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BELGIUM: US State Dept Report highlights victories in court of Jehovah's Witnesses

BELGIUM: Cult issues: US State Department Report highlights victories in court of Jehovah's Witnesses

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HRWF (19.05.2023) – The US Department of State has just published its annual report about freedom of religion in the world in which it highlights two major victories of Jehovah's Witnesses in court. A third important one is however missing in the report: a state watchdog monitoring so-called "harmful cultic organizations" (In French: organisations sectaires nuisibles) declared guilty for publishing an unfounded report about sexual abuse of minors within the Jehovah's Witnesses organization.

Here is the related excerpt from the US report:

"In April, in a case brought by the Jehovah's Witnesses to the European Court of Human Rights, the court decided that the Witnesses experienced unfair taxation and that this had a "not insignificant and considerable impact." The Witnesses argued that legislation enacted in 2017 in the Brussels Region amending the tax code to limit property tax exemptions was discriminatory and contrary to the articles of the European Convention on Human Rights on discrimination related to thought, conscience, and religion as well as property. The government countered that the Witnesses could apply for federal recognition to continue to claim the exemption in the Brussels Region, to which the Witnesses replied that it would be pointless to apply, given what they said were the serious shortcomings in the procedure for doing so.

In June, the Ghent Appellate Court ruled that Jehovah's Witnesses' practice of limiting or avoiding contact with former followers, also called shunning, was legal and did not incite discrimination, segregation, hatred, or violence. The ruling vacated a 2021 ruling of the Ghent Correctional Court against the Kraainem Jehovah's Witness congregation, finding it guilty of inciting discrimination and inciting hatred or violence against former members of the congregation and fining it €12,000 (\$12,800). The Ghent prosecutor filed a criminal

case against the group in 2020 following a five-year investigation based on a complaint by a former member of the congregation, Patrick Haeck, who said he had been shunned."

It must be stressed that the label "harmful cults" has raised a lot of controversies. The concept of "cult" (secte in French) has no legal existence, the European Court has disapproved the use of this term for being stigmatizing and this fabricated category of religious or belief groups is not recognized either by the academic community of scholars in religious studies. The use of the vague term "harmful" in official documents in Belgium is even more controversial as it is open to any subjective interpretation.

Here is an excerpt of the paper "Secular States, Hate Speech, Justice and Security" I presented at the international seminar "Secular States Struggling with Religious Freedom" organized by ISFORB at the Evangelical Theological Institute in Leuven on 4-5 May.

Stigmatized religious or belief groups defend themselves in courts:

the example of Belgium

Stigmatized religious or belief groups first tried to defend themselves against state watchdogs through dialogue and against the media by trying to use their right of reply. Unfortunately, without any success.

For those who can afford it financially, the only way left is the courtroom. It took the Church of Scientology 20 years of judicial proceedings to be declared non-guilty of any wrongdoing. Jehovah's Witnesses have been particularly

targeted and harassed by state and public institutions. A few examples in 2022.

Unfounded accusations of sexual abuse against Jehovah's Witnesses

In October 2018, the CIAOSN published a report about alleged sexual abuse of minors committed within the Jehovah's Witness community had asked the Belgian federal parliament to investigate the issue.

The CIAOSN said it had received various testimonies from people claiming to have been sexually abused, leading to a series of searches of Jehovah's Witness churches and homes.

These accusations of sexual violence were strongly contested by the religious community. The Jehovah's Witnesses felt that this was prejudicial to them and their reputation and took the case to court.

In June 2022, the Court of First Instance in Brussels ruled in favour of the Jehovah's Witnesses and condemned the CIAOSN.

The judgement states that the CIAOSN "committed a fault in drafting and distributing the report entitled 'Reporting on the treatment of sexual abuse of minors within the Jehovah's Witnesses organisation'."

The Brussels Court of First Instance also ordered the Belgian State to publish the judgement on the CIAOSN homepage for six months.

The court decision was welcomed by Jehovah's Witnesses, who had denounced a "particularly vile rumour" targeting their community of some 45,000 members and supporters. However, no compensation was awarded to the organisation as no damage could be proven.

Tax discrimination against Jehovah's Witnesses

For decades, Anderlecht, a commune of Brussels, has been famous for its football club.

Since 5 April 2022, it has become famous for a decision of the European Court in Strasbourg which unequivocally denounces the historical system of state recognition of religions and non-religious worldviews as incompatible with the international standards regulating freedom of religion or belief.

This was the unexpected outcome of an 'ordinary' complaint filed in Strasbourg against Belgium by a congregation of Jehovah's Witnesses in Anderlecht, a commune of Brussel. The complaint of that religious movement, perceived by the authorities as a cult, was questioning the validity of the sudden denial of an exemption of property tax which had been granted to them for decades.

With the federalization of the country, the administration services of the Brussels Region became in charge of a new package of taxation procedures and decided that Jehovah's Witnesses were to pay a tax on their property because it was not a state-recognized religion. The European Court confirmed that the taxation of the religious congregation was discriminatory and urged the Belgian state to revise its state recognition of religions in force since its creation in 1830.

No doubt this will be a daunting task which will take years of work due to the complexity of the Belgian double federalism system and, in particular, the complicated modes of financing religions and non-religious organizations by the state, the regions, the provinces and the municipalities.

Jehovah's Witnesses wrongly accused of discrimination and incitement to hatred

On 7 June 2022, the Ghent Court of Appeal acquitted the Belgian Association of Jehovah's Witnesses of all charges of discrimination and incitement to hatred, after they had surprisingly been fined 96,000 euros by the Ghent Criminal Court in March 2021.

Seven years earlier, a former Jehovah's Witness went to the public prosecutor's office, claiming that once members left the community, they were ostracised and completely socially isolated by order of the organization.

The public prosecutor's office in Ghent then summoned

Jehovah's Witnesses on four counts: incitement to discrimination on the basis of religious beliefs against a person, and against a group, and incitement to hatred or violence against a person, and against a group.

In the first instance, the Belgian Association was found guilty of inciting discrimination and hatred or violence against former members who had left the community but it appealed the decision.

The Court of Appeal of Ghent hereby confirmed that Jehovah's Witnesses' biblical practice of limiting or avoiding contact with former followers, also called shunning, was legal and does not incite discrimination, segregation, hatred or violence.

Although the Belgian and European jurisprudence had been clear on this issue, an institution of the Belgian state, the Interfederal Centre for Equal Opportunities and Opposition to Discrimination and Racism (UNIA), did not hesitate to take sides against Jehovah's Witnesses and to support, in court, the accusations of one of their former disgruntled members.

This case highlights again the hostility of state institutions towards religious movements labeled as "harmful cults" in Belgium. As to the media and the journalists, they should avoid exaggeratedly echoing unchecked accusations, stigmatization and sensationalism and devote the same attention and importance to a final acquittal.

The same deviations of state institutions and media outlets can be observed in other European democracies where there is an official hierarchy of religions. Stigmatized religious and belief communities have to defend themselves against unfounded accusations fueled out of revenge by former members and organizations they have founded or adhered to. Such accusations are then amplified by the media, endorsed by some political forces but also quite officially by the state and its institutions.

Human Rights Without Frontiers has a database of cases won in courts by wrongfully stigmatized religious groups in France and in Belgium.

Further reading about FORB in Belgium on HRWF website

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