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## **Belgium still among best countries for atheists or freethinkers**

*By Lauren Walker*

**The Brussels Times (09.12.2022) - <https://bit.ly/3PkUfLN> - Belgium, alongside the Netherlands, remains the best country to live in as an atheist or freethinker, according to the 11th annual Freedom of Thought Report by Humanists International, the international umbrella of humanist associations.**

Ahead of International Human Rights Day on 10 December, the organisation published a rating of countries based on the legal and human rights situation for humanists, atheists and non-religious people. The report takes a deeper look at the link between the level of state secularism and discrimination faced by non-religious people.

"The data for Belgium has not been updated in this edition (for the last time in 2020, ed), but the fact that our country continues to score very well remains unchanged," said Bert Goossens, spokesperson for deMens.nu, the Belgian umbrella of liberal humanists.

According to the report, some 40% of Belgium's population identify as non-believers/agnostics (no religious affiliation) or atheists, however, the country does not keep official statistics listing religious affiliation.

Belgium, along with Norway and Iceland, is one of the only countries to have a system that recognises philosophies of life, implements separation of church and state and yet actively supports pluralism with a system of funding.

### **How does the ranking work?**

The score that is given ranges from 1, representing a completely "free and equal" situation (one only awarded to Belgium and the Netherlands), to 5. The rating is determined based on the situation in the country in question regarding four key areas: constitution and government education and children's rights, society and community and freedom of expression and humanist values.

This results in many Western democracies being rated with a score of 1.5, while authoritarian countries such as China receive scores around 4.5. The worst rating is a score of 5, referring to "serious violations" in all areas, which was given to Saudi Arabia, Afghanistan, Pakistan, and North Korea.

The report showed just 4% of the world's population lives in societies that can be called truly secular, meaning the main principles are adhered to, including that state secularism guarantees freedom for all, including believers; freedom of thought and expression is guaranteed, and secularism is inclusive.

"This year's report provides evidence of clear and systematic discrimination against humanists and non-religious people, and this discrimination is most prevalent in countries with less state secularism," said Andrew Copson, president of Humanists International, adding that state secularism "seems to be a prerequisite for the full enjoyment of the right to freedom of religion or belief."

The situation in just ten countries was updated for the 2022 report. [Iran's score was not updated](#) despite the state's repression against protests.

*Photo: A march against hate and for freedom of speech and tolerance in Brussels. Credit: Belga/ Laurie Dieffembacq*

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## **Profondes inquiétudes concernant l'infiltration de la branche russe de la FECRIS en Belgique**

***HRWF (07.12.2022) - Human Rights Without Frontiers est très préoccupé concernant l'infiltration depuis des années par des propagandistes pro-Poutine et anti-ukrainiens dans la politique belge, y compris le parlement fédéral de la Belgique***

**Bitter Winter a récemment publié plusieurs documents d'enquête sur la branche russe de la FECRIS : le [23 novembre](#), le [4 novembre](#) et le [17 octobre](#). Un nouveau**

**document a été publié le [5 décembre](#). Il est intitulé "Novopashin confirme : 'Les anti-sectes russes font toujours partie de la FECRIS'," par Massimo Introvigne.**

HRWF (07.12.2022) - Le 19 mai 2017, [Alexander Korelov](#), l'avocat de plusieurs propagandistes orthodoxes radicaux russes bien connus et hostiles aux Témoins de Jéhovah ainsi qu'à d'autres minorités religieuses en Russie, comme Alexander Dvorkin, a été invité par la FECRIS (Fédération européenne des centres de recherche et d'information sur les cultes et les sectes) au Parlement belge à une conférence controversée présidée par le député belge André Frédéric.

L'homme politique belge est le président d'AVISO, identifiée comme une association anti-sectes en Belgique affiliée à la FECRIS. En 2021, il a été nommé président de la FECRIS après avoir été membre de leur conseil d'administration pendant plusieurs années, avec Alexander Dvorkin, ancien vice-président de la FECRIS pendant plusieurs années et connu comme un propagandiste orthodoxe extrémiste. Cette personnalité belge est très utile à la FECRIS car elle peut leur donner accès aux locaux du Parlement fédéral belge pour leurs conférences et bénéficier ainsi d'une certaine aura et d'une légitimité apparente mais fausse.

Le 14 juin 2022, André Frédéric a accueilli une autre conférence de la FECRIS, en tant que président, dans les locaux du Parlement fédéral belge. Et il publie un article dans un grand journal francophone, [Le Soir](#), évoquant leur combat pour l'aide aux victimes de sectes. Les victimes de n'importe quel type d'agresseurs méritent toujours d'être aidées, mais dans le cas de la FECRIS, la soi-disant assistance cache un agenda idéologique anti-sectes. En réalité, la FECRIS, ses affiliés et d'autres groupes anti-sectes stigmatisent et diffament de manière répétée un certain nombre de groupes religieux ou de croyances qu'ils n'aiment pas ou dont ils ont été membres, mais [ils ont perdu un certain nombre d'affaires dans divers tribunaux, un domaine dans lequel HRWF a spécifiquement enquêté](#).

Alors, pendant combien de temps le Parlement fédéral belge va-t-il continuer à tolérer des conférences stigmatisant des communautés convictionnelles minoritaires ?

Alexander Korelov a affirmé avoir des preuves que les Témoins de Jéhovah préparent un coup d'État contre le président Poutine, a déclaré Bitter Winter dans un article publié le 17 octobre. Il convient toutefois de rappeler que les Témoins de Jéhovah sont apolitiques, objecteurs de conscience au service militaire et opposés à la violence.

Pendant des décennies, la branche russe de la FECRIS a semé la haine envers un certain nombre de communautés non orthodoxes dans les esprits de la population russe.

Pendant des décennies, la branche russe de la FECRIS a également alimenté sa propagande inspirée par le Kremlin et l'Eglise orthodoxe russe avec des discours de haine anti-ukrainiens.

