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Belgium

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

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. 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. Religious and political leaders continue to acknowledge the need to reform the way religious groups are recognized and financed and to further the dialogue between recognized and nonrecognized religious groups.

Reports of societal abuses and discrimination based on religious affiliation, belief, or practice continued. Because ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

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 10.7 million.

In 2008 the justice minister wrote to parliament that determining religious affiliation is at the sole discretion of each religion independently, and that the constitutionally provided 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. Accordingly, the government does not collect or publish statistics on religious affiliation.

According to a 2010 survey printed in *Le Soir* newspaper, 60 percent of the country's population identifies itself as Roman Catholic, 4 percent as Muslim, 2 percent as Protestant, 1 percent as Jewish, another 2 percent as belonging to other religious groups, and 31 percent as nonbelievers.

A 2007 report of the King Baudouin Foundation (KBF) gave the number of adherents as follows: Catholicism 4.8 million; Islam, 400,000; Protestantism, 132,000; Orthodox, 70,000; Judaism, 50,000; Anglicanism, 10,800; and organized secular

humanism, 110,000. According to the report, the larger nonrecognized religious groups included 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 to 300.

A 2008 Catholic University of Leuven report estimated that 7 percent of the Catholic population regularly attended religious services. Fifty-seven percent of the children born in the country were baptized, 26.7 percent of couples opted for a religious marriage, and 61 percent of funerals included 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."

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. The CIAOSN'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 CIAOSN 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 (ICG) 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 ICG'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 ICG'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.

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 under existing laws on such grounds as embezzlement, money laundering, abuse of confidence, misappropriation of wills, illegal medical practice, and fraud.

The country belongs to the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

The May 2007 Anti-Discrimination Act outlaws discrimination based on 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.

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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 2010 the federal government paid \$126.9 million (105.8 million euro) to recognized religious groups. This sum included \$17.4 million (14.5 million euro) to lay organizations and \$4.9 million (4.1 million euro) to Islamic religious groups. For 2009, the federal budget outlays totaled \$127.2 million (106 million euro). The government appropriated \$127.7 million (106.4 million euro) in 2009. Subsidies to the Buddhist secretariat amounted to \$259,200 (216,000 euro) in 2010 and to \$199,000 (180,000 euro) in 2009.

According to the Ministry of Justice, the federal government made salary payments to 2,712 Catholic priests, 118 Protestant/Evangelical and 12 Anglican ministers, 33 rabbis, 48 Orthodox priests, 285 lay consultants, and 23 Muslim imams, including clerical staff of the Muslim Executive. According to the Inter-University Center for Permanent Education research institute, total outlays by all levels of government, excluding religious education, amounted to \$312 million (240.1 million euro) in 2008. With pensions and tax waivers included, the total subsidy amounted to \$384.7 million (320.6 million euro). The government awarded 85 percent of all budget outlays for religion to the Catholic Church.

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 may appeal the decision to the Council of State.

By the end of the reporting period, the Walloon regional government had recognized 39 mosques. The Flemish regional government had recognized 17 mosques, and Brussels had recognized five. All three regional governments were reviewing additional applications.

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

At the end of the reporting period, the Buddhists reported no progress on obtaining government recognition of Buddhism as a "nonconfessional philosophical community," as the Buddhist community desired, but the federal government continued funding of the federal Buddhist secretariat.

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.

The Muslim Executive Council acts as the official interlocutor between public authorities and the Muslim community. It is not involved in religious matters, but focuses solely on the managerial aspects of the religion. The justice minister announced plans to change how members are appointed to the council in 2009. In the beginning of 2010, the government extended recognition of the council for another six months. In May the Muslim community submitted a proposal to change the composition of the council to include representatives from the main mosques, but the June general elections delayed discussion of this initiative.

In September the Brussels Chamber of Indictment dismissed the case against six former members of the Muslim Executive Council who faced fraudulent bookkeeping and embezzlement charges.

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 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.

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

The government observes the following religious 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 of imprisonment.

