

BELGIUM 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of religion, and the law prohibits discrimination based on religious orientation. Federal law bans covering one's face in public. The Wallonia and Flanders regional governments passed laws, scheduled to take effect in 2019, banning the ritual slaughter of animals without prior stunning, effectively outlawing kosher and halal practices. In the continuing aftermath of 2016 terrorist attacks, the government extended its stated efforts to curb radical Islam, particularly following the release of a government report stating Wahhabism constituted a threat to the practice of moderate Islam in the country. A parliamentary Commission of Inquiry on Terrorist Attacks recommended oversight of the Great Mosque in Brussels be removed from the government of Saudi Arabia. Despite the federal government's recommendation of mosques for recognition by the regional governments, the number of recognized mosques initially declined following the withdrawal of official recognition for one mosque in Flanders by the Flemish minister of home affairs due to the reported involvement of the Turkish government in the mosque's operation. The government recognized several mosques near the end of the year, increasing the total of recognized mosques to 83 at year's end – a net increase of two compared with 2016. Most public schools continued to ban headscarves as permitted by government policy. The government maintained its ban on Muslim women wearing headscarves in public sector jobs, and the European Court of Human Rights (ECHR) upheld the law banning wearing a full-face veil (*niqab*) in public.

The number of reported anti-Semitic acts and threats almost doubled from 2015 to 2016, the most recent years for which complete data were available. In September in Antwerp, a Belgian convert to Islam verbally and physically attacked a Jewish man. Complaints of workplace discrimination based on religion almost doubled during the year compared with 2016. Most of these complaints involved reports of discrimination against Muslims, especially against Muslim women for wearing headscarves. The European Court of Justice (ECJ) upheld the right of private Belgian employers to ban headscarves.

U.S. embassy officials continued to meet regularly with senior government officials in the Prime Minister's Office and at the Ministries of Interior and Foreign Affairs to discuss anti-Muslim and anti-Semitic incidents and discrimination. Embassy officials continued discussions with nongovernmental organizations (NGOs) and religious leaders to discuss anti-Muslim and anti-Semitic incidents

and sentiment, and to promote religious tolerance. The embassy supported programs that facilitated interfaith dialogue, raised awareness of religious minorities, and promoted resilience in religious communities.

Section I. Religious Demography

The U.S. government estimates the total population at 11.5 million (July 2017 estimate). A 2011 report (based on 2009 data) by the King Baudouin Foundation estimates the religious affiliation of the population to be 50 percent Roman Catholic, 33 percent without affiliation, 9 percent atheist, 5 percent Muslim, 2.5 percent non-Catholic Christian, and 0.4 percent Jewish. The Muslim population is highest in Antwerp and Brussels, where some studies estimate it at more than 25 percent of the respective metropolitan areas. According to the report, other religious groups that together constitute less than 5 percent of the population include Buddhists, Hindus, Sikhs, the International Society of Krishna Consciousness, Scientologists, and The Church of Jesus Christ of Latter-day Saints (Mormons). A 2015 study by the Catholic University of Louvain updates the estimate of the Muslim portion of the population to approximately 7 percent with no significant changes for other affiliations.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of worship (including its public practice) and freedom of expression, provided no crime is committed in the exercise of these freedoms. It states no individual may be barred from religious ceremonies or from observing religious days of rest, and bars the state from interfering in the appointment of religious clergy or blocking the publication of religious documents. It obligates the state to pay the salaries and pensions of religious clergy certified by the official organizations of recognized religions and are officially employed in recognized houses of worship.

The law prohibits discrimination based on religious or philosophical (e.g., nonconfessional) orientation. Federal law prohibits public statements inciting religious hatred, including Holocaust denial. The maximum sentence for Holocaust denial is one year in prison.

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.

