

Belgium



Stable / Unchanged ▬

Religion

Population

Area

- Christians : **67.4%**
- Agnostics : **23.0%**
- Muslims : **6.5%**
- Atheists : **2.2%**
- Others : **0.9%**

11.372,000

30,528 Km²

Legal framework on freedom of religion and actual application

The Constitution of the Kingdom of Belgium establishes clear, positive obligations to protect freedom of religion or belief. The most recent version of the constitution, incorporating amendments up until 2014, states^[1] in Article 19 “Freedom of worship, its public practice and freedom to demonstrate one’s opinions on all matters are guaranteed, but offences committed when this freedom is used may be punished.” Article 20 states: “No one can be obliged to contribute in any way whatsoever to the acts and ceremonies of a religion or to observe its days of rest.” Article 21 states: “The state does not have the right to intervene either in the appointment or in the installation of ministers of any religion whatsoever or to forbid these ministers from corresponding with their superiors, from publishing the acts of these superiors, but, in this latter case, normal responsibilities as regards the press and publishing apply.” Article 181 states: “The salaries and pensions of ministers of religion are paid for by the state; the amounts required are charged annually to the budget.”

The state finances recognised religious and similar communities. These are: Catholicism, Protestantism, Anglicanism, Judaism, Islam, Orthodoxy and Secular Humanism.^[2] Buddhism is currently in the process of being recognised and applications for Hinduism and the Syriac Orthodox Church are pending.

There are no legal or constitutional criteria for granting state recognition. In 1985, the then 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, its history, and its contribution to the good of society. However, his understanding of the necessary criteria was never enshrined in law. Whatever their beliefs, taxpayers provide the main financial support for the few state-recognised religions or worldviews.

Groups that are not recognised by the state can acquire the status of non-profit associations. Their members can fully enjoy their rights to religious freedom.^[3]

In public schools, religious or “moral” instruction is provided according to parental preference. The public education system requires neutrality in the presentation of religious views outside of religious education classes. All public schools must provide teachers for each of the state recognised religious or belief groups. Teachers of religion in public schools are nominated by their respective faith groups. Faith-based schools follow the same curriculum as public schools and receive government subsidies for operating expenses, such as building maintenance and utilities.^[4] There is an ongoing debate in Wallonia about school curricula, as there is an effort to preserve the teaching of the Catholic faith in faith-based schools.^[5]

In February 2016, the Council of State issued a decision allowing teachers of Islam to wear headscarves at school, even for activities other than teaching, although Flemish community schools refused to implement the ruling. Individual public schools continued to have the right to impose a ban on students wearing religious attire, and most public schools maintained policies which restrict the wearing of headscarves.^[6]

In May 2017, Wallonia and Flanders voted to ban the ritual slaughter of animals.^[7] The ban is directed against the practice of slaughtering animals without first stunning them. Both Muslim and Jewish ritual slaughter involves cutting the throat of the animals, without other preliminaries. The Jewish community filed an appeal in November 2017 against the decision in Wallonia.^[8]

Incidents

In February 2018, in a Haredi Orthodox school in Antwerp, a document instructing teachers not to discuss “sex, reproduction, politics, religion, racism, and personal issues” was apparently circulated by an employee. The school authorities have since distanced themselves from the document, saying that it did not emanate from them. As a result, the Flemish Education Minister, Hilde Crevits, launched an investigation into the Benoth Jerusalem school.^[9]

In early 2018, a 24-year old was briefly detained by Belgian police for anti-Semitic hate crimes, including the destruction of at least 20 mezuzahs in Antwerp. In the weeks prior to his detention, the same man was filmed destroying the mezuzahs, and vandalizing the doors of several Jewish institutions, knocking the hat off of an Orthodox Jew on the street while shouting about Palestine, and laying a Quran near a synagogue.^[10]

In February 2018, a car in central Antwerp swerved at high speed towards a father and son who were dressed in Hasidic garb. The Antwerp police decided that this was not a hate crime. The Belgian League Against Anti-Semitism disagreed with this analysis and initiated a private prosecution against the driver.^[11]

The Belgian Federation of Jewish Organisations filed a motion in the Constitutional Court of Belgium seeking an injunction against the ban of ritual slaughter in the country.^[12]

In 1968 Belgium recognised the Islamic and Cultural Centre (ICC) as the representative platform of Muslims and Islam in Belgium. The following year, the Belgian government signed an agreement granting the ICC, then represented by the ambassadors of Saudi Arabia and Morocco, the use for 99 years of a building complex in the Parc du Cinquanteenaire in Brussels. The building complex now accommodates the Grand Mosque, a school, and a centre for research and training about Islam and the Arabic language. For years the Grand Mosque of Brussels has been accused of propagating Wahhabism and Salafism in Belgium.^[13]