Pendant des décennies, la branche russe de la FECRIS a ouvert la voie à la guerre de la Russie contre l'Ukraine avec la bénédiction du Patriarche Kirill de l'Eglise orthodoxe russe alors que la FECRIS, basée dans un pays (la France) connu pour sa doctrine de la laïcité, prétend reconnaître le droit à la liberté de religion.

Depuis de nombreuses années, le vice-président de la FECRIS est le propagandiste orthodoxe russe controversé Alexandre Dvorkin, déclaré persona non grata en Ukraine depuis 2014 et qui, malgré cette interdiction, est toujours membre du conseil d'administration de la FECRIS.

Depuis des décennies, les contribuables français ont été utilisés à leur insu pour financer la FECRIS.

Il est temps pour le président Macron d'écouter Bitter Winter, la récente protestation de 82 experts ukrainiens sur les questions religieuses et d'autres lanceurs d'alerte qui ont à plusieurs reprises tiré la sonnette d'alarme et mis en garde contre l'infiltration en France et dans d'autres pays de l'UE de l'idéologie extrémiste de nationalistes radicaux russes.

Il est également temps que le Président Macron mette fin au financement des discours de haine de la FECRIS contre l'Ukraine, que le député belge André Frédéric se tienne à distance de la FECRIS et que le Parlement fédéral belge mette en place une commission d'enquête sur les activités de la FECRIS en Belgique.

### **Novopashin confirme : « Les anti-sectes russes font toujours partie de la FECRIS »**

[Bitter Winter](#) (06.12.2022) - [Une question importante](#) se pose à propos de la fédération européenne anti-sectes FECRIS : sa relation avec ses organisations affiliées russes, qui [calomnient l'Ukraine](#) depuis au moins 2014 et sont maintenant des partisans enthousiastes de l'invasion russe. Elles contribuent à la propagande russe en diffusant de fausses informations selon lesquelles le gouvernement ukrainien serait dominé par des «sectes.»

La FECRIS déclare qu'elle est en désaccord avec l'invasion russe, mais cela ne peut pas être un argument suffisant si elle continue à être représentée en Russie par certains des plus féroces agitateurs et propagandistes anti-ukrainiens.

Consciente qu'elle avait un problème russe, la FECRIS a décidé de maquiller son site Web. Les organisations russes faisant partie de la FECRIS, [toujours répertoriées comme telles le 31 mars 2022](#), ont disparu de la liste de ses organisations membres sur son site Web [au début du mois d'avril](#). Cependant, il n'a pas été possible de savoir si elles avaient été expulsées ou si la FECRIS avait simplement procédé à un ajustement cosmétique de son site Web.

Les noms des membres du conseil d'administration de la FECRIS sont déposés auprès des services administratifs de la France, où est immatriculée l'organisation et où se trouve son siège social. Nous avons régulièrement consulté cette liste et l'activiste anti-sectes russes le plus farouche, Alexander Dvorkin, est toujours indiqué comme membre du conseil d'administration. CESNUR, l'organisation mère de Bitter Winter, a écrit à la FECRIS pour demander si les affiliés russes faisaient toujours partie de la fédération et si Dvorkin était toujours membre du conseil d'administration, mais n'a jamais reçu de réponse.

Le 11 novembre dernier, 82 universitaires ukrainiens, dont tous les plus grands spécialistes des religions du pays, [ont écrit au Président français Macron](#) pour lui demander de mettre fin au soutien financier que la France continue d'offrir à la FECRIS, étant donné que la fédération anti-sectes entretient des relations avec des organisations russes qui apportent un soutien actif et important à l'invasion de l'Ukraine du fait de leur propagande.

Les universitaires ukrainiens se doutaient bien que la FECRIS répondrait comme elle l'a fait, qu'elle compte aussi deux organisations ukrainiennes affiliées. Ils ont expliqué que l'une est notoirement pro-russe et que l'autre est inactive depuis des années, et qu'en tout état de cause, ni l'une ni l'autre n'a condamné officiellement la propagande anti-ukrainienne des branches russes de la FECRIS.

La lettre a été à l'origine d'un développement inattendu, qui a en quelque sorte résolu le problème de savoir si la FECRIS s'est contentée de cesser ses relations avec ses affiliés russes ou si elle les a expulsés.

Les affiliés russes de la FECRIS sont eux-mêmes membres d'une organisation nationale anti-sectes appelée «Association russe des centres d'études religieuses et culturelles» (РАЦИРС / RATsIRS). Son président est Alexander Dvorkin et son vice-président est l'archiprêtre [Alexander Novopashin](#), un activiste anti-sectes anti-ukrainien fanatique de Novosibirsk. Ils sont également les représentants du «Centre d'études religieuses au nom de Hieromartyr Irenaeus of Lyon» de Moscou, lui-même une organisation affiliée à la FECRIS. L'organisation anti-sectes locale de Novosibirsk «Centre d'information et de consultation sur le sectarisme après de la cathédrale au nom du Saint Prince Alexander Nevsky», dirigée par Novopashin, est une autre organisation russe affiliée à la FECRIS.

Novopashin a décidé de répondre à la lettre des universitaires ukrainiens adressée au Président Macron. Il a fait publier sa réponse [par 4s-info](#) et l'a ensuite reproduite sur [son propre site Web](#). Sans vraisemblablement connaître la plupart des signataires, il les a gratuitement insultés en écrivant qu'ils sont «82 apologistes des sectes ukrainiens qui se disent scientifiques.» Certains de ceux qui ont signé n'ont jamais écrit sur les «sectes», mais ce n'est pas la partie la plus intéressante de la réponse de Novopashin.

