

BELGIUM 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion, and the law prohibits discrimination based on religious orientation. Federal law bans covering one's face in public. In September, the federal government recognized the Belgian Buddhist Union, which first applied for recognition as a nondenominational philosophical community in 2008. An application for recognition by the Belgian Hindu Forum, submitted in 2013, remained pending. In December, the government suspended the recognition process for the Great Mosque of Brussels, citing intelligence that it had ties with the Moroccan intelligence agency. In September, the Ghent prosecutor filed a criminal case against the Jehovah's Witnesses congregation in Kraainem, charging it with inciting discrimination and hatred after a former member said the congregation shunned him when he reported a case of sexual abuse. In June, the Constitutional Court ruled that universities may ban religious symbols on campuses, specifically headscarves, prompting widespread criticism. In December, the Court of Justice of the European Union issued a judgment that a Flemish law requiring the stunning of animals prior to slaughter, including kosher and halal slaughter, is consistent with EU law on religious freedom. The judgment followed a legal challenge by the Jewish and Muslim communities against the Flemish law and a similar one in Wallonia.

Unia (an independent government agency that reviews discrimination complaints) reported that in 2019, the most recent year for which data were available, there were 79 anti-Semitic incidents (compared with 101 in 2018) and 336 incidents (307 in 2018) against other religious groups, 86 percent of which targeted Muslims. Media reported in February that during the annual Aalst Carnival parade, there were anti-Semitic floats and caricatures, as well as marchers who appeared to be dressed as Nazi soldiers.

U.S. embassy officials continued to meet regularly with senior government officials in the Office of the Prime Minister; at the Ministries of Interior, Foreign Affairs, and Justice; and with members of parliament to discuss anti-Muslim and anti-Semitic incidents and discrimination. The Ambassador and other embassy officials met with nongovernmental organizations (NGOs) and religious leaders in Brussels and other communities to address anti-Muslim and anti-Semitic incidents and sentiment and to promote religious tolerance. In October, the Ambassador led a discussion on Muslim issues with academics, religious experts, and civil society leaders.

Section I. Religious Demography

The U.S government estimates the total population at 11.7 million (midyear 2020 estimate). According to the most recent survey in December 2018 by the GESIS-Leibniz Institute for the Social Sciences, 57.1 percent of residents are Roman Catholic, 2.3 percent Protestant, 2.8 percent other Christian, 6.8 percent Muslim (mostly Sunni), 0.6 percent Orthodox Christian, 0.3 percent Jewish, 0.3 percent Buddhist, 9.1 percent atheist, 20.2 percent “nonbeliever/agnostic,” and 0.5 percent “other.” A 2015 study by the Catholic University of Louvain estimated that 42.2 percent of Muslims reside in Flanders, 35.5 percent in Brussels, and 22.3 percent in Wallonia. According to Catholic University of Louvain sociologist Jan Hertogen, based on 2015 data, 24.2 percent of the Brussels population and 7.5 percent of the Antwerp population is Muslim.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for 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 required to participate in any religious group’s acts or ceremonies or to observe the group’s religious days of rest, and it 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 clergy (according to law, to qualify clergy must work in recognized houses of worship and be certified by those religious groups), as well as those of representatives of organizations recognized by the law as providing moral assistance based on a nonconfessional philosophy.

The law prohibits discrimination based on religious or philosophical (e.g., nonconfessional) orientation. Federal law prohibits public statements inciting religious hatred, including Holocaust denial. Discrimination based on Jewish descent is distinguished from discrimination against Jewish religious practices. The maximum sentence for Holocaust denial is one year in prison. Courts have interpreted that an antiracism law that prohibits discrimination on the basis of nationality, race, skin color, ancestry, national origin, or ethnicity may be applied to cases of anti-Semitism.

The government officially recognizes Roman Catholicism, Protestantism (including evangelicals and Pentecostals), Judaism, Anglicanism (separately from

other Protestant groups), Islam, Orthodox (Greek and Russian) Christianity, and secular humanism.

The law does not define requirements to obtain official recognition. The Ministry of Justice specifies the legal basis for official recognition. A religious group seeking official recognition applies to the Ministry of Justice, which then recommends approval or rejection to parliament, which votes on the application. 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 granting 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 the religious curriculum in schools, and oversight of the management of houses of worship.

