religion individually, and that the constitutionally guaranteed freedom of religion did not allow government intervention in affiliation matters. He added that because of these principles the Government could not intervene in determining the number of worshippers for each faith.

According to a 2007 report of the King Baudouin Foundation (KBF), 4.8 million inhabitants identify themselves as Catholic. Earlier statistics indicated that the number of nonbelievers is 924,000, and the number of those who identify themselves as belonging to the nonreligious philosophical community is 892,500.

The KBF report gives the number of adherents belonging to smaller religious groups as follows: Islam, 400,000; Protestantism, 132,000; Orthodox, 70,000; Judaism, 50,000; Anglicanism, 10,800; and organized secular humanism, 110,000. The larger nonrecognized religious groups include Jehovah's Witnesses with 23,701 baptized and 50,000 "churchgoers;" 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 Krishnas, 1,500; and the Church of Scientology, 200-300.

A 2008 Catholic University of Leuven report estimated that 7 percent of the Catholic population regularly attends religious services. Fifty-seven percent of the children born in the country are baptized, 26.7 percent of couples opt for a religious marriage, and 61 percent of funerals include religious services.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion; however, conditions were not optimal for groups regarded as "sects" or "cults." The Government generally respected religious freedom in practice; however, government officials continued to have the authority to monitor religious groups.

The country formally joined the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research after resolving to deal with several funding issues in association with the formation of a new Government in the summer of 2007.

The May 2007 Anti-Discrimination Act outlaws discrimination on the grounds of religion or philosophical orientation, among other grounds.

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. The Government also supports the freedom to participate in secular organizations. These secular humanist groups serve as a seventh recognized philosophical community, and their organizing body, the Central Council of Non-Religious Philosophical Communities of Belgium, receives funds and benefits similar to those accorded other recognized religious groups.

The federal Government and Parliament have responsibility for recognizing religious groups and paying the wages and pensions of ministers of those groups. The federal Government also has jurisdiction over secular humanism. As a result of constitutional reform enacted in 2001, federal authorities devolved responsibility for ensuring religious instruction, financial accountability of religious groups, and religious buildings to other levels of government. For example, while parish operations and the upkeep of churches fall under municipal authorities, the provinces sustain the cost of mosques. At the same time, the Flemish, Francophone, and German-language community governments pay religious teacher salaries and the costs of public broadcasting.

In 2009 the federal Government paid \$137.8 million (€106 million) to the recognized religious groups. This sum included \$18.6 million (€14.3 million) to lay organizations and \$6.8 million (€5.2 million) to Islamic religious groups. For 2008 the federal budget outlays also totaled \$137.8 million (€106 million). The Government appropriated \$123.5 million (€95 million) in 2007. Subsidies to the Buddhist secretariat amounted to \$199,000 (€153,000) in 2009 and to \$195,000 (€150,000) in 2008.

According to the Justice Ministry, the federal Government made salary payments to 2,787 Catholic priests, 122 Protestant/Evangelical and 13 Anglican ministers, 33 rabbis, 47 Orthodox priests, and 285 lay consultants, plus four Muslim imams. The federal and regional authorities continued to deliberate with the Muslim Executive, which is the organizational body elected by the Muslim Executive Council, on the criteria for providing payments to Muslim clerics. In the absence of an agreement, no such payments were made during the reporting period. According to the Inter-University Center for Permanent Education (CIFOP) research institute, total outlays by all levels of government, excluding religious education, amounted to \$312 million (€240.1 million) in 2008. With pensions and tax waivers included, the total subsidy amounted to \$422.5 million (€325 million).

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. 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 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.

By the end of the reporting period, the Walloon regional government had recognized 43 mosques. The Flemish regional government had recognized seven mosques, and Brussels had recognized five. All three regional governments were in the process of recognizing additional mosques.

In November 2006 a committee of experts appointed by the Justice Minister made some recommendations for a wholesale amendment of the legislation governing faiths and the financing system. In his 2009 budget message, the Justice Minister explained that the reform would encompass both recognized and non-recognized religions, and deal with anomalies regarding salaries, retirement age, and retirement pay for ministers of the faiths that receive government support. He added that the report of the assigned working group would be ready by October 1, 2010.

The Government agreed to finance an increase in the number of parish assistants for the Catholic Church to better cope with the dwindling number of priests.

At the end of the reporting period, the Buddhists reported no progress on recognizing Buddhism as a "nonconfessional philosophical community," as the Buddhist community wanted.