Novopashin a écrit que les «pseudo-chercheurs» ukrainiens ont attaqué «la Fédération européenne des centres de recherche et d'information sur les sectes FECRIS, enregistrée en France. Notre centre d'information auprès de la cathédrale au nom du Saint Prince Alexandre Nevsky est un membre correspondant de cette organisation. Mais la plainte mentionne principalement un théologien orthodoxe bien connu, mon ami, le professeur Alexandre Leonidovitch Dvorkin, et, enfin, moi, votre humble serviteur.

Le professeur Dvorkin est le président du Centre d'études religieuses au nom de Hieromartyr Irénée de Lyon, le représentant la FECRIS en Russie. Et je suis le vice-président du Centre. La cible principale des apologistes des sectes, en tant que grand spécialiste russe des sectes, est le professeur Alexandre Leonidovitch Dvorkin. Cette lettre a été envoyée dans l'espoir que le Président de la France influence la FECRIS pour qu'elle expulse le professeur Alexandre Dvorkin et moi-même de l'organisation.»

Comme les catholiques le disent à propos de Rome, «Novosibirsk locuta, quaestio soluta» : lorsque Novosibirsk a parlé, la question a été résolue. Si ceux que Novopashin considère comme les méchants de l'histoire «espèrent» que lui et Dvorkin seront expulsés de la FECRIS, il est clair qu'ils ne l'ont pas encore été. En fait, Novopashin avoue que son centre de Novosibirsk est toujours «un membre correspondant de l'organisation», comme il l'était avant l'invasion de l'Ukraine en 2022. Le centre d'études religieuses de Dvorkin, au nom de Hieromartyr Irenaeus of Lyon, est toujours «le représentant de la FECRIS en Russie.» Personne ne les a expulsés. Pourquoi leurs noms ont-ils disparu du site Internet de la FECRIS est une question à laquelle la FECRIS pourra peut-être répondre.

En attendant, Novopashin clarifie, au bénéfice des universitaires ukrainiens et de la FECRIS, que lui et ses amis continuent à «soutenir activement l'opération spéciale en Ukraine.»

*Photo : L'archiprêtre Alexander Novopashin. De Telegram.*

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## Deep concerns about the infiltration of FECRIS' Russian branch in Belgium

**HRWF (07.12.2022) - Human Rights Without Frontiers is deeply concerned by the infiltration for years of pro-Putin and anti-Ukrainian propagandists in Belgian politics, including in the federal parliament of Belgium.**

**Bitter Winter recently published several investigation papers about FECRIS' Russian branch: on [23 November](#), on [4 November](#) and on [17 October](#). A new one was published yesterday on [5 December](#). It is titled "Novopashin confirms: 'Russian anti-cultists are still part of FECRIS' by Massimo Introvigne.**

HRWF (07.12.2022) - On 19 May 2017, [Alexander Korelov](#), the lawyer of several well-known radical Russian Orthodox propagandists hostile to Jehovah's Witnesses and other religious minorities in Russia, such as Alexander Dvorkin, was invited by FECRIS (European Federation of Research and Information Centres on Cults and Sects) at the Belgian Parliament to a controversial conference chaired by Belgian MP André Frédéric.

The Belgian politician is the president of AVISO, identified as an anti-cult association in Belgium affiliated to FECRIS. In 2021, he was appointed president of FECRIS after being a member of their board for several years, along with Alexander Dvorkin, former vice-president of FECRIS for several years and known as an extremist Orthodox propagandist and cult-hunter. This Belgian personality is very useful for FECRIS as he can give them access to the premises of the Belgian Federal Parliament for their conferences and hereby enjoy a certain aura and apparent but false legitimacy.

On 14 June 2022, André Frédéric hosted another FECRIS conference, as its president, in the premises of the Belgian Federal Parliament. And he published an article in a leading francophone newspaper [Le Soir](#) referring to their fight for assistance to victims of cults. Victims of any sort of perpetrators always deserve to be helped but in the case of FECRIS, the so-called assistance hides an ideological anti-cult agenda. In reality, FECRIS, its affiliates and other anti-cult groups repeatedly stigmatize and libel a number of belief or religious groups they do not like or they were formerly members of but [they have lost quite a number of cases in various courts, an area that HRWF has specifically investigated](#).

So, how long will the Belgian Federal Parliament go on tolerating conferences stigmatizing minority belief communities?

Alexander Korelov claimed to have evidence that Jehovah's Witnesses prepare a coup against President Putin, said Bitter Winter in a breaking news published on 17 October. Though, it is worth reminding that Jehovah's Witnesses are apolitical, conscientious objectors to military service and opposed to violence.

For decades, the Russian branch of FECRIS has sowed hatred towards a number of non-Orthodox communities in the minds of the Russian population.

For decades, the Russian branch of FECRIS has also fed their propaganda inspired by the Kremlin and the Russian Orthodox Church with anti-Ukrainian hate speech.

For decades, FECRIS' Russian branch has paved the way to Russia's war on Ukraine with the blessing of Patriarch Kirill of the Russian Orthodox Church whilst FECRIS, based in a secular country (France) known for its *laïcité* doctrine, claims to recognize the right to freedom of religion.

For many years, FECRIS' vice-president has been the controversial Russian Orthodox propagandist Alexander Dvorkin, declared persona non grata in Ukraine since 2014 and despite this ban, he is still a member of the board of directors of FECRIS.

For decades, taxpayers in France have, without their knowledge, been misused to finance FECRIS.

It is time for President Macron to listen to Bitter Winter, to the recent protest of 82 Ukrainian scholars on religious issues and other whistleblowers who have repeatedly rung the alarm bell and warned against the infiltration in France and other EU countries of the extremist ideology of Russian radical nationalists.

It is also time for President Macron to put an end to the financing of FECRIS' hate speech against Ukraine, for Belgian MP André Frédéric to keep at distance from FECRIS and for the Federal Parliament of Belgium to put up an inquiry commission about the activities of FECRIS in Belgium.

