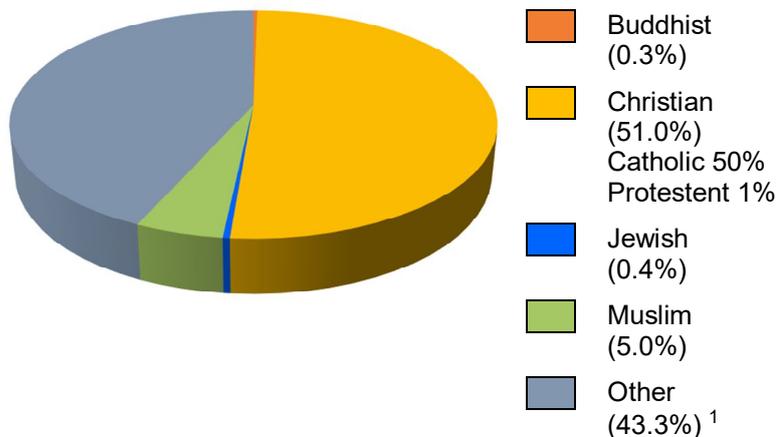


BELGIUM



Area²: 30,528 km ²	Population³: 10.8 million	Political system: Monarchy	Major Language(s): Dutch, French, German
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Legal framework on freedom of religion and actual application

The Belgian constitution guarantees fundamental human rights for all citizens, including freedom of religion or belief, and the protection of religious or belief communities from State interference into their internal affairs. Although the law prohibits discrimination based on religious or philosophical (e.g. non-confessional) outlook, there have been reports of problems enforcing this legislation, with accusations of State bias.

State recognition of religions

Relationships between the State and the various religions in Belgium are historically rooted in a specific system of hierarchy of religious and belief communities. The State only finances recognised religious or belief communities. These are: Catholicism, Protestantism, Anglicanism, Judaism, Islam, Orthodoxy and Secular Humanism. Buddhism is currently in the process of being recognised,⁴ and applications for Hinduism and the Syriac Orthodox Church are pending.

State subsidies are provided by all taxpayers, including those who profess a non-recognised religion and those who do not follow any religion or belief system.⁵

State recognition opens the door to the financing of religions and worldviews, providing funds for clergy salaries and pensions, maintenance of places of worship, chaplaincies and religious education, and other aspects of religious life. The State does not subsidise the wages and pensions of clergy belonging to non-recognised faith groups. Nor are they eligible to receive State subsidies for clergy wages and pensions. In addition, they are not entitled to have officially accredited chaplains in prisons, detention centres for asylum seekers, hospitals, the armed forces and homes for elderly or people with disabilities. Furthermore, they are not permitted to teach their religion in public schools and are not given equal treatment by the tax authorities.

While there are discrepancies in the treatment of recognised and unrecognised religions, there are no legal or constitutional criteria for granting state recognition. In 1985, Minister of Justice Jean Gol said in an answer to a parliamentary question that the following criteria should be taken into consideration: the membership of the religious community (several tens of thousands), its history, and its contribution to the good of society. However, his understanding of the necessary criteria was never enshrined in the constitution, decrees, or laws. The income of all taxpayers, whatever

their religious outlook, is the main source of the financial support for the few state-recognised religions or worldviews.

The religious and belief communities which are not recognised by the State can be legally registered as non-profit associations and fully enjoy freedom of religion or belief.

Relations between the State and religious groups are regulated by the Ministry of Justice.

In 1997, following the publication of a parliamentary report and a list of 189 religious or belief communities identified as “sectes” and suspected to be harmful, many cases of intolerance and discrimination in the public and private sectors were reported to human rights organisations. They included: libel and slander; victimisation in the neighbourhood, at the workplace and at school; damage to individuals’ reputation; loss of jobs or promotions; dismissal, loss of visitation rights or child custody in divorce settlements; inability to rent public or private facilities for religious meetings, and so on.

Legislation on religious attire

On 29th April 2010 the Belgian Chamber of Representatives adopted a security law prohibiting people from wearing “attire and clothing masking the face in such a way that makes it difficult for them to be recognised”. The penalty for violating this law can extend to 14 days imprisonment and a 250 EUR fine. Thus, the burqa or niqab are not allowed in public spaces, restrictions which sparked protests from members of the Muslim community.