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

On February 20, 2009, the Muslim General Council elected a new executive, and the Government conferred recognition and subsidization for another year. In 2007 the Muslim Executive became the subject of a fraud investigation. The Executive's vice president was arrested, and a judicial investigation was started into the financial dealings of the chairman. In October 2007 10 of the 17 members of the Executive failed to win a vote of confidence. After the vote of no-confidence, then Justice Minister Jo Vandeurzen suspended subsidization. On February 22, 2008, the Executive failed to name new members and went into receivership. On March 14, 2008, the Muslim General Council met and elected a new Executive, and appointed Semsettin Urgulu chairman of the Executive. After having submitted a financial plan, the new Executive was recognized as the official interlocutor for the Muslim community through the Royal Decree of May 9, 2008, which provided recognition and subsidization for one year. In November 2008 a Brussels prosecutor announced that he would seek an embezzlement indictment of Benjelloul Kissi, the former vice president of the Executive.

The Flemish and Francophone regional governments, in association with the Muslim Executive Council, set academic benchmarks for imams at the same level as for ministers of other recognized religious groups.

In 1993 the Government established by law the Center for Equal Opportunity and the Combat (Struggle) against Racism (CEOCR), an independent agency responsible for addressing through litigation all types of discrimination, including religious. It is formally part of the Office of the Prime Minister and operates under control of the minister in charge of equal opportunity. The board of directors and managing-director are appointed by the government for a renewable six-year term.

In 2006 the Ministry of Justice introduced a mechanism to identify racist, xenophobic, or homophobic offenses, thus

making it easier to prosecute discrimination as a criminal act. The Minister decided to appoint a magistrate in each judicial district in charge of monitoring racism and discrimination cases. In addition, the College of Prosecutors General, a government body on which senior prosecutors serve, issued a directive on identifying violations of antiracism and antidiscrimination legislation.

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

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's imprisonment.

In 2005 the Center for Equal Opportunity issued a comprehensive report on public symbols of religious and philosophical convictions. The report found that neither the Flemish nor the Francophone educational authorities imposed restrictions, and it was left to individual schoolmasters to decide which symbols would be tolerated. Most schoolmasters in the country imposed a headscarf ban on both pupils and teachers. A survey released in 2006 showed that 90 percent of the non-Catholic schools in the Francophone community did not permit the headscarf. Schools on both sides of the country's linguistic border allowed free days for attending religious festivals. Catholic educational institutions, the largest educational system in the country, allowed the wearing of religious symbols. Schoolmasters also refused to permit the use of religious objections against attendance in specific courses, notably including physical education classes.

In October 2007 the Council of State ruled that an individual school had overstepped its jurisdiction when it terminated the contract of a religion teacher who was wearing a headscarf outside the school building. According to the Council of State, jurisdiction in this matter belonged to the national public schools authority. In another case, the Antwerp Appellate Court upheld a verdict of a lower court arguing that a headscarf ban is not discriminatory.

Rules on the headscarf are decided by individual schools and municipalities. The federal legislature refrained from taking any legislative initiative regarding the headscarf.

The public educational system, from kindergarten to university, requires strict neutrality of presentation of religious views for teaching personnel, except for 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 and buildings. Teachers, like other civil servants, are paid by their respective community governments.

Restrictions on Religious Freedom

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the reporting period. However, government officials continued to have the authority to research and monitor religious groups.

As a result of a 1997 parliamentary 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, provides information to the public, and, upon request, gives advice to the authorities on sectarian organizations. Since its inception, the CIAOSN has opened more than 750 files

concerning sectarian organizations. 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. Unlike the Anti-Racism Center, this body cannot initiate litigation.

The second body established by Parliament, the Interagency Coordination Group on "harmful sects," deals primarily with confidential material and works with the legal and security institutions of the Government to coordinate government policy. Pursuant to a 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; 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 27 judicial districts to monitor cases involving sects.

In 2007 members of the Parliamentary Investigatory Committee on Sects (PICS) raised concern about the effectiveness of the Interagency Coordination Group as well as the College of Prosecutors General, which had no official guidelines for prosecuting offenders.

Queries handled by the CIAOSN in 2007-08 concerned physical welfare and therapeutic organizations (15 percent), Protestant denominations (12.5 percent), Oriental religious groups (12 percent), small religious groups (6 percent), New Age groups (5.5 percent), the Church of Scientology (8 percent), Catholic and dissident Catholic organizations (5 percent), and Jehovah's Witnesses (5.5 percent).