In November 2009 the CEOCR issued a comprehensive report on wearing symbols of religious and philosophical convictions. The report gave a detailed account of the prevailing legislation and rules for the civil service, armed forces, public and private schools, and the workplace. Other than the neutrality imposed on public schools and on civil servants, the report found few situations and places where there were grounds for disallowing the wearing of religious symbols, and opined that, if necessary, the fundamental right to wear religious symbols should only be restricted by law, not by mere administrative directives.

In March the Council of State temporarily annulled a decision of the Flemish public schools authority, which sought to impose a general headscarf ban for the entire public school network. The Council of State ruled that it was the discretion of the Constitutional Court to determine who is qualified, either the school authority or Flemish parliament, to impose such a restriction.

Also in March the Mons Appellate Court ruled that the Charleroi municipal school authority had overstepped its authority by terminating a female mathematics teacher wearing her headscarf in class.

Because of these rulings, the Flemish and Francophone ministers in charge of education reversed their previous decisions and have not sought to take any further legislative action against the wearing of headscarves in schools.

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.

In its 2007-08 statutory report issued in 2009, the CIAOSN stated that it annually handled approximately 750 direct queries. They concerned physical welfare and therapeutic organizations (19 percent), Protestant denominations (16 percent), Oriental religious groups (16 percent), small religious groups (9 percent), New Age groups (11 percent), the Church of Scientology (10 percent), Catholic and dissident Catholic organizations (6 percent), and Jehovah's Witnesses (7 percent).

In its report, the CIAOSN focused on the rapid expansion of New Age groups, and on the impact sectarian organizations have on youth.

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.

On May 12, 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 maintained that the church was a victim of a climate of intolerance and discrimination created by the courts.

On April 27, the Antwerp labor court ruled that a female employee suffered no damage when disallowed by the prevailing employment rules from wearing a headscarf at the workplace. The CEOCR had argued on her behalf that a commercial company had no authority to ban wearing religious symbols by means of workplace rules.

Most public school authorities restricted Muslim girls from wearing the headscarf in school. At the start of the school year in September, this restriction led to a standoff between school authorities and Muslim girls at public schools in Antwerp and nearby Hoboken. Supported by a local imam, the girls staged a walkout, but the ban remained in place and most girls opted to return to school.

Following past examples set by larger cities, several municipalities decided to impose a ban on wearing religious symbols, especially for employees directly dealing with the public. Antwerp, Ghent, Lokeren, Ninove, and Lier all impose such bans. Antwerp, for example, forbade the wearing of any religious or political symbol by municipal employees, but allows women to cover their head with a bandana if they so choose.

On December 12, law officers of the Montgomery police zone in Brussels fined a Muslim woman \$300 (200 euro) for wearing a niqab. She had previously been fined \$44 (35 euro) for violating a local ban on covering faces in public places. Although she protested the second fine, deputy mayor of Etterbeek Vincent de Wolf defended the municipality's decision, stating "Rules are rules. We must enforce them."

In April the House of Representatives adopted draft legislation prohibiting persons from appearing in public with the face fully or partially covered, if it makes identification impossible. The draft legislation was sponsored by members of the center-right Francophone Liberal Party (MR), but it received nearly unanimous support in the House of Representatives. Because of religious freedom concerns, the sponsors made no mention in the text of burqas or niqabs. However, human rights advocates and spokespersons of the country's Muslim community criticized the initiative arguing that it was racially motivated. Consideration of the bill by the Senate was delayed because of the June general elections, and the draft bill needs adoption by the two houses of parliament before it becomes law.

In April, 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 showed that judges tended to avoid rulings on the headscarf issue and leave the matter to local schools and governments to settle. Over the past few years, there has only been litigation against schools enforcing the ban, not against schools allowing headscarves.

Abuses of Religious Freedom

There were no new developments in the 2008 raid of a Sikh temple in Vilvoorde. In 2008 police officers raided the temple during a religious ceremony. The majority of the worshippers had entered the country illegally. Facing criticism for ignoring religious freedom, the local police chief responded 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 in the country. The federal prosecutor charged the Scientologists with 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. This case is part of long-standing tension between the church and the government, with unresolved investigations of fraud allegations beginning as early as 1997.

