



Institute on Religion and Public Policy: Religious Freedom in Belgium

Executive Summary

(1). The Constitution of Belgium provides a strong legal basis for religious freedom. Article 19 protects religious freedom including the right to worship in public, and “demonstrate one’s opinions on all matters.” The constitution guarantees that all Belgian citizens enjoy the rights and freedoms bestowed by the nation without discrimination, with special attention given to ideological and philosophical minorities. Although the constitution does not discriminate based on religion, there are several issues that hinder the free practice of religion by religious minority communities in the country. Only six religions are “recognized” in the country of Belgium and these enjoy political and economic privileges that others do not. The Belgian Government has compiled a list of approximately 600 religious and ideological organizations that have been labeled as “sects” which pose supposed threats to society. By forging a distinction between religions and “sects,” the Belgian government is not only blatantly discriminating against minority religious groups but denying them access to public funds and certain government privileges.

Institute on Religion and Public Policy

(2). Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

Introduction to the Legal Situation

(3). The Constitution of Belgium provides a strong legal basis for freedom of religion. Article 19 states that “Freedom of worship, public practice of the latter, as well as freedom to demonstrate one’s opinions on all matters, are guaranteed, except for the repression of offenses committed when using this freedom.”

(4) Article 21, Section 1, ensures a great deal of autonomy for religious communities and the appointment of religious leaders stating that “The State does not have the right to intervene either in the nomination or in the installation of ministers or any religion whatsoever, nor to forbid these ministers from corresponding with their superiors, from publishing their acts, except in the latter case, taking into consideration normal responsibilities in matters of press and publication.”

(5). The Belgian Constitution goes to great lengths in order to prevent discrimination of religious minorities. Article 11 articulates that the “enjoyment of the rights and freedoms recognized for Belgians should be ensured without discrimination.” Article 11 continues, “to this end, laws and decrees guarantee notably the rights and freedoms of ideological and philosophical minorities.” Article 131 reiterates the protection against discrimination mandating that “the law determines measures designed to prevent all forms of discrimination for ideological and philosophical reasons.”

(6). Despite these protections there are several issues which negatively affect the ability of religious minorities to operate freely in Belgium. On January 15, 2007, Belgium passed a measure that went into effect in Antwerp and the Brussels regional government which banned headscarfs in certain public settings in clear violation of Articles 11, 19 and 131. The ban forces civil employees, students, and teachers to remove their headscarves (worn in observance of Muslim law) or face unemployment. The wearing of the hijab is a tenet of faith for many pious Muslim women. By making Muslim women choose between employment and their religious faith, Belgium is failing to defend the rights of religious minorities that it vows to protect in the constitution.

(7). The government’s registration process is biased and discriminatory. There are only six “recognized” religions in the country; Catholicism, Protestantism, Judaism, Anglicanism, Orthodox, and Islam. These religions receive economic and political benefits which are unavailable to other minority religions which are often left without an official status.

(8). The registration requirements for religious communities to be recognized are vague and arbitrary. The criteria mandated by the Belgian government to attain recognition are as follows: the group must have a structure or hierarchy, sufficient number of members, have existed in the country for a long period of time, offer social value to the public, abide by the laws of the state and respect the public order. This set of criteria leaves much to the interpretation of the Belgian government as there is no operational definition as to what constitutes social value or a sufficient number of members.

(9). The government also financially favors recognized religious communities at the expense of others. In 2007 alone, the Belgian government gave \$134 million to the recognized six religions. Religious teachers from these religions are given

salaries. Religions that are not officially recognized by the government may apply for some tax exempt status by filing as nonprofit organizations.

(10). In public schools, religious or “moral” education is mandatory. Students are allowed to choose a religious teacher in accordance to their own religion; however the only options are from the recognized religions, leaving many students without government provided religious teachers. These teachers are chosen by members of their own religious group and receive payment from the government.

Violations of Non-Discrimination Against Minorities

(11). In Belgium, discrimination against religious minorities is not just found within biased and discriminatory legal practices. In 1997, a report was published by the Belgian Parliamentary Commission, in which 189 new and minority religious communities were identified as harmful sectarian organizations, or “sects”.

(12). The report defines harmful sectarian organizations as “all groups having a philosophical or religious vocation, or making such a claim, which, in their structure or practices, engage in harmful, illegal activities, harm individuals or the society, or violate human dignity.” This definition, just as with the criteria for a religion to attain recognized status, is extremely vague and open to varied interpretation.

(13). Currently, approximately 600 groups are identified on Belgium’s list of “sects.” The list includes, but is it not limited to, Jehovah's Witnesses, Zen Buddhists, Scientologists, Seventh-day Adventists, Mormons, Amish, Quakers, five Catholic groups, the YWCA and Hasidic Jews.

Conclusion

(14). In order to guarantee the religious freedom of its population, Belgium must recognize and uphold the freedoms that its own constitution grants citizens. Belgium’s arbitrary and vague system of registration requirements discriminates against the country’s religious minorities. By recognizing only six religions and allocating federal funds towards their groups, Belgium is in direct contradiction with its own guaranteed freedom of expression and non-discrimination articles in its constitution. The headscarf ban strips Muslim women of their freedom of religious expression. In addition, Belgium must stop promoting the state-sponsored discrimination of religious minorities by labeling minority religions as “sects” and allotting government spending toward a select few religions.