The federal and regional governments provide financial support for officially recognized religious groups. Federal government subsidies include direct payment of clergy salaries and pensions, while regions subsidize maintenance and equipment costs for facilities and places of worship, as well as clergy housing, and oversee finances and donations when the legal exemption amount is exceeded. 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. Parent religious groups distribute subsidies according to their statutes, which may also include salaries to ministers and public funding for renovation or facility maintenance. Unrecognized groups do not receive government subsidies but may worship freely and openly. Three organizations outside of the recognized religious groups also receive subsidies by law: the Belgian Muslim Executive, the Belgian Buddhist Union, and the Secular Central Council.

There are procedures for individual houses of worship of recognized religious groups to apply to obtain recognition and federal 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, and certification of the minister of religion by the relevant interlocutor body. 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 lower taxes 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. Individuals wearing face coverings that cover all or part of the face in public are subject to a maximum fine of 137.50 euros (\$170). In addition, the penal code stipulates violators may be sentenced to a maximum of seven days' imprisonment.

Outside of the Brussels region, which still allows ritual slaughter without stunning, the law prohibits the slaughter of animals without prior stunning. The legislation does not prevent halal and kosher meat from being imported from abroad.

By longstanding practice rather than law, the government bans the wearing of religious symbols by employees in public sector jobs requiring interaction with the public. The ban does not apply to teachers of religion in public schools.

The constitution requires teaching in public schools to be neutral with respect to religious belief. The public education system requires neutrality in the presentation of religious views outside of religion classes. All public schools offer religious or "moral" instruction oriented toward citizenship and moral values. Outside of Flanders, these courses are mandatory; parents in schools in Flanders may have their children opt out of such courses. Francophone schools offer a mandatory one-hour-per-week "philosophy and citizenship" course plus an additional one-hour mandatory course on either philosophy and citizenship or the recognized religions, based on a constitutional court ruling.

Schools provide teachers, clerical or secular, for each of the recognized religious groups, as well as for secular humanism, according to the student's preference.

The degree of religious expression varies but must follow a principle of “neutrality.” Because “neutrality” is not defined explicitly in the constitution in the context of religious expression, most state-funded institutions follow one of two principles: “inclusive neutrality,” where individuals must remain neutral in their behavior but may wear religious symbols, or “exclusive neutrality,” where there is a total ban on religious attire and the education provided must also be neutral.

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 (limited to schools operated by recognized religious groups), known as “free” schools, follow the same curriculum as public schools but may place greater emphasis on specific religious classes. Teachers at these religious schools are civil servants, and their salaries, as well as subsidies for the schools’ operating expenses, are paid for by the respective linguistic community, municipality, or province.

Unia is a publicly funded, independent agency responsible for reviewing discrimination complaints, including those of a religious nature, and attempting to resolve them through mediation or arbitration. The agency lacks legal powers to enforce resolution of cases but may refer them to the courts.

The federal justice minister appoints a magistrate in each judicial district to monitor discrimination cases and oversee their prosecution, including those involving religion, as a criminal act.

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

Government Practices

The federal government granted recognition on September 30 to the Belgian Buddhist Union, which applied as a group representing a nondenominational philosophy of life, rather than as a religious community. The Buddhist Union, which first submitted its application in 2008, had already been receiving a subsidy from the federal government before its recognition. An application for recognition from the Belgian Hindu Forum, submitted in 2013, remained pending, as did its application to receive a government subsidy. There were no other pending requests by religious groups.

Some observers continued to state that a number of mosques opted not to seek official recognition because they received sufficient foreign funding and preferred to operate without government oversight. Some observers stated the lengthy, bureaucratic process of obtaining recognition also acted as a deterrent. The stated government policy was to extend recognition to more mosques (which would make them eligible for government funding) to curb foreign, radical Islamic influence by reducing the mosques' reliance on foreign funding and providing authorities with greater oversight.

According to local media, nine mosques in the Brussels-Capital region, including the Great Mosque of Brussels, which submitted its application in January, had pending recognition requests. Mustapha Chairi, the President of the Belgian Collective Against Islamophobia, stated that recognition was slowed by "political obstacles" and cited inefficiencies in the Ministry of Justice's administrative process.

The Flemish government announced it was reinforcing its policy of conducting enhanced security screening against possible radicalization of imams or worshippers and against foreign influence at mosques, including by requiring all religious communities and places of worship to submit to a four-year probation period prior to official recognition. Then-Flemish regional Minister-President Liesbeth Homans, also of the New Flemish Alliance Party, questioned the existing recognition of some mosques and withdrew recognition of the al-Ihsaan Mosque in Leuven during the year. At year's end, there were 87 recognized mosques: 39 in Wallonia, 27 in Flanders, and 21 in Brussels. The Belgian Muslim Executive estimated there were a total of 300 mosques in the country, both recognized and unrecognized.

