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Belgium

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections; however, conditions were not optimal for groups regarded as "sects" or "cults."

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period; however, government officials retained the authority to monitor religious groups. Religious and political leaders continued 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.

There were 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.

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.

The government does not collect or publish statistics on religious affiliation.

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

According to a sociological survey in November, Muslims constitute 5.8 percent of the population.

A 2007 report by the King Baudouin Foundation (KBF) gave the number of adherents of the government-recognized philosophical communities as follows: Catholicism, 4.8 million; Islam, 400,000; Protestantism, 132,000; Orthodox, 70,000; Judaism, 50,000; Anglicanism, 10,800 (counted separately from Protestantism by the government); and organized secular humanism, 110,000. According to the report, the larger nonrecognized religious groups, who do not receive funds from the state, 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 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 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

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections; 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 Sectarial 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 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 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; Federal Prosecuting Office; 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.

By the end of the reporting period, parliament had not amended 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 2007 Anti-Discrimination Act outlaws discrimination based on religion or philosophical orientation, among other grounds.

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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 their ministers. The federal government also funds the administration of 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, parish operations and the upkeep of churches fall under the supervision of 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 religious public broadcasting.

Broadly speaking, religious groups received approximately 645 million euros (\$851 million) from the government in 2009. This amount can be divided into three categories: first, 240 million euros (\$316 million) for subsidies, salaries, deficit coverage, and renovation work on religious buildings; second, 80 million euros (\$106 million) for retirement allowances, work on "protected" buildings used for religious purposes, and tax waivers; and finally, 325 million euros (\$429 million) for the cost of religious education at schools. Within the first category, the main beneficiary is the Catholic Church, receiving an estimated 80 percent of the total.

According to the Ministry of Justice, the federal government paid salaries 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.

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 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 recommendation of the Ministry of Justice.

During the year a working group mandated by the minister of justice submitted a proposal to update the procedures for the recognition of religious groups, and clarify the status of religious clerks and funding for religious groups. A caretaker government with limited powers was in place following the June elections; consequently, this proposal was not addressed during the reporting period.

By the end of the reporting period, the Walloon regional government had recognized 43 mosques, the Flemish regional government 17, and Brussels had recognized eight. 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, 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 the federal Buddhist secretariat.

The lack of recognized status does not prevent a religious group from practicing freely and openly. 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 other than the managerial aspects of the religion.

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

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 the Center for Equal Opportunity and the Combat against Racism (CEOCR), an independent agency responsible for litigating 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 to monitor racism and discrimination cases, thus making it easier to prosecute discrimination as a criminal act.

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.

By the end of the year, a joint commission from the Walloon regional parliament, the French-speaking community parliament, and the Brussels regional parliament published a report recommending a ban on the Muslim headscarf in Francophone schools. In fact, 85 percent of French-speaking schools had already banned the headscarf through their own administrative directives.

Other than the neutrality imposed on public schools and on civil servants by the government, there are few situations and places where there were grounds for disallowing the wearing of religious symbols or clothing.

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, including building maintenance and utilities. Teachers, like other civil servants, are paid by their respective community governments.

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

Restrictions on Religious Freedom

The government generally respected religious freedom in law and 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.

Abuses of Religious Freedom

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

Section III. Status of Societal Actions Affecting Enjoyment of 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.

A Jewish community Web site, which has tracked anti-Semitic acts since 2001, recorded 14 anti-Semitic incidents during the reporting period, compared to 28 for the first six months of the year. Most incidents were of an ideological nature and consisted of shouted abuse and abusive characterizations in the media and on the Internet.

In September two incidents took place in Antwerp between drunken men and Jewish individuals. The intoxicated men were physically aggressive and insulted the individuals. On November 8, three teenagers threw stones at a Jewish man and woman coming out of a shop in Antwerp.

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

In 2009 CEOCR received 227 complaints of religious discrimination and 827 racial discrimination cases. Of the cases of religious discrimination (13 percent of all complaints), 87 percent concerned discrimination against Muslims; most complaints concerned hate on the Internet. Eighteen percent of the complaints were labor-related, and 9 percent were school-related.

The Vlaams Belang political party continued its platform from the June 13 federal elections, which called for an end to government recognition of Islam as an official religion, the closing of mosques whose leaders preached against Western society, and an end to government subsidies for mosques.

In 2007 the World Conference for Religious Peace announced the creation of a Belgian Council of Religious Leaders to further a dialogue among the leaders of recognized and nonrecognized religious groups, and the council continued its work during the reporting period. 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. 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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