

OSCE Supplementary Human Dimension meeting
on Freedom of Religion or Belief
9-10 July 2009, Hofburg, Vienna

Written contribution of the Belgian delegation.

This intervention aims to give a brief explanation of the status of religions in Belgium, in support of the oral interventions by the Belgian delegation and without the ambition of being exhaustive.

The freedom of religion in Belgium is constitutionally enshrined. This means that every person has the right to exercise the religion or the belief of their choice (and on the other hand that no one can be obliged to observe any particular belief or religion) and that there are no restrictions on that freedom, not to mention of course the regular criminal laws and as far that the freedom of the others is also respected.

Additionally, we have a system of official recognition of religions and beliefs by the federal state, with the important nuance that this system offers a possibility and imposes no obligation. The reason for that is that article 181 of the Constitution states that the wages and pensions of ministers of religions and of counsellors from the non believing communities are paid by the budget of the federal State. This implies that recognition by the authorities is primarily a condition in order to obtain this financial assistance.

The individual act of recognition comes as the result of a law adopted by the federal Parliament and is therefore not an act of the Government. It is nonetheless the Government that presents the bill of law in Parliament. In order to obtain recognition a certain number of conditions must be fulfilled by the applicant organisation: a sufficient number of adherents, historic links with the country, ability to structure itself and to appoint a unique interlocutor with public authorities, social added value, and finally no activity contrary to public order or state security.

The request for recognition is filed with the minister of Justice, with the possibility of an appeal before the before the Counsel of State against a negative decision. When the conditions are fulfilled the bill of law is introduced in Parliament;

Currently the Roman Catholic, the Protestant–Evangelic (including Pentecostal and Baptist movements), the Israeli religion, the Orthodox religion, the Anglican religion and Islam are recognised in Belgium, as well as the non believing movement. Furthermore, a request for recognition of the Buddhist movement is under examination.

Those religions who do not want to apply for recognition or which do not fulfil the criteria, are free to organise themselves under the law of 27 June, 1921, on associations and foundations. Two options are open, namely to apply for a

status as an international association without profitable aim, or as a foundation with public utility, or as an ordinary association with profitable aim.

The main difference is that the first procedure involves the filing of an application with the Minister of Justice, who presents a royal decree, whereas the latter only requires the filing of the statutes at the registrar's office of the commercial court. The effects of both the royal decree and the filing are to grant legal capacity to those associations or foundations.

Belgium also has a legislation on harmful cults, law of 2 June, 1998. An Information and Advisory Centre was created with the mission to both make documentation available to the public and provide information or advice requested by the public or any public authority. The Information and Advisory Centre is an independent body, reporting to Parliament; its advice is public and based on factual information. This advice is not binding, with a duty for the recipient to evaluate the advice before taking it into account. Any organisation feeling prejudiced by a piece of advice can appeal in court. The role of the coordination centre is to coordinate the action of the different public authorities concerned in this matter and there is no systematic action against harmful sectarian organisations, certainly not in a prohibitive way. However action can lead to reaction.

In this matter we continue to be persuaded that the freedom of religion can not be a vehicle to or a cover for illegal activities and that allowing it would on the contrary contribute to undermine what must be defended as a fundamental freedom.