There is also a ban on Muslim women and girls wearing the headscarf in many schools and public sector jobs.⁶

Religious and moral instruction in public schools

In a revision of the constitution dated 15th July 1988, school education was transferred to the Flemish, French and German-speaking communities of Belgium. Classes in philosophy are obligatory in all three linguistic communities but specific details are left to the discretion of each respective language group.

Religious or “moral” instruction is mandatory in public schools and is provided according to the parents’ preference. The public education system requires neutrality in the presentation of religious views outside of religion classes. Religion teachers are permitted to express their views in religion classes. All public schools provide teachers for each of the seven recognised religious groups, as well as for secular humanism. Public school religion teachers are nominated by their respective faith group and are appointed by the linguistic community government’s education minister. Faith-based schools, following the same curriculum as public schools, receive government subsidies for operating expenses, including building maintenance and utilities.

However, the refusal by the Orthodox Jewish community to teach certain subjects, such as evolution and sexual education, could lead to the imposition of economic and criminal penalties against their schools. The Belgian Department of Education requires that all students follow the state education programme. Education officials have begun to impose sanctions against *haredi* schools, without exemptions, for students receiving home-schooling. Also, private Jewish schools not receiving full government funding will be forced to comply with the education ministry's standards.⁷

In a 12th March 2015 judgement, the Belgian Constitutional Court ruled that “the French community allows ethics classes to be ideologically oriented and the teachers to adhere to a particular

philosophical system. This implies that the French community does not guarantee that the courses of religion and non-confessional ethics, which are offered with parental permission, disseminate information or knowledge that is 'objective, critical and pluralistic' in conformity with the case law of the European Court of Human Rights on which the Constitutional Court depends. In order to ensure the right of parents that their children do not experience conflict between religious or ethical education given by the school and the religious or philosophical beliefs of parents, students should be allowed to opt out from attending religion or ethics classes. Moreover, in order to protect their right not to disclose their religious or philosophical beliefs (...) the approach for obtaining this exemption must not impose upon the parents the obligation to reveal their own religious or philosophical convictions."

As for the Flemish community, the question of exemption was settled on 8th July 1992 by the Education Department of the Ministry of the Flemish community, with a circular which reads: "Each school shall ensure that students who opt out use the time to study their own religion, philosophy or ethical values."⁸ In the French community, opting out was not possible. The law prohibits discrimination based on religious orientation and public statements inciting religious hatred, including Holocaust denial.

There has never been any judgment of the European Court of Human Rights against Belgium on religious freedom issues (Article 9 of the European Convention).

Incidents

Related to Islam

Ban on religious attire

Public schools have the right to decide whether to impose a ban on religious attire and symbols, such as headscarves. At least 90 percent of public schools sponsored by the French community of Belgium and virtually all Flemish public schools have banned headscarves. Private employers can prohibit the headscarf, or other religious attire, if they believe it interferes with the performance of an employee's duties.

On 31st May 2016, the Court of Justice in Luxembourg ruled that there was no religious discrimination in a case where a female employee appealed against the company she worked for after it laid her off for wearing a veil. It did so on the basis that there was a ban on visible political, philosophical and religious symbols, as stated on the website.⁹ It is expected that more private businesses will include statements of this nature in their internal work regulations.

In 2013, police filed 16 reports on violations of the law banning burqas. Women who wore the full face veil in public faced a maximum fine of 137.50 EUR.

Mosques

There are about 300 mosques in the whole of Belgium for a population of around 700-800,000 Muslims. According to research by Jan Hertogen, sociologist at the Catholic University of Leuven, seven percent of the Belgian population is Muslim:¹⁰ 4.9 percent in Wallonia, 23.6 percent in Brussels, and the rest in Flanders.¹¹

In Brussels, where the Muslim population is about 300,000, only 14 out of 80 mosques are recognised by the regional authorities; only four more than in 2012. Flanders and Wallonia recognise 32 and 39 mosques respectively, and 49 applications are currently being examined in the Flemish region. Despite the efforts of the Executive of Belgium's Muslims (the official interlocutor of the community recognised by the Belgian authorities), it would seem that many Muslim communities do not want to be recognised by the public authorities.