The requirements to obtain official recognition are not legally defined. The legal basis for official recognition is composed of the constitution and other laws and interpretations, some of which predate the constitution itself. A religious group seeking official recognition applies to the Ministry of Justice, which then recommends approval or rejection. The government evaluates whether the group meets organizational and reporting requirements and applies criteria based on administrative and legislative 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 the federal parliament; however, parliament generally accepts the ministry’s recommendation.

The law requires each officially recognized religion to have an official interlocutor, such as an office composed of one or more representatives of the religion plus administrative staff, to support the government in its constitutional duty of providing the material conditions for the free exercise of religion. The functions performed by the interlocutor include certification of clergy and teachers of the religion, assistance in the development of religious curriculum, and oversight of the management of houses of worship.

The federal government provides financial support for officially recognized religious groups. The subsidies for recognized groups include payment of clergy salaries, maintenance, and equipment for facilities and places of worship, and tax exemptions. Denominations or divisions within the recognized religious groups (Shia Islam, Reform Judaism, or Lutheranism, for example) do not receive support or recognition separate from their parent religious group. Unrecognized groups outside of these recognized religions do not receive government subsidies but may worship freely and openly.

There are procedures for individual houses of worship of recognized religious groups to obtain recognition and state subsidies. To do so, a house of worship must meet requirements set by the region in which it is located and by the federal Ministry of Justice. These requirements include transparency and legality of accounting practices, renunciation of foreign sources of income for ministers of

religion working in the facility, compliance with building and fire safety codes, certification of the minister of religion by the relevant interlocutor body, and a security check. Recognized houses of worship also receive subsidies from the linguistic communities and municipalities for the upkeep of religious buildings. Houses of worship or other religious groups that are unable or choose not to meet these requirements may organize as nonprofit associations and benefit from certain tax advantages (but not government subsidies). Houses of worship in this situation (i.e., not completing the recognition process) may still be affiliated with an officially recognized religious group.

There is a federal ban on covering one's face in public. Women who wear the full-face veil in public face a maximum fine of 137.50 euros (\$170).

The constitution requires teaching in public schools to be neutral with respect to religious belief. All public schools offer mandatory religious instruction or, alternatively, "moral" instruction (which is oriented towards citizenship and moral values), although parents in schools in Flanders may have their children opt out of such courses. A constitutional court ruling in 2015 allows francophone community parents to opt out of primary school religion and ethics classes for their children, pursuant to the court's finding those classes not to be "objective, critical, and pluralistic."

Schools provide teachers for each of the recognized religious groups, as well as for secular humanism, according to the student's preference. The public education system requires neutrality in the presentation of religious views outside of religion classes. Teachers of religion are permitted to express their religious beliefs and wear religious attire, even if school policy otherwise forbids such attire. Public school religion teachers are nominated by a committee from their religious group and appointed by the linguistic 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 linguistic community governments.

UNIA, formerly the Inter-federal Center for Equal Opportunities, is a publicly funded but independent agency responsible for litigating discrimination cases, including those of a religious nature.

The justice minister appoints a magistrate in each judicial district to monitor discrimination cases and facilitate prosecution of discrimination as a criminal act.

The Walloon and Flanders regional governments, which have jurisdiction over animal welfare, passed laws in May and July, respectively, banning the ritual slaughter of animals without prior stunning. In accordance with kosher and halal practices, ritual slaughter should take place only with unstunned animals. The bans are scheduled to take effect in 2019, ending the permission granted to certified permanent slaughterhouses in those regions to slaughter animals without prior stunning. Both regions ban animal slaughter without prior stunning in temporary slaughtering facilities in use during Islamic holidays.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In the continuing aftermath of 2016 terrorist attacks, the government maintained its efforts to curb what it termed radical Islam in the country's mosques. In January the Ministry of Justice released a report that labeled Salafism a "societal problem" that can lead to jihadism in the country. In February a report by the government's Coordination Unit for Threat Analysis (CUTA) was leaked to the media in which CUTA was cited as stating an increasing number of mosques and Islamic centers were "controlled by Wahhabism," which was the "Salafist missionary apparatus," and constituted a threat to the practice of moderate Islam in the country.