In June 2008, at a colloquium on the occasion of its 10th anniversary, the CIAOSN reported on the rapid expansion of neo-Pentecostalism in Belgium and the fact that many of its worshippers relied on faith healing.

On February 29, 2008, confirming a summary trial ruling of 2006, a Brussels court established in a final ruling that CIAOSN had wrongly identified Sahaya Yoga as a dangerous sect in one of its publications. The court argued the advice was not properly documented and Sahaya Yoga had suffered damage by appearing in the CIAOSN publication. The court ordered the CIAOSN to make public the ruling in its next annual report, post a notice on its website, and inform its annual report readers.

During the reporting period, a number of parliamentarians argued that the CIAOSN failed to meet the goals set at its inception because of inadequate funding.

Created in 2002, the Federal Prosecuting Office continued to hold open several cases involving sectarian organizations that, in a next step, could be forwarded to the Chamber of Indictment. Parliament remained 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 under existing laws.

On May 12, 2009, the Brussels Chamber of Indictment started hearings in the case against the Scientology Church of Brussels based on an 11-year investigation of the group. The Federal Prosecutor was seeking indictment of 12 persons, the Scientology Church of Brussels, and the Brussels Human Rights Office of the U.S. Church. The defendants filed requests for further neutral investigations, and the judge postponed further hearings to allow these investigations to be completed. The local church and the counsel for the U.S. church maintain that the church is a victim of a climate of intolerance and discrimination created by the courts.

In April 2008 the Federal Prosecutor announced that the country's branch of the Church was the subject of another judicial investigation relating to employment fraud. The Church was charged with recruiting volunteers under the false pretense of a help wanted ad for administrative staff. The Church was raided and closed to members for five weeks during the investigation. This investigation was ongoing.

Libraries throughout the country received gift books published by Scientology on the faith and the life of Ron Hubbard. Most libraries, arguing this was propaganda material from the Church, decided against making these books available for the public. Francophone Education Minister Fadila Laanan issued a directive ordering libraries of Francophone Belgium to remove these books from the shelves.

The case against Luong Minh Dang, personally, not as the founder of Spiritual Human Yoga (SHY), was dropped in 2009 because of the death of the defendant.

On September 26, 2008, the Charleroi First Instance Court acquitted an Aramaic Catholic priest who had instigated religious hatred against Muslims on television in 2002. While admitting that the defendant had used abusive language, the judge argued that religion was not a discriminatory criterion in the then prevailing legislation.

Most public school authorities restricted Muslim girls from wearing the headscarf in school.

In 2007 a few municipalities, including the cities of Antwerp and Ghent, imposed a women's headscarf ban for those municipal employees directly dealing with the public. The measures resulted in acrimonious debates in both cities. Only a few other Flemish cities imposed a ban after the Antwerp and Gent controversy. The Antwerp ban included all religious or political symbols, including headscarves and crucifixes. As a compromise, women employed with the city nurseries were allowed to cover their hair with bandanas.

A Francophone Chamber of the Council of State ruled that the Movement against Racism, Anti-Semitism, and Xenophobia (MRAX) had no vested interest in seeking annulment of a headscarf ban in two public schools of the Francophone community. The Chamber opined that the ban enforced by the schools contributed to the goals set by MRAX. Jurisprudence of the past several years shows that judges tend to avoid rulings on the headscarf issue and leave the matter to local schools and governments to settle. Over the past years there has only been litigation against schools enforcing the ban, not against schools allowing headscarves.

Abuses of Religious Freedom

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

On October 18, 2008, police officers raided a Sikh temple in Vilvoorde, near Brussels during a religious ceremony. Of the 49 worshippers present, 46 were found to have entered the country illegally en route to the United Kingdom. Facing criticism for ignoring religious freedom, the local police chief argued that his force had not been informed in advance about the ceremony and entered the service as part of a trafficking-in-persons investigation. No members of the local Sikh community were charged.

At the end of the reporting period, there were still no indictments resulting from the April 2008 raid on the Brussels branch of the Church of Scientology, which claims several thousand members. The Scientologists reported that the authorities confiscated the church's records and laptops as well as personal communications equipment, such as laptops and cell phones, from those present and searched them. The office was closed for approximately five weeks during the initial investigation. The Federal Prosecutor's Office said it returned all materials for worship taken for the investigation. The charges were recruiting volunteers under the false pretense of offering employment for administrative staff. The federal prosecutor said the investigation continued at the end of the reporting period.