In June Brussels police conducted a series of raids on Catholic Church property in the Mechelen diocese to investigate allegations that the church had hidden evidence of pedophile acts by priests. During the raids police detained church officials attending a convention of Belgian bishops, including a diplomatic representative of the Vatican, for nine hours. Among the documents seized and removed to Brussels for further examination were 475 dossiers compiled by the Adriaenssens Commission, a private commission set up by the Catholic Church to hear complaints of abuse victims. The raids provoked strong criticism from the Vatican. The Adriaenssens Commission collectively resigned a few days after their files were seized, declaring that the confidentiality of the victims who had consulted the commission had been violated.

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

Forced Religious Conversion

There were no reports of forced religious conversion.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses and 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 recorded 109 anti-Semitic incidents during 2009, compared to 73 the previous year. There were 17 incidents during the first five months of 2010. The Jewish community attributed this significant increase in 2009 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 major incidents early 2009, and there were a total of 11 cases of physical violence in 2009 compared to six the previous year.

In April 2010 a Molotov cocktail was thrown at the Charleroi synagogue by one or more unidentified vandals. A passer-by extinguished the fire and reported the incident. Local police investigation determined that several trashcan and car fires had been set in the vicinity the same evening but were unable to identify the perpetrators. This was not the first instance of vandalism of the Charleroi synagogue; in December of 2009 and January of 2009, the same building was vandalized three times. A Molotov cocktail was thrown at the door, several windows were broken, and anti-Semitic slogans were written on the facade. The incidents stopped when police increased surveillance of the area.

On April 13, a Molotov cocktail was thrown at a Brussels synagogue.

In March there was an arson attack in Antwerp against an individual dwelling owned by a Jew.

In January a Molotov cocktail was thrown at a synagogue in Brussels, and there was an attempted arson attack on another Brussels synagogue. There was a similar incident on January 15, in Antwerp.

In January a Jewish family with 10 children travelling by train was harassed, and there was physical aggression against Jews in Brussels during the same month.

Pressed by the CEOCR, the Islamic and Cultural Center of Belgium was forced to remove from its Web site a link to an article called "Zionist propaganda and the myth of holocaust."

During the reporting period, several international organizations that monitor anti-Semitism 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.

In 2008 CEOCR received 227 complaints of religious discrimination and 827 racial discrimination cases. Of the cases of religious discrimination, 87 percent concerned discrimination against Muslims. The larger part of these discrimination complaints concerned hate on the Internet. Eighteen percent of the complaints were labor-related, and 9 percent were school-related.

There was political uproar in January when Vice Premier and Public Health Minister Laurette Onkelinx, a Francophone Socialist, voiced concern about the nomination of Archbishop Monsignor Leonard as head of the Belgian Catholic Church. Onkelinx said that the nomination of Leonard might upset the balance between religion and secularism in the country. She referred to Leonard's opposition to the country's abortion and euthanasia legislation, and to the use of condoms for combating AIDS.

The platform of the Vlaams Belang political party for the June 13 federal elections called for an end of government recognition of Islam as an official religion, the closing of mosques whose leaders preached against Western society, and an end to government subsidies to mosques. Incidentally, the Vlaams Belang's results in the election were the lowest for the party since 1991.

On April 1, Benno Barnard was to give a lecture on the dangers posed by Islam at the University of Antwerp with the title "Long Live God. Down with Allah." A group of young Muslims entered the conference hall and prevented him from giving the lecture. The police intervened and removed the demonstrators. The mayor of Antwerp, Minister of the Interior Annemie Turtelboom and the head of the Minority Forum Naima Charkaoui condemned the demonstrators for violating freedom of expression. On April 8, the court of Antwerp ruled that a penalty of \$31,450 (25,000 euro) would be imposed on anybody who disturbed the lectures of Benno Barnard or intimidated him and his audience.

In 2007 the World Conference for Religious Peace announced the creation of a Belgian Council of Religious Leaders in order to further a dialogue among the leaders of recognized and nonrecognized religious groups. The council was not fully formed until December. There were 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 were active in promoting religious freedom. Among the most prominent were 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 continued to discuss religious freedom with government officials. The arrival of a new ambassador in August prompted renewed engagement with all contacts. Moreover, to promote interreligious understanding and to foster religious freedom, the embassy has 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 reporting period. The embassy hosted a number of interfaith events to encourage dialogue among citizens of the country and with the U.S. government.

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