### ***Novopashin confirms: 'Russian anti-cultists are still part of FECRIS'***

[Bitter Winter](#) (05.12.2022) - There is [an important question](#) about the European anti-cult federation FECRIS: its relationship with its Russian affiliate organizations, which [have slandered Ukraine since at least 2014 and are now enthusiastic supporters of the Russian invasion](#). They contribute to Russian propaganda by spreading the fake news that the Ukrainian government is allegedly dominated by "cults."

FECRIS states that it is against the Russian invasion, but this cannot be good enough if it continues to be represented in Russia by some of the most ferocious anti-Ukrainian agitprop peddlers.

Knowing that it had a Russian problem, FECRIS decided to camouflage its website. The Russian organizations that are part of FECRIS, [still listed as such on March 31, 2022](#), disappeared from [the list of its member organizations](#) on its Web site in early April. However, it was unclear whether they had been expelled or FECRIS had just made a cosmetic adjustment of its website.

The names of FECRIS board members are filed with the authorities of France, where the organization is registered and headquartered. We checked periodically and the worst Russian anti-cultist, Alexander Dvorkin, continued to be indicated as a board member. CESNUR, the parent organization of Bitter Winter, wrote to FECRIS asking whether the Russian affiliates were still part of the federation and Dvorkin was still a board member, but never got any answer.

Last month, on November 11, 82 Ukrainian academics, including all the leading scholars of religion in the country, [wrote to French President Macron](#) asking him to discontinue the financial support France continues to offer to FECRIS, given the fact that the anti-cult

federation maintains its relationship with Russian organizations that give an active and important propaganda support to the invasion of Ukraine.

The Ukrainian academics knew that FECRIS would have answered, as it did, that it also has two Ukrainian affiliate organizations. They explained that one is notoriously pro-Russian and the other has been inactive for years, and at any rate neither went on record condemning the anti-Ukrainian propaganda by the Russian branches of FECRIS.

The letter generated an unexpected development, which in a way solved the problem of whether FECRIS just went through the motions of discontinuing its relationships with its Russian affiliates or expelled them.

The Russian FECRIS affiliates are in turn part of a national anti-cult organization called Russian Association of Centers for Religious and Cultic Studies (РАЦИРС / RATsIRS). Its president is Alexander Dvorkin and its deputy president is [Archpriest Alexander Novopashin](#), a fanatical anti-Ukrainian anti-cultist from Novosibirsk. They are also the representatives of the Moscow "Center for Religious Studies in the Name of Hieromartyr Irenaeus of Lyon," in itself an affiliate organization of FECRIS. The local Novosibirsk anti-cult organization Information and Consultation Center on Cultism at the Cathedral in the name of the Holy Prince Alexander Nevsky, led by Novopashin, is another Russian affiliate of FECRIS.

Novopashin decided to answer the letter of the Ukrainian scholars to Macron. He had his answer [published by 4s-info](#) and then [reproduced on his own website](#). Presumably without knowing most of those who had signed, he gratuitously insulted them by writing that they are "82 Ukrainian cult apologists who call themselves scientists." Some of those who signed have never written about "cults," but this is not the most interesting part of Novopashin's answer.

Novopashin wrote that the Ukrainian "pseudo-scientists" attacked "the European Federation of Centres for Research and Information on Sects and Cults FECRIS, registered in France. Our Information Center at the Cathedral in the name of the Holy Prince Alexander Nevsky is a corresponding member of this organization. But the complaint primarily mentions a well-known Orthodox theologian, my friend, Professor Alexander Leonidovich Dvorkin, and, well, me, your humble servant.

Professor Dvorkin is the President of the Center for Religious Studies in the Name of Hieromartyr Irenaeus of Lyon, representing FECRIS in Russia. And I am the vice president of the Center. The main target of cult apologists and cults, as a leading Russian expert on cults, is Professor Alexander Leonidovich Dvorkin. The letter was sent in the hope that the President of France would influence FECRIS to expel Professor Alexander Dvorkin and myself from the organization."

As Catholics say of Rome, "Novosibirsk locuta, quaestio soluta": when Novosibirsk has spoken, the question has been solved. If those Novopashin sees as the villains in the story "hope" that he and Dvorkin would be expelled from FECRIS, it is clear that they have not been expelled yet. In fact, Novopashin confesses that his center in Novosibirsk is still "a corresponding member of the organization," as it was before the 2022 invasion of Ukraine. Dvorkin's Center for Religious Studies in the Name of Hieromartyr Irenaeus of Lyon is still "representing FECRIS in Russia." Nobody has expelled them. Why their names have disappeared from the FECRIS's website is a question that FECRIS may perhaps answer.



In the meantime, Novopashin clarifies, for the benefit of both the Ukrainian academics and FECRIS, that he and his friends continue to actively “support the special operation in Ukraine.”

*Photo: Archpriest Alexander Novopashin. From Telegram.*

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## **Burkini or not in swimming-pools? Strasbourg must decide**

### **BANNING BODY-COVERING SWIMWEAR: THE HUMAN RIGHTS CENTRE SUBMITTED A THIRD PARTY INTERVENTION TO THE ECtHR IN MISSAOUÏ AND AKHANDAF V. BELGIUM**

**By Cathérine Van de Graaf**

Human Rights Center of Ghent University (28.10.2022) - <https://bit.ly/3DkWwAX> - On the 12<sup>th</sup> of September, the [Human Rights Centre\[1\]](#) (HRC) of Ghent University (Belgium) submitted a third party intervention (TPI) before the European Court of Human Rights (ECtHR or the Court) in the communicated case of [Missaoui and Akhandaf v. Belgium](#), after being granted leave to intervene by the President of the Court's Third Section.

In the case, the Court is asked whether the prohibition of body-covering swimwear in a public swimming pool in Antwerp constitutes indirect discrimination based on religion under the European Convention on Human Rights (ECHR or Convention). In our submission to the Court, we highlight relevant elements of the Belgian legal and societal context as well as possible pathways for development of the Court's reasoning, based on our Centre's expertise on the topic.

