

BELGIUM 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government's generally strong respect for religious freedom weakened slightly during the year, especially with respect to the Muslim community. During the run-up to local elections, some politicians exploited societal anti-Muslim sentiments for political gain. 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. The Constitutional Court ruled that the country's "burqa ban" does not violate religious freedom. The government retained the authority to monitor religious groups. Religious and political leaders called for reforming public financing of religious groups, particularly the discrepancy between the level of support and the number of adherents. Despite such demands, however, the government enacted no significant reforms.

There were 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-two percent of all reported cases of religious discrimination involved Muslims. There was growing societal acceptance of limitations on wearing headscarves in certain public sector jobs involving contact with the public and in schools.

The U.S. embassy 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.

Section I. Religious Demography

According to Eurostat, the population is 11 million. The 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, 6 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 protect religious freedom. The law prohibits discrimination based on religion or philosophical orientation.

An amendment to the criminal code that came into force on January 23 provides special protection for “vulnerable persons” against the physical or psychological abuse of weakness. The provision could be used against religious groups deemed to be aggressively proselytizing or against groups considered to be “sects.”

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 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 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 to 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 religious or nonreligious 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. Private employers may ban religious attire such as headscarves if they believe such attire would interfere with the performance of an employee's duties.

The country belongs to the International Task Force for International Cooperation on Holocaust Education, Remembrance, and Research. As chair during the past year, it worked to develop the internal rules and change the name of the Task Force to the International Holocaust Remembrance Alliance.

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

Government Practices

There were no reports of abuses of religious freedom, but the government imposed restrictions that affected members of minority religious groups. These effectively denied them full exercise of their religious beliefs.

Some observers opposed to a new criminal code amendment expressed concern that its vaguely-worded text protecting “vulnerable persons” could be misused by the government against certain religious groups. However, others argued that the potential for abuse was low, despite the vague terms, because there was a strict standard for what would constitute a violation. No misuse was reported.

Members of some political parties appealed to anti-Islamic sentiments during local elections. Activists from the far-right anti-immigrant party Vlaams Belang handed out pork sausages at a halal student barbecue, and their posters were often anti-Muslim. One of the party’s campaign mottos for the October 14 local election was “Freedom or Islam: Dare to Choose.” On September 27, a number of female Vlaams Belang politicians wore burqas in a local market and then conspicuously put them in a garbage can. In districts where Vlaams Belang had strong support, centrist politicians tended to be more willing to support headscarf bans in schools and local government offices. Political opponents criticized Interior Minister Joelle Milquet of the centrist Democratic Humanist Party (CDH) for supporting reasonable accommodation for Muslims in schools and public swimming pools.

Most Muslim women wearing headscarves faced obstacles when running for public office in the October 14 local and provincial elections. The CDH removed Layla Azzouzi, formerly a CDH candidate in Verviers, from the party because she would not remove her headscarf. The CDH also compelled party member Hajjib El Hajjaji to leave for publicly disagreeing with the policy.

City and town administrations at times withheld approval or were slow to approve construction of new mosques and Muslim cultural centers. Projects in Charleroi, Liege, and Namur faced administrative obstacles and public opposition.

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. In 2011 police filed 34 reports for violating the law. Women who wore the

full face veil in public faced a maximum fine of 150 euros (\$198). In June a member of Vlaams Belang offered a bounty of 250 euros (\$330) to anyone who reported a veiled woman to the police. In July the Council of Europe's human rights commissioner criticized several European nations, including Belgium, for legislation affecting Muslims, focusing on the "burqa ban."

The Constitutional Court heard five cases challenging the law's compatibility with the constitution and the European Convention on Human Rights. The court rejected two injunctions for suspension and on December 6 ruled that the "burqa ban" did not violate religious freedom, despite strong objections by the Center for Equal Opportunities and many constitutional scholars. The court likewise ruled that even if the law were considered a violation of religious freedom, such a violation would be justified in the name of public security and ensuring equality between men and women. The court also stated that expressing one's individuality through one's face was a requirement for "living together" in an open, democratic society. Many legal experts said the decision was driven more by political considerations than constitutional ones.

Muslim women working in the public sector faced increasing restrictions on the wearing of headscarves in positions requiring interaction with the public. Many public schools enacted policies restricting headscarves, prompting some female Muslim students in Antwerp to engage in homeschooling. At least 90 percent of public schools sponsored by the francophone community banned headscarves. The newly elected coalition in the commune of Verviers announced its intention to ban the wearing of veils in local schools. Likewise, virtually all Flemish public schools ban headscarves. 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.

The government continued to fund the Center for Information and Advice on Harmful Sectarian Organizations, which collected publicly available information on a wide range of religious and philosophical groups, and provided information on religious groups. Some groups, particularly the Church of Scientology and the Jehovah's Witnesses, argued that the mere existence of the center carried a stigma for the groups on which it provided information. However, these groups did not file complaints of discrimination.