In November, Flemish Minister for Social Affairs Bart Somers presented a bill in parliament to revise the recognition application process, as well as reopen religious communities' applications for recognition that then-Regional Interior Minister Homans had suspended in 2017. The bill included the ban on foreign funding and influence, as well as the mandatory four-year probationary period that the Flemish government established as policy in the previous year. In a November interview with Flemish public television network VRT, Somers stated 50 to 100 local religious communities had pending applications for recognition, some dating back to the 2017 moratorium.

On December 4, Justice Minister Vincent Van Quickenborne suspended the recognition process for the Great Mosque of Brussels, stating that, according to the

country's civilian intelligence, the mosque had ties with the Moroccan intelligence agency. He also said that all bodies of the Muslim Executive should reexamine and, as needed, replace their leaders because they were no longer representative of all Muslims living in the country, adding that "the same individuals continuously appear, whether in the Muslim Executive or in associated nonprofit organizations." (The Muslim Executive is composed of four organs focused respectively on mosques, education, social issues, and imams, as well as the Council of Theologians and the Coordination Council for Belgian Islamic Institutions [CIB].) On December 5, the Belgian Muslim Executive, CIB, and Association for the Management of the Great Mosque released a joint statement condemning Van Quickenborne's announcement, saying it was "defamatory, insulting, and onerous to declare that our members are spies with interests abroad" and that the suspension violated freedom of religion and the separation of church and state.

According to Belgian online journal *The Bulletin*, one of the two major English-language, Brussels-based media outlets, the Ghent prosecutor filed a criminal case against the Jehovah's Witness congregation in Kraainem, charging it with inciting discrimination against a person and a group on the basis of religious beliefs and inciting hatred or violence against a person and a group. According to the report, the prosecutor filed the charges after a five-year investigation based on a complaint by a former member of the congregation, Patrick Haeck, who said Jehovah's Witnesses shunned him after he exposed a case of sexual abuse. A court held a preliminary hearing in September and scheduled a trial for February 2021.

The ban on face coverings remained unchanged despite the COVID-19 pandemic. Several police precincts, however, reported not enforcing the law. The Brussels Midi police department, for example, reported that it had asked its officers to "use common sense" and analyze situations on a case-by-case basis.

In June, the Constitutional Court ruled in favor of the Haute Ecole Francisco Ferrer, a university in Brussels that had banned religious garments and symbols. The court stated that institutions of higher education had the authority to ban the wearing of religious symbols, specifically headscarves, on campus if they chose to do so, adding the ban violated neither constitutional law nor the European Convention on Human Rights. In July, more than 1,000 mostly female demonstrators gathered in the center of Brussels to protest the court's decision. The ruling also sparked a social media campaign with the hashtags #HijabisFightBack and #TouchePasAMesEtudes ("Don't Touch My Studies"). In response to the court's ruling, some institutions of higher education used social media to announce that headscarves were allowed at their schools.

On December 8, in response to calls from the Jewish community, the Council of State, the country's highest administrative court, overturned a total ban on collective religious worship services that the government had instituted in October as a protective measure against COVID-19. The prohibition also applied to nonreligious gatherings. According to the council, the ban violated freedom of religion, "a fundamental right of a special nature," and the right to profess faith collectively with fellow believers "is at the heart of freedom of worship." The council called the ban "a disproportionate limitation of the freedom of worship" and asked the government to allow worship services again, within certain limits, by December 13. In response, the national government relaxed the measure to allow up to 15 persons to gather in places of worship.

In October, the municipal government of Charleroi opened a second request for public comment on an application to build a mosque in the city's Lodelinsart neighborhood. Several town residents also voiced their disapproval of the mosque in an independent petition. The Charleroi government had approved the project with modifications in 2019 after receiving 119 complaints against the mosque during an initial public comment period. The city government did not indicate why it reopened the public comment period.

In Court-St-Etienne, the construction of a new mosque was underway and was expected to be finished by mid-2021. The project, whose construction resumed in February 2020 after a year-long pause, was being entirely financed through private donations. According to Abdelhafid Jellouli, the mosque coordinator, the delay was the result of a change in construction plans and delays in finding a new contractor. Local authorities approved the project in 2018 after four previous rejections.