In its final report issued in October, the parliamentary Commission of Inquiry on Terrorist Attacks recommended oversight of the Great Mosque in Brussels be removed from the government of Saudi Arabia, which had been granted a concession to oversee the mosque in 1967, and be transferred to the Muslim Executive, the official interlocutor between the government and the country's Muslim community. The commission further recommended a broader cross-section of Islamic schools of thought should inform management of the mosque, beyond the Salafi/Wahhabi schools, which had been the previous dominant orientation at the mosque, but which the commission determined represented a possible source of radicalism.

The federal and regional governments stated they remained committed to their previously announced plans to encourage mosques to seek official recognition as a means of increasing government oversight. Although the federal government recommended several mosques for recognition by the regional governments, the

number of recognized mosques initially declined during the year from 81 to 80 as the result of the withdrawal of official recognition from one mosque by the Flemish minister of home affairs following media reports that the Turkish government sought to determine the content of religious sermons and politically involve itself in the mosque's operation. The minister also requested the investigation of another mosque. In the wake of these actions, which prompted a negative reaction from the federal minister of justice who was responsible for recognition at the federal level, the recognition of new mosques in Flanders reportedly remained gridlocked. The Walloon regional government later recognized several mosques, increasing the total of recognized mosques to 83 – two higher than the previous year.

Members of the Jewish community stated the public authorities were more aware and concerned about physical threats to the Jewish community following terrorist attacks in 2016. They stated that authorities had failed, however, to address what they termed “day-to-day” anti-Semitism in the country, including expressions of online hatred and the doubling of documented anti-Semitic acts and threats.

The Buddhist community's previously filed application for recognition remained pending with the Ministry of Justice as of the end of the year. The government nonetheless continued to provide subsidies to the community in preparation for its recognition as a “nonconfessional philosophical community.”

The Hindu community's previously filed request for recognition also remained pending with the Ministry of Justice at the end of the year.

The government maintained its ban on wearing religious symbols in public sector jobs requiring interaction with the public.

In July in a case brought by two Muslim women challenging the law banning wearing the *niqab* in public, the ECHR upheld the government's ban, ruling the ban was not discriminatory. The court agreed that the government had the right to consider the ban necessary in a democratic society in order to guarantee the concept of “living together” and the “protection of the rights and freedoms of others.”

Most public schools continued to ban headscarves, in accordance with the policy allowing individual schools to decide whether to impose such bans. At least 90 percent of public schools sponsored by the francophone community and virtually

all Flemish public schools maintained such bans. Of the 98 Brussels public schools, three continued to allow headscarves.

A new institute for the education of Muslim clergy and scholars opened in Wallonia, following 2016 action by the regional government and the government of the francophone community to establish it.

According to Muslim groups, city and town administrations continued to withhold approval or continued to delay approval for the construction of new mosques and Islamic cultural centers. In Court-Saint-Etienne, city authorities denied an application for the construction of a new mosque for the fourth time in the past five years.

The Jewish community issued public statements criticizing the decisions by the Flanders and Walloon governments to ban slaughter without prior stunning as attacks on Jewish religious practices. The Coordinating Committee of Belgian Jewish Organizations stated the two regions had sent a negative political message because these laws did not respect the principle of equality. The Brussels regional government did not authorize any temporary slaughterhouse specifically for slaughter without prior stunning during Islamic holidays as it had done in previous years.

In September the government's Committee for Bio-Ethics, after a three-year study, issued a report expressing opposition to circumcision for reasons other than medical necessity, which precluded circumcision based on religious custom. Its ruling stated the physical integrity of the child takes precedence over the belief system of the parents. The recommendation was not legally binding, and some members of the committee stated they recognized the practice of circumcision was also an issue of religious freedom. The report issued a unanimous recommendation to stop social security reimbursements for nonmedical circumcisions, valued at approximately 2.6 million euros (\$3.1 million) per year.