#### ***Facts of the case***

With this application the Court is asked to rule on the prohibition of body-covering swimwear imposed on the basis of the police regulations of the city of Antwerp (Belgium). The applicants are two women of Muslim faith who wished to swim in a swimming pool in the city but were denied entrance.

On the 22<sup>nd</sup> of September 2017, they first lodged a motion of cessation against the regulation before the president of the Antwerp Court of First Instance. The motion was based on the Decree of the 10<sup>th</sup> of July 2008 on the framework of the Flemish policy of the equal opportunities and treatment and the Law of the 10<sup>th</sup> of May 2007 to combat certain forms of discrimination. Their request was rejected by a judgment of 18<sup>th</sup> of December 2018. Then, on November 23, 2020, the Antwerp Court of Appeal dismissed the appeal lodged by the applicants against this judgment. Finally, on the 22<sup>nd</sup> of April 2021, a lawyer at the Court of Cassation gave a negative opinion on the chances of an appeal against the judgment of the Court of Appeal.

As such, the applications exhausted the domestic remedies and the case was submitted to the Court on the 22<sup>nd</sup> of October 2022. Relying on Article 14 in conjunction with Article 9 of the Convention, the applicants complain of indirect discrimination based on religion.

#### ***Legal and societal context***

In the third party intervention, we first highlighted several relevant elements of the legal and societal context of the case of which the Court might not be aware. This includes the situation regarding bans on body-covering swimwear in swimming pools in Belgium, the broader context of other bans on religious signs/dress in Belgium, the broader context of hostility against Muslims in Belgian society, and the treatment of bans on religious signs/dress in international human rights law.

### ***Bans on body-covering swimwear in swimming pools in Belgium***

First, we referred to a [study](#) from 2017 by the HRC, focusing on Flanders (the Dutch-speaking Northern part of Belgium), which revealed that regulations concerning the wearing of body-covering swimwear were commonplace in public swimming pools. Among the 128 pools about which information could be obtained, only 30 responded that they allowed or would allow body-covering swimwear.

In the 76 swimming pools where 'burkinis' were not allowed, interviewees were asked what the reason was for the bans. 50 interviewees replied to that question by stating reasons such as hygiene (36 mentions), water quality (3 mentions), safety (13 mentions), majority morals favouring uncovering (7 mentions), the burkini being offensive (3 mentions) as well as concepts of neutrality, integration, tradition, and gender equality (each 1 mention).

We also mentioned the July 2017 [advice](#) of the Belgian inter-federal equality body (Unia) on body-covering swimwear. The advice states that a ban on body-covering swimwear is discriminatory against those who wear such swimwear for religious reasons, and that it affects individual autonomy and religious freedom. Thus far, three local 'burkini bans' have been challenged in court. The [Court of First Instance of Ghent](#) held in two judgments of July 2018 that such a ban violates the prohibition of discrimination based on religion.

One of these judgments was upheld when challenged before the [Ghent Court of Appeal](#), the other was never challenged. However, the Court of First Instance of Antwerp ruled in a judgment of December 2018 that an implicit 'burkini' ban in a public swimming pool in the city of Antwerp did not amount to an indirect discrimination on grounds of religion. This diverging case law by courts in Ghent and Antwerp confronts local governments with legal uncertainty which will be further clarified below.

### ***Other bans on religious signs/dress and hostility against Muslims in Belgian society***

In Belgium, bans on veiling are "[spreading like an oil spill](#)" across the [various sectors of society](#): when confronted with any manifestation of Islamic veiling, banning has become the default option in Belgian society. This way, veiling – whether it is in the form of a headscarf or as part of a swimsuit – is de facto denormalized and almost automatically problematized.

The ban on body-covering swimwear case is an example of a particularly disturbing trend where Muslims wearing a hijab are denied access to services and facilities which other persons can make use of without any impediments. We cite cases where women were refused to enter an ice-cream bar, the terrace of a restaurant, the gym, a bowling alley and now a public swimming pool because they wore religious clothing.

This negative attitude seems to have resulted in a [growth](#) of explicit and measurable physical and verbal attacks toward Muslims. These [hate crimes](#) are often heavily gendered. In a [study](#) conducted by the EU Fundamental Rights Agency, out of all Muslim respondents in Europe (10 527), 31% of Muslim women who at least sometimes wear religious clothing in public reported experiencing harassment 12 months before the survey.

The decision-making processes over the 'burkini' often took place at a local level with often very limited actors involved where personal attitudes can easily play a role (as shown

by [this study](#)). We thus invited the Court to be mindful of how the myriad of above-mentioned bans [facilitate and legitimise](#) Islamophobic discourse by the general public.

### ***Bans on religious signs/dress in international human rights law***

We submitted that, in 2016, when multiple French municipalities banned body-covering swimsuits on their beaches, the United Nations Office of the High Commissioner for Human Rights [expressed its support](#) for the French Conseil d'État's decision to overturn the ban in one of those municipalities, and urged other municipalities to repeal their bans as well, calling them 'a grave and illegal breach of fundamental freedoms' and 'highly discriminatory'.

Additionally, we mentioned the clear consensus among UN treaty bodies that the practice of bans on religious dress in public spaces, particularly those affecting Muslim women, reveals problematic attitudes towards Muslim women in Belgium, and violate those women's right to freedom of religion as well as right to non-discrimination. We also noted that – on a global level – bans on body-covering swimwear [remain few](#). They occur almost exclusively in only three European countries – France, the Netherlands and Belgium – and even in those countries, they are only implemented on an individual basis, by a minority of swimming pools and municipalities.