State recognition offers two main advantages: the Regional Government provides financial help, especially in case of deficit, and the Federal Government pays the salaries of the imams. In return, Muslim communities must keep strict accounting records and accept the appointment of the imams by the Executive of Belgium's Muslims.

In Molenbeek (a municipality or borough of Brussels), four out of 24 mosques are recognised by the Brussels Region. However, 16 others affiliated with the Consultative Council of the Mosques received 45,000 EUR from the municipality last year.

In 2016, lack of support from the Walloon Regional government led backers of a plan to build for a mosque in Namur to abandon the project. Construction of a mosque began in Liège, and another went ahead in Malmedy.

In the aftermath of the 13th November 2015 attacks in Paris, associations fighting Islamophobia and Muslim citizens in Belgium condemned the increasing hostility towards their community: 47 Islamophobic acts were recorded and/or received by the Collective Against Islamophobia in Belgium (CCIB) during the post-Paris attacks period.

Patrick Charlier, Director of the Inter-federal Centre for Equal Opportunities, noted that "Islamophobic comments on the web now take the form of actual incitement to murder. Moreover, young women wearing veils who were previously insulted in the streets are now attacked. The facts are much more concerning." In addition, many Muslims voice their concerns about the behaviour of some members of the police; a number have highlighted "ethnic profiling" by some police officers.

Related to Judaism

On 24th May 2014, four individuals were shot and killed at the Brussels Jewish Museum. As the key suspect in the shooting, Mehdi Nemmouche, a French-Algerian dual national, was arrested a few days later near Marseille. He was extradited to Belgium and remains in prison awaiting trial. The Belgian government issued a strong statement condemning the attack.

According to the U.S. State Department 2014 International Religious Freedom Report, during anti-Israeli marches on 8th July 2014 in Brussels and Antwerp, people shouted anti-Semitic comments and some shop and restaurant owners refused to serve Jews. No-one was accused of hate crimes. On 14th September 2014 stones were thrown at visitors to the Jewish Martyrs' Memorial, in the Brussels suburb of Anderlecht. After two days, an arson attack took place on an apartment above a synagogue in the same district of the capital.

In April 2016, a 12-year old boy left his school in Brussels, and took up a place at a Jewish School. According to a report by the Belgian television station RTBF, the boy made the move following numerous anti-Semitic comments. The boy's mother complained to the police about the school. Having broadcast the police report, RTBF stated that the school was accused of "inciting discrimination, hate or violence with respect to a group or community"...

Related to Christianity

In April 2013, four topless activists from the controversial feminist movement FEMEN targeted the Catholic Church, drenching Belgian Archbishop André-Jozef Léonard during a debate at the ULB University in Brussels. They entered the auditorium, holding signs that said "Stop Homophobia" and "Anus Dei Is Coming," and poured water over the archbishop's head. The Belgian Catholic Bishops' Conference condemned the actions of the activists but said it would not press charges against them.

In March 2014, the City of Brussels installed public urinals on an exterior wall of the Catholic Church of Saint Catherine in Brussels. A petition to remove them was set up by those viewing them as an insult to a place of worship.¹² According to the “Friends of Saint Catherine”, who started a petition against plans to close Brussels’ St Catherine’s Church, the State wishes to turn the historical building into a marketplace. However, Catholic Archbishop A-J Léonard of Malines-Bruxelles, decided that the church would continue to be a sacred place.¹³

On the night of 31st March 2014, St Martin’s Church in Havré was vandalised by people who destroyed some of the area around the entrance, tearing off some slate from above the door.¹⁴

On 1st July 2014, a man destroyed and damaged the interior equipment of the church of Saint Michael, in Leuven. He also stole money from the poor box.¹⁵

The Saint-Pierre Church in Liege was vandalised on 26th August 2014. Parish priest Father Teheux, who filed a complaint with the police, confirmed that his church is frequently vandalised. Often, he finds human excrements in the confessional and even on the altar.¹⁶

In April 2015 a judicial inquiry into a network of Islamic terrorists found that one suspect was willing to carry out a suicide-attack on a Christian place of worship in Belgium.¹⁷

Acts of vandalism continued in 2015. During the week of 3rd August 2015, the small chapel of Notre-Dame de Walcourt was covered with spray paint.¹⁸ On 8th August, thieves dismantled and carried away the metal roof of the Chapel of Saint-Joseph de Charleroi.¹⁹