The Ministry of Justice increased its annual allocation for clergy salaries and other financial support for recognized religious groups by four million euros to 104 million euros (\$124.9 million). Catholic groups once again received approximately 85 percent of the total available funding for religious groups, followed by secular humanists (8 percent) and Protestant groups (2.5 percent). Muslims again received approximately 2 percent of the funding, which was not commensurate with their share of the population, and which observers said did not account for the actual level of services required for imams and mosques.

The ECHR upheld in July the 2013 conviction of Fouad Belkacem by the country's highest court for hate speech in videos he made in 2011 inciting other persons to discriminate on the basis of faith and to commit violence against non-Muslims. Belkacem had argued his videos were protected under free speech. Belkacem made the appeal to the ECHR while in prison serving a separate 12-year sentence from 2015 for leading a terrorist group.

The Liege appeals court in January upheld the two-month prison sentence previously issued to French comedian Dieudonne for incitement to hatred, anti-Semitism, and Holocaust denial in a 2012 nightclub show. In June the country's highest court upheld the appellate court decision, although media commentary suggested Dieudonne ultimately would not spend time in prison due to overcrowding but would have to pay the 9,000 euro (\$10,800) fine levied by the court.

In November the mayors of Brussels and Molenbeek banned a so-called Islam safari that aimed to showcase the Brussels neighborhood of Molenbeek's alleged connections to violent extremism. The event was organized by the leader of Belgium's Vlaams Belang party, Filip Dewinter, jointly with Dutch Freedom Party Leader Geert Wilders. Wilders held a press conference at the Belgian Parliament in response to the event's banning, saying "Enough is enough. Parliamentarians should be able to travel freely in their own country. But mayors are telling us that this is forbidden, and they are saying Molenbeek no longer belongs to Belgium."

In April the Forum of Jewish Organizations of the Flemish Region released a statement denouncing the city of Antwerp's plan to move a 20-year-old Holocaust monument to a quieter neighborhood so the annual Holocaust commemoration and its required security would "have less of an impact on traffic." The statement noted that the Jewish community was not consulted and that the proposed location had no historic connection to the Holocaust, during which German and Belgian officers concentrated thousands of Antwerp Jews at the Belgielei location ahead of their shipment to death camps. The statement said the move "would result in the loss of a historical, emotional, and educational dimension." The mayor of Antwerp acknowledged the failure to consult the Jewish community and apologized.

In November the Jewish Museum of Belgium together with the Belgian State Archive, with support from the Jewish-Moroccan Cultural Center, mounted its first new exhibition since a terrorist attack killed four persons there in 2014. The exhibit "Belgium, Welcoming Land?" explores the history of immigration to the

country, and its curator stated the aim was to emphasize cultural commonalities among immigrants as a means to counter intolerance.

Section III. Status of Societal Respect for Religious Freedom

UNIA reported it recorded 365 complaints of online hate speech in 2016 compared with 333 in 2015 (10 percent increase), with anti-Semitic and anti-Muslim hate speech representing the vast majority of cases. UNIA reported an increase in anti-Semitic acts and threats from 57 in 2015 to 109 in 2016, the most recent year for which data were available.

In September a Belgian convert to Islam verbally and then physically attacked a Hasidic Jew on his way home from religious services in Antwerp. Police apprehended the assailant, and the case remained under investigation.

NGOs reported private employers continued to ban religious attire such as headscarves if they believed such attire would interfere with the performance of an employee's duties. On March 14, in a ruling addressing the terminations of a Belgian citizen and a French citizen from their workplaces for wearing headscarves, the ECJ stated employers could ban religious symbols, such as headscarves, in the workplace if the ban were part of a general, internal policy of projecting neutrality among employees. The ECJ ruling stipulated customers could not demand that workers remove their headscarves if the company had no preexisting policy on neutrality in the workplace.

Observers and NGOs continued to report incidents of discrimination against Muslims in the workplace. Muslim women wearing headscarves continued to report they were targets of discrimination.