### ***Legal Reasoning under the European Convention on Human Rights***

We respectfully submitted that (explicit and implicit) bans on body-covering swimwear in public swimming pools are not in conformity with Article 9 ECHR taken alone and read in conjunction with Article 14 ECHR. Since it is clear that Muslim women wear body-covering swimwear for religious reasons, there can be no doubt that the issue falls within the ambit of Article 9 ECHR. In view of the limited scope of our intervention, we particularly focused on the context of legal uncertainty that surrounds bans on body-covering swimwear bans, which impacts the legality test under Article 9 ECHR, and the discriminatory nature of these bans.

We stated that the [Court has held](#) on multiple occasions that only a standard stated with sufficient precision to enable a person to regulate their conduct can be considered a 'law'. In the context at hand, vague provisions are not uncommon and – as the present case also demonstrates – their interpretation or application to a concrete case is often left to the person working at the ticket desk. We discussed that, if people working within the swimming pool have doubts about how certain rules should be applied, a person visiting the swimming pool will *a fortiori* be unable to regulate their conduct.

First, we argued that a general policy can constitute a case of indirect discrimination if it causes 'disproportionately prejudicial effects' which discriminate against a group, in spite of its ostensibly neutral phrasing. Some swimming pool regulations do explicitly mention body-covering swimwear, or even 'burkini's, as banned, whilst dress code regulations in other swimming pools solely contain a more generally formulated dress code, from which a ban on body-covering swimwear is subsequently deduced. In the present application, the latter is the case.

Hence, whilst Muslim women are not denied entry to swimming pools on the grounds of their religion as such, the swimming pool regulations do institute a difference in treatment on account of the prejudicial effect which they inflict onto them. Here, we outlined that Muslim women (who wear body-covering swimwear) constitute a vulnerable group, because they clearly appear today as a minority group that is suffering 'from widespread stigma and exclusion'. We submit that the jurisprudence on vulnerable groups should therefore apply, and 'very weighty reasons' should be required to justify a prima facie case of discrimination in the exercise of the freedom of religion.

We discussed the objectives that have been relied upon by municipalities according to the abovementioned study carried out by Unia and submit that none of these can be qualified as sufficiently weighty reasons capable of justifying a blanket (implicit) ban on body-covering swimwear in swimming pools.

First, we stated that, in spite of their legitimacy, neither hygiene concerns, nor concerns pertaining to the alleged complexity of verifying the correct use constitute sufficiently weighty reasons in this respect.

Then, we mentioned that, in light of the current absence of any concrete evidence in this regard, the argument regarding the protection of safety remains purely hypothetical and consequently does not constitute a (sufficiently weighty) reason capable of justifying a ban on body-covering swimwear.

We reminded the Court that, in the broader context of the neutrality of public services, it generally did not consider the behaviour of the users to pose a potential threat to the neutrality of the State. As certain swimming pools have invoked the fact that body-covering swimwear might be considered offensive by fellow swimmers by way of justification, we mentioned that the Court has [already indicated](#) that the wearing of a burkini is an instrument that actually enhances the integration of Muslim women. We therefore submit that the argument of 'living together' cannot be legitimately relied upon in order to justify a blanket ban on body-covering swimwear.

Consequently, we respectfully asked the Court to not to accept (as in previous [case law](#)) the aim of gender equality when it is not accompanied by concrete evidence of the alleged oppression of women, and to allow women to regulate their own appearance in the swimming pool.

We submitted that the present case offers a perfect opportunity for the Court to engage with intersectionality, which is increasingly recognized as a necessary dimension for supranational human rights bodies to engage with. The situation of Muslim women who prefer to wear body-covering swimwear in a country such as Belgium exemplifies the relevance of intersectionality analysis. Their gender, religion and race interact in a way that places them in a unique position and subjects them to a variety of vulnerabilities at all levels of society. As such, legal analyses that artificially limit their cases to the religious aspect consequently ignore the ways in which 'burkini bans' impact Muslim women not just based on their religion, but on its specific intersection with their [gender](#) and [race](#).

The [full third party intervention](#) can be found on the website of the [Human Rights Centre](#).

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[1] For the Human Rights Centre, the academic team consisted of Dr. Pieter Cannoot, Dr. Sarah Ganty, Dr. Cathérine Van de Graaf, Tobias Mortier and Sarah Schoentjes.

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## **RUSSIAN FAKE NEWS CORNER: Jehovah's Witnesses prepare an anti-Putin coup, says Russian lawyer Alexander Korelov**

***FECRIS-connected anti-cult lawyer Alexander Korelov claims he has all the evidence: Russia will react and "destroy the United States, the spiritual garbage dump of humanity."***

## **How often will the Belgian Federal Parliament go on hosting conferences stigmatizing minority belief communities?**

HRWF (18.10.2022) - On 19 May 2017, [Alexander Korelov](#), the lawyer of several well-known radical Russian Orthodox propagandists hostile to Jehovah's Witnesses and other religious minorities in Russia, such as Alexander Dvorkin, was invited by FECRIS (*European Federation of Research and Information Centres on Cults and Sects*) at the Belgian Parliament to a controversial conference chaired by Belgian MP André Frédéric.

The Belgian politician is the president of AVISO, identified as an anti-cult association in Belgium affiliated to FECRIS. In 2021, he was appointed president of FECRIS after being a member of their board for several years, along with Alexander Dvorkin, former vice-president of FECRIS for several years and known as an extremist Orthodox propagandist and cult-hunter. This Belgian personality is very useful for FECRIS as he can give them access to the premises of the Belgian Federal Parliament for their conferences and hereby enjoy a certain aura and apparent but false legitimacy.

On 14 June 2022, André Frédéric hosted another FECRIS conference, as its president, in the premises of the Belgian Federal Parliament. And he published an article in a leading francophone newspaper [Le Soir](#) referring to their fight for assistance to victims of cults. Victims of any sort of perpetrators always deserve to be helped but in the case of FECRIS, the so-called assistance hides an ideological anti-cult agenda. In reality, FECRIS, its affiliates and other anti-cult groups repeatedly stigmatize and libel a number of belief or religious groups they do not like or they were formerly members of but [they have lost quite a number of cases in various courts, an area that HRWF has specifically investigated](#).