On December 17, the Court of Justice of the European Union issued a judgment that a Flemish animal welfare law requiring the stunning of animals prior to slaughter, including halal and kosher slaughter, was consistent with EU law and did not infringe on the rights of religious groups. The court's ruling ran counter to the recommendation in September of its advocate general, who had stated that "member states ... cannot ignore the EU's religious freedom protections." Flemish Minister for Education, Sport, and Animal Welfare Ben Weyts tweeted that "the door is now open throughout Europe to a ban on slaughter without stunning" and called on religious communities to "turn the page." The judgment followed a legal challenge to the Flemish law and to a similar law passed by the Wallonian regional government in 2019. At that time, the Belgian Constitutional Court had asked the

Court of Justice to issue an advisory opinion to confirm the two laws complied with EU law.

Following the ruling, President of the Belgian Federation of Jewish Organizations Yohan Benizri stated, “We plan to pursue every legal recourse to right this wrong.” In an official statement, the President of the Belgian Muslim Executive, Mehmet Ustun, expressed his disappointment with the judgment, stating, “The Court of Justice thus seems to give in to the growing political and societal pressure from populist movements which are waging a symbolic struggle against vulnerable minorities throughout Europe.”

A large slaughterhouse continued to operate in Brussels, where ritual slaughter was still permitted, but it could not accommodate all requests, particularly during religious holidays. The Brussels government, led by Minister-President Rudi Vervoort, had no policy on ritual slaughter and had stated it would wait for a final ruling before opening a debate.

The Jewish Telegraphic Agency reported in October that the government planned to stop providing soldiers for security around synagogues in Antwerp as part of a broader drawdown of Operation Vigilant Guardian, the military’s domestic counterterrorism mission that provided protection for sensitive sites, such as embassies and certain Jewish community buildings. The Forum of Jewish Organizations of Flemish Jews stated, “The Jewish community needs more, not less, protection in these difficult times.” At year’s end, the soldiers remained in place, and the government had not announced a final decision on whether to end the program.

Police continued to offer a voluntary, day-long course, “The Holocaust, the Police, and Human Rights,” at the Dossin Barracks in Mechelen, site of a Holocaust museum and memorial.

Section III. Status of Societal Respect for Religious Freedom

Media and NGOs, including Amnesty International, the Collective against Islamophobia in Belgium, and Unia, reported incidents of violence, threats, harassment, discrimination, and hate speech against Muslims and Jews. Unia reported 79 anti-Semitic incidents – which it defined as incidents against Jewish persons rather than against Jewish religious practices and which it tracked separately – and 336 complaints of other religious discrimination or harassment in 2019, the most recent year for which data were available, compared with 101 anti-

Semitic incidents and 307 other complaints in 2018. Approximately 86 percent of incidents targeted Muslims. There were five incidents against Christians, 11 against Jewish religious practices, and eight against nonbelievers. According to Unia, 30 percent of the incidents in 2019 involved speech in media or on the internet (54 percent of these involving Facebook postings); 29 percent concerned discrimination in the workplace; and 17 percent occurred in the education sector, where a majority (54 percent) of incidents involved restrictions or prohibitions on wearing of the *hijab*.

Unia reported 96 complaints of workplace discrimination based on religion in 2019, compared with 56 in 2018. The reported discrimination principally targeted Muslims.

In 2019, Unia and the Human Rights League submitted an injunction against the Brussels public transportation company, STIB/MIVB, for rejecting a job applicant who wore a headscarf. The woman had applied for two internal administrative positions and reported being rejected after communicating she wanted to wear a headscarf in the workplace. Unia did not indicate the outcome of this case.

Also in 2019, Unia and the Human Rights League took legal action against a fitness center in Liege that refused entry to a woman wearing a headscarf for what it stated were hygiene and security reasons. In another case, Unia filed a suit in 2019 against a fitness center in Brussels that told a Muslim woman after she had signed up for membership that it banned headscarves for security reasons. In February, the Brussels Court of First Instance decided in favor of the fitness center, ruling that prohibiting headscarves in sports for safety reasons was permitted, and that a sports headscarf did not meet the safety requirements.

Unia cited numerous instances of religious hate speech via social media in 2020. It also reported that in October, two individuals were sentenced to six months in prison and fined 800 euros (\$980) for hosting a Facebook page called “Identitaires Ardennes” that contained anti-Muslim hate speech featuring messages, such as “Islam is a danger,” and “Halt the invasion – let’s kick them out.”