On the night of 13th December 2015, three young men were arrested after they vandalised the Christmas nativity manger in the Grand-Place. In addition to damaging the structure, they stole the figure of the baby Jesus and threw it on the ground, breaking two other statues in the manger. They were required to repair the damage and were released.²⁰

On the same day, in Verviers, in the province of Liege, the Church of Sainte-Julienne, which had previously been spray painted, was targeted a second time when vandals smashed a window by throwing rocks at it.²¹

On 3rd January 2016, some young men set fire to a Christmas tree in a public square in Brussels and yelled “Allahu Akbar”.²²

The issue of religious and moral instruction in public schools

In the Flemish community, children can opt out of religious or ethics classes. In the French-speaking community, opting out is not allowed. The opt-out option is particularly important for families whose religion is not recognised by the state: Jehovah’s Witnesses, Mormons or new and foreign religious movements.

In 2014, a couple from Brussels brought the issue of obligatory religion or ethics lessons to the Constitutional Court on the grounds that it was a violation of religious freedom. The Constitutional Court supported their claim and ruled in 2015 that religious or ethics studies should no longer be a mandatory part of the curriculum used in primary and secondary schools.

After lively debates involving the French community of Belgium in 2015, a law reducing the number of religious and ethics classes by half was adopted. It was due to be implemented in primary schools in the French community in September 2016, and for secondary schools in 2017-2018. The missing class will be replaced by a course on citizenship. The suppression of all religious or ethics classes is planned for 2021.

Prospects for freedom of religion

Freedom of religion or belief is a fundamental value within Belgian society. The system of recognition of religions and worldviews by the State leads to a discriminatory tiered system, the negative effects of which still need to be corrected.

Although there is political consensus about the need to fight anti-Semitism, vigilance is necessary to curb its resurgence.

The arrival of Islam through immigration and new religious movements has aroused various forms of social hostility that still need to be eradicated through education, while at the same time religion classes are only optional at school.

Despite efforts to integrate migrants and a particular attention to the Muslim community,²³ Belgium has been producing more jihadists than any other Western country (relative to its population) over the last few decades.²⁴ The Belgian government has stated that 200 Belgian fighters are still in Syria and could return to Europe to carry out terrorist attacks.²⁵ The fear of violence could threaten not only security, but also put at risk the spirit of tolerance and social peace.

¹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>; The Belgian government does not collect or publish statistics on religious affiliation.

² <http://www.bbc.com/news/world-europe-17205436>

³ <http://www.bbc.com/news/world-europe-17205436>

⁴ A modest budget has already been at the disposal of the common representative body of various Buddhist associations.

⁵ In 2013, the latest year for which data is available, the Ministry of Justice obligated approximately 107 million euros (\$130 million) for clergy salaries and some subsidies for the different recognized religions. Despite the recognition of numerous religions and a decline in the number of self-identified Catholics to 50 percent of the population, Catholicism still received the largest proportion of government subsidies at 85 percent of the total available funding, followed by secular humanism (8 percent) and Protestantism (2.5 percent). Muslims made up 5 percent of the population, but received 2 percent of the funding. Non-Catholics and public financing experts continued to urge the government to disburse public funds in a manner more accurately reflecting the population distribution of religious groups.

⁶ http://www.alterinfo.net/L-interdiction-du-port-du-voile-en-Belgique-la-montee-de-l-islamophobie-en-Europe_a37209.html

⁷ Ultra-Orthodox Schools in Belgium and England face sanctions for selective curricula, Hiddush, April 22, 2014, <http://wwwn.org/articles/42249/?&place=belgium-holland>

⁸ Human Rights Without Frontiers Int'l, Religious education at school in Belgium, <http://www.hrwf.net/publications/reports/year-2015/513-religious-education-at-school-in-belgium>; Lessons in religion no longer obligatory in Belgium, Flanders Today, 13 March 2015, <http://www.flanderstoday.eu/education/lessons-religion-no-longer-obligatory-belgium>

⁹ See <http://bit.ly/29VUp8C>

¹⁰ See <https://fr.groups.yahoo.com/neo/groups/suffrage-universel/conversations/messages/6549>