In its fourth intermediary report published on 23rd October 2017, the Parliamentary Commission of Enquiry on Radicalism and Terrorism ^[14] expressed a number of concerns about the opacity of the management of the Grand Mosque and accused the Grand Mosque of spreading Wahhabism in Belgium. It recommended that Saudi Arabia’s control of the Grand Mosque should cease and that the Egyptian Imam of the Grand Mosque, Abdelhadi Sewif, should be

deported. On 28th November, a Belgian court did not uphold an order to deport the cleric on account of the insufficient evidence against him.^[15]

On 17th March 2018, the Federal Government of Belgium terminated the contract between the Belgian State and the ICC. One year's notice was given, after which the Executive of the Muslims of Belgium (EMB) will take over the management of the building complex. The Grand Mosque will then be a place of worship, the seat of the executive of the EMB, and a training institute for Islamic leaders.^[16]

In 2017, the European Court of Human Rights ruled in the case of Belcacemi and Oussar v. Belgium that the Belgian law of 2011 banning the wearing of clothing that partly or totally covers the face in public did not violate any human rights. The court ruled that the Belgian law, "sought to guarantee the conditions of 'living together' and the 'protection of the rights and freedoms of others' and that it was 'necessary in a democratic society'"^[17]

In November 2016, Theo Francken, Belgium's State Secretary for Migration, decided to expel the imam of Dison/Verviers, a Dutch-Moroccan citizen, for inciting hatred against Christians and for disseminating jihadist propaganda. In 2016, his son, Souhaib Amaouch, a minor born in Belgium, was put in a youth detention center for posting a video in which he called for the murder of Christians.^[18]

From 2017 to 2018, numerous acts of vandalism targeted cemeteries, Catholic churches and buildings. The Observatoire de la Christianophobie ^[19]and the Observatory on Intolerance and Discrimination against Christians in Europe^[20] reported the following cases (among many others):

In the first three months of 2018, a Chaldean church was desecrated, vandalised and looted in Antwerp; there was an arsonist attack on a Catholic church in Charleroi; and 28 tombstones were tagged by Satanists in Cheratte Hauteur.

In October 2017, unknown perpetrators broke into the Church of Saint-Remi de Baulers and ransacked the sacristy.^[21]

In April 2017, over 50 graves were vandalised, several tombs were destroyed, and crosses on graves were thrown on the ground in the cemetery of Ougrée.^[22]

In April 2017, two Polish women were on their way to a bus station after attending Mass on Palm Sunday when they were attacked by a man who spoke Arabic and cursed at them in French calling them "dirty Christians" and "whores" ("sales chrétiennes" and "putes"). It is reported that the women were carrying palms from Mass and that these enabled the man to identify them as Christians.^[23]

In March 2016, a court in Brussels refused to rule that the Church of Scientology was a "criminal enterprise". In his judgement, Judge Yves Regimont said that the defendants had been targeted because of their religion: "The entire proceedings are declared inadmissible for a serious and irremediable breach of the right to a fair trial". The judge criticised the investigators involved in the case for being too vague in their case against Scientology and for being prejudiced against it.^[24]

Prospects for freedom of religion

Although the system of recognition of religions and worldviews by the state leads to a discriminatory tiered system, the Federal State is becoming increasingly open to recognising more religious communities. However, this process is slow.

The terrorist attacks perpetrated by Belgian Islamists at the airport and in a metro station in Brussels in March 2016 have led to the creation of a Parliamentary Commission of Enquiry on Radicalism and Terrorism. Great caution is taken in its successive reports not to lump together Muslims and Islamists who have sworn allegiance to Daesh (ISIS). The following recommendations have been made: to identify the penetration channels of Islamism in Belgium; to better track potential terrorists; to increase public security; to prevent radicalisation of youth; and also to put in place more inclusive policies for young Muslims who may be vulnerable to the propaganda of Daesh.

It is estimated that 200-300 young Belgian Muslims have taken part in the war in Syria and Iraq. A number of them have died in the fighting. Those who have returned to Belgium are under surveillance.

In the last few years, the growth of Islam through increased immigration has aroused various forms of social hostility. Anti-Muslim sentiments remain a danger that needs to be contained and fought against. Although there is a political consensus about the need to avoid the stigmatisation of the Muslim community, the traditional spirit of tolerance and social peace can only be preserved if the media show restraint in their reporting and if schools fulfil their mission of educating in a spirit of mutual respect.

Endnotes / Sources

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