In February, the European Commission, Belgian academics, and New Flemish Alliance Party Chairman Bart De Wever criticized the annual Aalst Carnival for including open displays of anti-Semitism. An open letter by three professors from the universities of Ghent, Antwerp, and Leuven urged media not to show images of floats with Jewish caricatures, while the European Commission said the floats were “incompatible” with EU values. According to the *Catholic News Agency*, the

carnival parade included “numerous apparently anti-Semitic caricatures and floats,” as well as marchers who seemed to be dressed as Nazi soldiers. One float displayed caricatures of Jews with ant features next to a label called “complaint ant,” a phrase that in Dutch resembles the term “Western Wall.” National and international press widely cited Aalst Mayor Christoph D’Haese as stating that the carnival was not anti-Semitic and that outside intervention was censorship. Then-Belgian Foreign Minister Sophie Wilmes, European Commission Vice President Margaritis Schinas, and Israeli Foreign Minister Israel Katz condemned the parade, with Katz calling it “hateful” and a “vitriolic anti-Semitic display” and “a hateful parade.” In December 2019, UNESCO removed the carnival, which included an anti-Semitic float in that year’s parade, from its intangible cultural heritage list because of what it said was the carnival’s “repetition of racist and anti-Semitic representations.”

According to the *Times of Israel*, on June 28, protesters at a pro-Palestinian demonstration in Brussels chanted “Khaybar,” in reference to a battleground in Saudi Arabia where Muslims had defeated Jews in the seventh century. At least 100 men chanted, “Jews, remember Khaybar, the army of Muhammad is returning,” according to the Belgian League Against Anti-Semitism (LBCA). Joel Rubinfeld, the league’s president, characterized the chant as an “incitement of violence,” and the organization filed a complaint with police. The rally’s organizer, a nonprofit called the Belgo-Palestinian Association, condemned the chanting in a statement.

In August, newspaper *Le Soir* published a cartoon by Pierre Kroll showing a tourist bus with a balloon above the driver reading, “After the zoo, we shall go visit the coronavirus village,” while an Orthodox Jewish man without a mask rides a bicycle nearby as vultures hover above him. LBCA President Rubinfeld said the cartoon “again shows that Kroll obsessively returns to Jews in his works...” According to *The Times of Israel*, critics had accused Kroll of anti-Semitism in several of his previous cartoons.

In July, the Leuven Criminal Court sentenced a man in Keerbegeen to one year in prison for inciting hatred and violence against the Jewish community and violating the antiracism law and the law against Holocaust denial. In 2019, Unia had filed a complaint against the man for decorating his home with Nazi paraphernalia and possessing anti-Semitic pamphlets.

Section IV. U.S. Government Policy and Engagement

U.S. embassy officials discussed continued anti-Muslim and anti-Semitic incidents and sentiment in meetings with representatives from the Office of the Prime Minister; the Ministries of Foreign Affairs, Interior, and Justice; and regional governments.

The Ambassador and other embassy officials regularly met with religious leaders to discuss incidents of religious discrimination 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, including with leaders from the Consistory (official representatives of authorities for Jewish community matters with the government), the Muslim Executive, and the Coordinating Committee of Jewish Organizations in Belgium to promote interreligious understanding.

In reaction to the ECJ ruling that a Flemish law requiring the stunning of animals prior to ritual slaughter was consistent with EU law and did not infringe on the rights of religious groups, the Ambassador tweeted the following on December 17: “I am very disappointed in the European Court of Justice decision upholding a Flemish law that effectively bans kosher and halal slaughter, a core religious practice of Jews and Muslims. Religious freedom must be protected. I call on the Flemish government to reconsider its positions and accommodate the needs of all its religious communities. I will continue to work closely with Belgian authorities and the EU to advance religious freedom for all.”

In October, the Ambassador led a discussion on Muslim issues with academics, religious experts, and civil society leaders, raising awareness of freedom of religion issues and exchanging ideas on future projects.

The embassy awarded a grant to a Brussels-based NGO to organize a series of events, beginning in October and continuing into 2021, to raise awareness about China’s persecution of its Muslim Uyghur population. The events included a webinar examining Chinese propaganda in Belgium and two empowerment workshops for the local Uyghur community that taught local activists to lobby, communicate with the media, and establish and sustain publicity campaigns.

The embassy expanded an interfaith youth exchange program administered by the U.S. Department of State to include a virtual platform that launched in October for Belgian youth to engage with U.S. experts on various aspects of youth leadership. The platform included an interfaith element to enhance collaboration among religious groups in the country and, in turn, enhance religious freedom.