So, how long will the Belgian Federal Parliament go on tolerating conferences stigmatizing minority belief communities?

Alexander Korelov claims to have evidence that Jehovah's Witnesses prepare a coup against President Putin, says Bitter Winter in a breaking news published on 17 October. Though, it is worth reminding that Jehovah's Witnesses are apolitical, conscientious objectors to military service and opposed to violence.

Russia has now imprisoned **100 Jehovah's Witnesses** (95 men and 5 women) for the peaceful practice of their religion. This is the highest since the 2017 Russian Supreme Court ruling that effectively banned the Witnesses' activities.

The 100<sup>th</sup> Witness to be imprisoned in Russia is Dmitriy Dolzhikov, 44. He was arrested in September after Russian officers raided 13 homes of Jehovah's Witnesses in Chelyabinsk. (see [link](#) to report) Dmitriy was subsequently transferred to a pretrial detention center in Novosibirsk Region, over 900 miles away from his home.

**Sergey Klimov**, 52, has been in prison the longest—since June 2018. ([link](#)) Another **249 of Jehovah's Witnesses have been to prisons and pretrial detention centers**, some of whom have spent more than five years behind bars. Russia has persisted in persecuting Jehovah's Witnesses, which has included beating and torturing believers, despite the European Court of Human Rights' 2022 judgement by that declared Russia's ban unjustified and illegal. ([link](#))

Scope of the repression of Jehovah's Witnesses in Russia and Crimea:

- **303** criminal cases, involving **643** believers, across **71** regions

- **100** in prison
- **18** under house arrest
- **1,789** homes of Witnesses raided since the 2017 Russian Supreme Court ruling that liquidated the Witnesses' legal entities in Russia and Crimea

In Ukraine and in Ukrainian Crimea, until its annexation in 2014, no Jehovah's Witness was ever imprisoned for the practice of his/her religion. On which side are the anti-cultists?

### ***Sensational revelations: Jehovah's Witnesses prepare an anti-Putin coup***

*by Massimo Introvigne (\*)*

Bitter Winter (17.10.2022) - <https://bit.ly/3exE6ER> - On October 13, during the conference "Religion, War and Peace" at the University of Bordeaux-Montaigne's Maison des Sciences de l'Homme, Rosita Šorytė discussed a "sensational revelation" about a coup against the Putin regime that is reportedly under preparation in Russia.



*Rosita Šorytė discussing Korelov's revelations at the Bordeaux conference.*

The revelation [was launched in Russia](#) on October 11 by the website of [Archpriest Alexander Novopashin](#), the Vice President of the Russian national anti-cult umbrella organization Russian Association of Centers for Religious and Cultic Studies (РАЦИРС/RATsIRS), which is connected with the European anti-cult federation FECRIS. The graphic presentation of the article including the revelation is reminiscent of traditional Russian anti-Semitic iconography.

The statement is by a well-known Russian lawyer, Alexander Korelov, which regularly helps or represents leading anti-cultists such as [Alexander Dvorkin](#) or [the same Novopashin](#) when they are accused of defamation by groups they stigmatize as "cults." Korelov introduces himself as "[lawyer of RATsIRS](#)." In 2017, the Secretary General of the MIVILUDES, the French governmental anti-cult mission, Anne Josso, [shared the stage in Brussels](#) with both Dvorkin and Korelov at a conference organized at the Belgian Parliament by the FECRIS. To this very day, [a text by Korelov](#) appears on FECRIS' official website.

Korelov claims that after it was “liquidated” and banned in Russia in 2017, “the extremist cult of the Jehovah’s Witnesses did not cease to operate. As we expected, they went underground, holding their meetings in safe houses, receiving instructions from the American center through instant messengers, blogs, and so on. But lately the picture has changed. From the leading centers located in the United States, instructions are sent to the illegal divisions of the cult in our country through ‘closed’ channels, which indicate an attempt by the cult to organize a coup d’état in Russia similar to the Maidan in the now former Ukraine.”

Not without noting the use of the expression “former Ukraine,” we can focus our attention on Korelov’s thesis that “in Russia, the Western intelligence services intend to repeat the already developed scheme, implemented in Kyiv in 2014. Its essence is this. To begin with, ‘peaceful protesters’ are being taken out onto the streets, the backbone of which is primarily adherents of cults,” among which the lawyer mentions also Pentecostals and Scientologists. Then, “all kinds of dissatisfied elements, the mentally ill, drug addicts, criminals and just curious people are drawn to them. Everything seems to start peacefully, under pacifist slogans. Gradually, the crowd begins to ‘warm up’ with specially trained provocateurs, as well as on social networks.” And finally, the government is reversed: “According to the information at our disposal, this is precisely what is being intensively prepared in the milieu of cults. Now we have absolutely certain data that Jehovah’s Witnesses are turning from an extremist organization into a terrorist one. We warned about this already several years ago.”

Perhaps overlooking the fact that the Jehovah’s Witnesses moved their headquarters from Brooklyn to Warwick in 2016–2017, Korelov insists that “the leaders from the Brooklyn center are turning Russian adherents into cannon fodder to achieve their goals. Just like in Ukraine, the United States is fighting with the hands of Ukrainians and mercenaries, so in Russia they are ready to waste biomaterial they do not need in the form of adherents of this cult. The American leadership of Jehovah’s Witnesses is made of people unencumbered by moral standards. They are ready for anything. At the same time, ideological support is being launched among American-sponsored religious scholars, who have already started talking about the need for a ‘rehabilitation’ of the Jehovah’s Witnesses.”

The Jehovah’s Witnesses are accused of operating “‘sleeping’ extremist cells under the leadership of their center in the United States. And the fact that the Brooklyn [again] center of this cult is under the complete control of the American secret services is not longer a secret.” Pentecostals, Scientologists, and even “neo-Pagans” are also being prepared by the U.S. intelligence to support the Jehovah’s Witnesses’ coup, or so Korelov believes.