¹¹ See the mapping at <http://bit.ly/1RpCun1>

¹² Daniel Hamiche, Bruxelles: des urinoirs contre l'église Sainte-Catherine..., Observatoire de la Christianophobie, 20 March 2014, <http://www.christianophobie.fr/breves/bruxelles-des-urinoirs-contre-leglise-sainte-catherine#.VvUQdKLRdg>

¹³ Daniel Hamiche, Bruxelles: non à la désacralisation de l'église Sainte-Catherine!, <http://www.christianophobie.fr/petitions/bruxelles-non-a-la-desacralisation-de-leglise-sainte-catherine#.VvWItKLRdg>; Les Amis de l'église Sainte-Catherine – Bruxelles, <http://www.eglisesaintecatherinebruxelles.be/>; Communiqué de la Fabrique d'église Sainte-Catherine, 18 June 2015; Christian La Porte, Désacraliser ou pas les églises?, Lalibre.be, 11 April 2016, <http://www.lalibre.be/regions/bruxelles/desacraliser-ou-pas-les-eglises-570abccf35708ea2d46ac816>.

¹⁴ L'église de Havré encore une fois vandalisée!, La Meuse, 24 February 2014,

<http://www.lameuse.be/976012/article/2014-04-02/l-eglise-de-havre-encore-une-fois-vandalisee>

¹⁵ Vandaal houdt lelijk huis in Sint-Michielskerk, Hln.be, 1 July 2014, www.hln.be/regio/nieuws-uit-leuven/vandaal-houdt-lelijk-huis-in-sint-michielskerk-a1932760/

¹⁶ Huy: l'église Saint-Pierre vandalisée une nouvelle fois, La Meuse.be, 27 August 2014, www.lameuse.be/1088123/article/2014-08-26/huy-l-eglise-saint-pierre-vandalisee-une-nouvelle-fois

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- ¹⁷ Sarah Johansson, The second inquiry into the recruiter Khalid Zerkani has closed, The Brussels Times, 21 April 2015, <http://www.brusselstimes.com/belgium/2809/the-second-inquiry-into-the-recruiter-khalid-zerkani-has-closed>
- ¹⁸ Notre-Dame de Walcourt vandalisée, DH.be 10 August 2015, <http://www.dhnet.be/regions/brabant/notre-dame-de-walcourt-vandalisee-55c799433570b5465331484d>
- ¹⁹ Charleroi: des voleurs dérobent le toit d'une chapelle en pleine journée, Le Soir, 9 October 2015, <http://www.lesoir.be/1012189/article/actualite/fil-info/fil-info-belgique/2015-10-09/charleroi-des-voleurs-derobent-toit-d-une-chapelle-en-pleine-jou>
- ²⁰ Grand-Place de Bruxelles: trois jeunes vandalisent la crèche et volent le petit Jésus, Rtl, 14 December 2015, <http://www.rtl.be/info/regions/bruxelles/grand-place-de-bruxelles-trois-jeunes-vandalisent-la-creche-et-volent-le-petit-jesus-779069.aspx>
- ²¹ Verviers: de nouveaux actes de vandalisme à l'église Sainte-Julienne, La Meuse, 14 December 2015, <http://www.lameuse.be/1444127/article/2015-12-13/verviers-de-nouveaux-actes-de-vandalisme-a-l-eglise-sainte-julienne>
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- ²³ Centre Interdisciplinaire d'Etudes de l'Islam dans le Monde Contemporain (CISMOC), Institut IACCHOS / Université catholique de Louvain, Musulmans et non musulmans à Bruxelles, entre tensions et ajustements réciproques, Synthèse de l'étude scientifique «Regards et relations entre musulmans et non musulmans à Bruxelles: entre tensions, (imaginaires de) phobies et ajustements réciproques.», Fondation Roi Baudouin, Brussels, October 2014, <https://www.kbs-frb.be/fr/~media/Files/Bib/Publications/PUB2014-3272-MusulmansNonMusulmans.pdf>; CISMOC / IACCHOS Centre Interdisciplinaire d'Etudes de l'Islam dans le Monde Contemporain, Musulmans et non-musulmans en Belgique: des pratiques prometteuses favorisent le vivre ensemble, Fondation Roi Baudouin, Brussels, November 2015 https://www.kbs-frb.be/~media/Files/Bib/Publications/3372_POD_MusulmansEnBelgique_final.pdf
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