UNIA reported there were 88 complaints of workplace discrimination based on religion in 2016, the latest year for which data were available, compared with 46 in 2015.

UNIA recorded 390 complaints of religious discrimination and harassment in 2016, the most recent year for which comprehensive data was available, not including the 109 anti-Semitic incidents, which UNIA tracks separately. This total compared with 330 complaints recorded in 2015. UNIA reported 89 percent of the 390 complaints concerned Muslims, with the majority involving hate speech on the internet, although there were also cases involving labor or education issues. UNIA

reported 40 percent of the 2016 incidents were media-related, 23 percent labor-related, and 12 percent related to the distribution of goods and services.

Although UNIA reported separately on anti-Semitism, including on incidents of discrimination, harassment, online hate speech, threats and acts of violence, Jewish groups complained that UNIA did not take anti-Semitism as seriously as other forms of discrimination. They cited one case in which a UNIA legal expert's internal email leaked. The email concerned a 2014 court case in which an individual received a six-month suspended sentence for shouting anti-Semitic statements at a rally in Antwerp. The expert had described the conviction as "distorted" and not "true justice," triggering admonishment from the Jewish community and some politicians concerning the expert's lack of impartiality.

Jewish groups reported continued anti-Semitic statements and attitudes in the media, particularly related to the government of Israel and the Holocaust. For example, some Jewish leaders said there was a proliferation of online comments posted ostensibly as criticisms of the Israeli government but contained anti-Semitic elements such as rhetoric conflating Jews with Israeli government policy or blaming Jews for Israel's actions.

A 2016 case of anti-Semitic bullying at a school in Brussels, including jokes referencing the Holocaust, concluded with the expulsion of the perpetrator from school and the relocation of the victim to another school.

In December the Belgian Federation of Jewish Organizations, at the urging of human rights organizations, requested that the management of the Bruges soccer team strongly penalize the fans who engaged in anti-Semitic slurs in soccer stadiums, including deducting points from the team whose fans stoked religious hatred.

At least 100 young Muslim and Jewish leaders from around Europe came together in Brussels for a "Joint Day of Action against Anti-Semitism and Anti-Muslim Hatred and Discrimination," organized by the Organization for Security and Cooperation in Europe Office of Democratic Institutions and Human Rights and EU bodies on May 30. European Muslim and Jewish participants raised concerns about what they characterized as the stark rise of anti-Semitism and anti-Muslim sentiment in European societies, primarily fueled by political campaign rhetoric.

Jewish and Muslim leaders convened for a "Muslims March Against Terrorism" stop in Brussels, with 60 imams on a peace tour across multiple European cities.

During the event, a member of the public disturbed a speech on religious unity by Rabbi Avi Tawil, the director of the European Jewish Community Center. The police removed the individual. Interior Minister Jan Jambon said security measures alone were not enough and stressed the need to strengthen the social fabric.

Section IV. U.S. Government Policy and Engagement

U.S. embassy officials discussed continued anti-Muslim and anti-Semitic incidents and sentiment, as well as Turkish influence on the country's mosques, in meetings with representatives from the Prime Minister's Office; the Ministries of Foreign Affairs, Interior, and Justice; and the regional governments. Embassy officials also discussed with government officials the continued efforts of Buddhist and Hindu groups to obtain recognition and the status of the government's plans to encourage more mosques to apply for official recognition as places of worship.

Embassy officials regularly met with religious leaders to discuss religious discrimination incidents and ways to counter public manifestations of anti-Muslim and anti-Semitic sentiment. They continued engagement with activists from the Catholic, Muslim, and Jewish communities to promote interreligious understanding. The embassy sponsored a six-month youth program that promotes interfaith dialogue between Jewish and Muslim youth. A separate embassy program funded the production and translation of a documentary that amplifies training for Belgian youth interfaith ambassadors in schools. A Fulbright scholar researched efforts to build resilience in Antwerp's Hasidic Jewish community through vocational programs independent of the declining diamond industry.