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## **BELGIUM: Recognition of religions raised at the OSCE: Belgian delegation replies**

### **Recognition of religions raised at the OSCE: the Belgian delegation uses its right of reply**

*After HRWF raised the issue of the Belgian discriminatory system of recognition of religions criticized in a recent judgment of the European Court of Human Rights, the Belgian delegation used its right of reply*

**RIGHT OF REPLY BY BELGIUM**

**Warsaw Human Dimension Conference – Plenary Session III:  
Tolerance and Non-Discrimination I (29 september 2022)**  
*Combating racism, xenophobia, discrimination and intolerance,  
including based on religion or belief*

Belgium is strongly committed to the defence of fundamental values and the maintenance of the rule of law, as well as to the exercise of freedoms within a legal framework, including freedom of religion and belief, citizenship, and principles as tolerance and non-discrimination. These values are enshrined in Belgian positive law, and by international bodies of which Belgium is a member, including the OSCE.

Belgium wishes to use the right of reply following the intervention of the representative of “Human Rights without Frontiers” concerning the final judgement of the European Court of Human Rights on July 5 in the case of “*Associations chre’tiennes des Te’moins de Je’hovah d’Anderlecht et autres c. Belgique*”.

The ruling concerns the criterion of “recognized religions” for the granting of the exemption from real estate tax in the Brussels Capital Region. According to the Court, since the procedure for recognizing a religion or non-confessional philosophical organization does not offer sufficient clarity, precision or accessibility, the use of this criterion to obtain a tax advantage was deemed discriminatory.

The lack of a legal basis setting out the recognition of religions or non-confessional philosophical organizations criteria has not prevented the Union of Buddhist associations of Belgium from applying for recognition as a non-confessional philosophical organization , nor has it prevented the Hindu Forum of Belgium from applying for recognition as a religion.

As regards to the execution of the first part of the judgment, the Belgian state has already paid just satisfaction and suspended the criterion in question (“recognized religion”)

from the Brussels ordinance.

The judgement also invites Belgium to adopt legislation setting out the criteria for the recognition of religions and non-confessional philosophical organizations. With a will towards cooperation, a working group has been set up which has begun to reflect on this.

Since the criteria for recognition have considerable organizational and financial impact on the federal as well as the regional levels, the reflection requires the necessary time and consultation between all participants. Under no circumstances has the Court of Justice imposed a time limit for this. The different possibilities for the preferred legal norms will also be examined by the working group.

In accordance with the federal coalition agreement of 30 September 2020, a draft law on the recognition of the Union of Buddhist associations of Belgium as a non-confessional philosophical organization will soon be submitted to the House of Representatives. The entry into force of the law is planned for 2023.

In order to allow the Hindu Forum of Belgium to get structurally organized, the award of a subsidy is also foreseen in 2023. It is a first phase that will finally lead to the recognition of Hinduism as a religion in Belgium.

The initiative of recognition is not a privilege of the Minister of Justice. Already in 2019, several representatives of the Chamber of Representatives introduced a legislative proposal to support the demand for recognition by the Union of Buddhist associations of Belgium. A similar proposal was made to support the demand for recognition by the Hindu Forum of Belgium.

The final recognition as a religion or a non-confessional philosophical organization always takes place through the adoption of a law.

*Photo: Palace of Justice in Brussels*

**Further reading about FORB in Belgium on HRWF website**

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