Recognized religious groups received approximately 645 million euros (\$851 million) in official subsidies during the year. A 2011 study of total public contributions at all levels of government (including tax exemptions or payment of wages and pensions) noted that approximately 86 percent of public support went to the Catholic Church and 2 percent to Islam, although the population was approximately 50 percent Catholic and 6 percent Muslim. Non-Catholics and public financing experts urged the government to disburse public funds in a manner more accurately reflecting the population distribution of religious groups, but the government continued to fund the Catholic Church disproportionately while underfunding Muslim groups.

The Muslim Executive functioned as the official interlocutor between public authorities and the Muslim community. The government's withdrawal of funding from the group in 2011 rendered it temporarily incapable of action, conferred essential tasks onto the president and vice president, and deprived Muslims of a practical mechanism for recognizing additional imams and mosques or providing state-supported training of imams. In September the justice minister granted the Muslim Executive a 280,000 euro (\$368,420) subsidy to cover basic expenditures, such as staff salaries, after the group addressed some internal administrative problems. In May police searched Muslim Executive offices after the former vice president filed a complaint that the group's general assembly had illegitimately removed her from the board.

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

On December 28, the federal prosecutor announced plans to sue the Belgian subsidiary of the Church of Scientology as a criminal organization, based on allegations of extortion, fraud, illegally practicing medicine, and invasion of privacy. The next day, a Scientology spokesperson stated that "it is not the first time that media publish accusations on us before we have been notified. This goes against the presumption of innocence and the Declaration of Human Rights that Belgium signed." The group filed a complaint with the European Court of Human Rights in response.

During a September ceremony in the Dossin Barracks in Mechelen, Prime Minister Elio Di Rupo apologized for the country's involvement in the deportation of Jews during World War II. In September the mayor of Brussels apologized for the involvement of municipal authorities in World War II deportations. On November

26, King Albert II attended the opening of the Dossin museum, dedicated to Holocaust remembrance and human rights.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination 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.

There were reports of physical assaults on Muslims and vandalism of mosques. In March an imam was killed during an arson attack on a Shia mosque in the Brussels suburb of Anderlecht. To address anti-Muslim sentiment, an organization called Muslims Rights Belgium (MRB) created a website to monitor all anti-Muslim acts in francophone Belgium.

In 2011, the most recent year for which data were available, the Center for Equal Opportunities and Opposition to Racism (CEOOR) received 198 complaints of religious discrimination, 82 percent concerning Muslims. Most complaints involved hate speech on the Internet, but many new cases concerned access to goods and services or labor problems. Fifty-one percent of incidents were media related, 19 percent labor related, and 11 percent school related. An April 24 Amnesty International Report highlighted discrimination faced by Muslims, mainly in the labor market and in schools, citing in particular the challenges faced by women wearing the hijab.

Many incidents of discrimination against Muslims occurred in the workplace. Professional Muslim women wearing headscarves were targets of discrimination. One case pending at year's end involved 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. CEEOR assisted with bringing the case to court.

A Ghent University study reported that after identical employment applications--one with a Turkish name and the other with a Flemish name--were sent out to 376 companies, the fictional Flemish applicant received twice as many requests for interviews as the fictional Turkish applicant. Discrimination continued against Muslim families in the housing market.

Muslims continued to complain about negative portrayals of Muslims in the news and media. Many criticized the significant media attention given to Sharia4Belgium, an organization repudiated by most individuals in the broader Muslim community.

According to CEOOR, there were 88 reported anti-Semitic acts, representing 2 percent of all religious discrimination complaints, but a 42 percent increase over the previous year. These included physical attacks, verbal harassment, and vandalism of Jewish property. For example, in November graffiti that appeared on a building in Antwerp called for “killing the Jews.” In May a man of Moroccan descent attacked a bus driver from a Jewish school in Antwerp while students were aboard. During the campaign for the October 14 local elections in Schaerbeek, an anonymous “postcard” in Turkish targeted a Jewish candidate, calling on Muslims not to vote for the candidate because he was “an enemy of our religion and nation.” The deputy prime minister was one of several government officials who filed a complaint with the CEEOR.

Section IV. U.S. Government Policy

U.S. embassy representatives frequently discussed the importance of religious freedom with government officials, in particular regarding discrimination faced by Muslims in employment and housing. To promote interreligious understanding and to foster religious freedom, the embassy engaged Catholic, Muslim, and Jewish communities. For example, the ambassador participated in an interfaith event in Antwerp where local religious leaders and elected officials sought to soothe tensions created in the wake of the Internet release of a trailer for an anti-Islamic movie. The ambassador praised the work of these groups and underscored the importance the U.S. government placed on religious freedom and interfaith dialogue. At the invitation of the Muslim Executive, the embassy sponsored a visit to Brussels of a prominent U.S. imam to address the Executive’s imam training program and to speak with local mosques on interfaith tolerance and freedom of expression. Embassy officials also met with representatives of other religious groups, particularly those that reported incidents of discrimination during the year.