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 who had not been allowed to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

In November 2008, only a few weeks after the Vilvoorde incident mentioned above, the King and Queen made a highly symbolic gesture of reconciliation with the Sikh community when, during their official visit to India, they visited several Gurdwaras.

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. Because ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

Jewish and Muslim groups reported incidents of discrimination, as did religious groups that had not been accorded official recognition by the Government.

The Jewish community counted 73 anti-Semitic incidents during 2008, compared to 68 the previous year. There were 62 incidents during the first four months of 2009. The Jewish Community attributed this significant increase to improved data gathering and to the Israel-Gaza conflict. Most incidents were of an ideological nature and consisted of shouting abuse and of abusive characterizations in the media and on the Internet. The Jewish community registered six cases of physical violence in 2008 and three notable attacks in 2009.

The CEOCR counted 66 anti-Semitic incidents in 2008, compared to 67 the previous year.

The notable events in 2009 occurred the evening of March 3, 2009, in Antwerp when an unidentified man attacked three separate Jewish individuals while shouting "Allahu Akhbar."

On December 29, 2008, a Molotov cocktail was thrown at the synagogue of Charleroi. There was limited damage.

On September 14, 2008, a Jewish youth was attacked by a group of men of Northern African descent.

On September 13, 2008, two men with their dogs threatened Jewish children leaving a synagogue in Antwerp. One of the men attacked a Jewish person with a golf club. The police were called and arrested the two assailants.

On September 9, 2008, a Jewish youth was attacked in Uccle (Brussels) as he was using his cell phone to make a call in Hebrew.

On August 23, 2008, a group of Orthodox Jews was pelted with raw eggs in Antwerp as they returned from the synagogue. The perpetrators were of Polish descent.

On November 6, 2008, the media covered a cell phone video showing National Front (FN) president Michel Delacroix singing an anti-Semitic song. As a Member of Parliament, Delacroix was protected by parliamentary immunity but faced a barrage of criticism and was forced to resign as party president.

On December 12, 2008, the Brussels First Instance Court convicted Roeland Raes, a former vice chairman and

senator of the far-right Flemish Vlaams Belang party, fining him \$1,300 (€1,000) in damages to the CEOCR and the Forum of Jewish Organizations and ordering a suspended four-month imprisonment sentence for having denied the Holocaust during a 2001 television broadcast. Raes decided to appeal the court ruling.

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's imprisonment.

During the reporting period, several international organizations that monitor anti-Semitic activity reported numerous hurtful and offensive anti-Semitic remarks made by individuals in public places.

During the reporting period, there were numerous instances of hurtful and offensive anti-Semitic and Holocaust denial statements on the radio, Internet, and in books and newspapers.

Some pro-euthanasia activists complained that Catholic hospitals failed to implement the euthanasia act, but a survey concluded that euthanasia was available in most Catholic hospitals.

In 2008 CEOOR received a total of 146 complaints of religious discrimination. These religion-based cases represented 8.3 percent of all complaints; most concerned discrimination against Muslims.

The platform of the Vlaams Belang political party, which won 15.1 percent of the vote in the June 7, 2009, Flemish regional EU parliamentary elections, called for an end of government recognition of Islam as an official religion, the closing of mosques whose leaders preach against Western society, and an end to government subsidies to mosques.

In 2007 a Council of Religious Leaders was created in order to further a dialogue among the leaders of recognized and nonrecognized faiths. The Council was established following consultations within the World Conference on Religion and Peace (WCRP-Belgium). There are also several regional initiatives aimed at promoting religious freedom and tolerance, such as "Bruxelles Esperance," the High Institute for Philosophy of Life, Government, and Society, the Center for Migration and Intercultural Studies of the Antwerp University, and the Canon Triest International Institute of the Brothers of Charity.

Several nongovernmental organizations are active in promoting religious freedom. Among the most prominent are the Movement against Racism, Anti-Semitism, and Xenophobia; the Ligue des Droits de l'Homme; Human Rights without Frontiers; and the Liga voor Mensenrechten.

Section IV. U.S. Government Policy

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

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

Embassy officials expressed concern regarding anti-Semitic incidents and urged the Government to intensify its efforts to counter them. 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 joined the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research after resolving to deal with several funding issues in association with the formation of a new Government in the summer of 2007.

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 unrecognized religious groups, particularly those that reported some form of discrimination during the reporting period.