All these “cults” are described as “just puppet organizations in the hands of a behind-the-scenes puppeteer. This is an element of the socio-political structure of the United States, which they are trying to impose on the whole world. It is also obvious that all American cults are guided from a single center,” a claim also recently [promoted by Novopashin](#).

“Cults” and the United States themselves are portrayed by the lawyer as “something vile, unworthy. Notice the stupidity of their leaders. The same Hubbard—the founder of Scientology—was a degenerate personality. What about the false prophecies of the Adventists? It clearly smacks of mental illness. Therefore, when mentioning American cults, you can twist your finger at your temple. The United States is the spiritual garbage dump of humanity. I have never taken their public-state matrix seriously. In their country there are no people capable of thinking globally, there is no knowledge of their own, everything is bought. Primitive, in a word. [...] The United States has a very vulnerable socio-political system that can be destroyed in a few months. You just need to know their vulnerabilities and be able to influence them.” Russia had not destroyed the United States immediately,

Korelov explains, "because too abrupt changes mean hundreds of millions of people who die from wars and upheavals in all countries. I doubt that anyone is ready to take responsibility for such sacrifices. Everything must be progressive and carefully thought out. This is the art of politics."

However, the lawyer believes that the events in Ukraine and now the preparation of an anti-Putin coup through the Jehovah's Witnesses represent the beginning of the end for the United States, as Russia could not fail to react. "Russia is not at war with Ukraine. Russia, in fact, is at war with the Satanists of the West FOR Ukraine and the Ukrainian people, to save people, to protect them from the arbitrariness of the United States and other pseudo-democratic states." In Ukraine, he claims, "there are US bacteriological laboratories that spread the infections around the world, there are secret concentration camps where Ukrainians are tortured and killed, they organize the trade in Ukrainian children and much more. I have seen how the brainwashing technologies of the cults turn the people of the former Soviet republic into zombies. [...] The once flourishing Soviet republic of Ukraine has been turned into a Nazi hell by the American occupiers. I can say with absolute certainty that the United States is carrying out genocide of the population of Ukraine. They methodically send Ukrainians to their death under the pretext of confrontation with Russia, they shoot and hang, or corrupt Ukrainian children in towns and villages. It is scary to watch when our troops enter the villages, and there are dozens of hanged children"—hanged by "the United States and NATO."

One can regard these preposterous claims as the ravings of a lunatic. However, Korelov is really a well-known lawyer in Russia, and the web site that published his revelations is an official organ of both the Russian main anti-cult organization and the Russian Orthodox Church. He has even [spoken at the Belgian Parliament](#), together with the crème of Western anti-cultists and the Secretary General of a French governmental agency. Accusing the peaceful and non-political Jehovah's Witnesses of terrorism and of preparing a coup is obviously ridiculous. However, "revelations" of this kind serve as warrants for further persecution of Jehovah's Witnesses and devotees of other groups labeled as "cults."

"I know that Russia, a country of believers and traditional values, has a much greater development potential than the entire 'collective West' put together," Korelov concludes. Besides, "God is with us. We will win."

*(\*) Massimo Introvigne (born June 14, 1955 in Rome) is an Italian sociologist of religions. He is the founder and managing director of the Center for Studies on New Religions ([CESNUR](#)), an international network of scholars who study new religious movements. Introvigne is the author of some 70 books and more than 100 articles in the field of sociology of religion. He was the main author of the [Enciclopedia delle religioni in Italia](#) (Encyclopedia of Religions in Italy). He is a member of the editorial board for the [Interdisciplinary Journal of Research on Religion](#) and of the executive board of University of California Press' [Nova Religio](#). From January 5 to December 31, 2011, he has served as the "Representative on combating racism, xenophobia and discrimination, with a special focus on discrimination against Christians and members of other religions" of the [Organization for Security and Co-operation in Europe](#) (OSCE). From 2012 to 2015 he served as chairperson of the Observatory of Religious Liberty, instituted by the Italian Ministry of Foreign Affairs in order to monitor problems of religious liberty on a worldwide scale.*



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## 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 chrétiennes des Témoins de Jéhovah 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 an non-confessional philosophical organization always takes place through the adoption of a law.

*Photo: Palace of Justice in Brussels*

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## **The discriminatory system of recognition of religion raised at the OSCE**

### ***HRWF's statement at the OSCE/ ODIHR Annual Conference on human rights in Warsaw on 29 September***

HRWF (29.09.2022) – “On 5 April last, in the case [Congregation of Jehovah's Witnesses of Anderlecht and Others v. Belgium](#) (application no. 20165/20) about a discriminatory taxation issue towards Jehovah's Witnesses, the European Court of Human Rights held, **unanimously**, that there had been:

**“a violation of Article 14 (prohibition of discrimination) read in conjunction with Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights.”**

It also held, **unanimously**, that Belgium was to pay the applicant association 5,000 euros (EUR) in respect of costs and expenses.

### ***What are the facts?***

The Court noted that neither the criteria for recognition nor the procedure leading to recognition of a faith by the federal authority were laid down in an instrument satisfying the requirements of accessibility and foreseeability, which were inherent in the notion of the rule of law governing all the provisions of the Convention.

It observed, firstly, that recognition of a faith was based on criteria that had been identified by the Belgian Minister of Justice only in reply to a parliamentary question dating back to last century. Moreover, as they were couched in particularly vague terms they could not, in the Court's view, be said to provide a sufficient degree of legal certainty.

Secondly, the Court noted that the procedure for the recognition of faiths was likewise not laid down in any legislative or even regulatory instrument. This meant, in particular, that the examination of applications for recognition was not attended by any safeguards. No time-limits were laid down for the recognition procedure, and no decision had yet been

taken on the applications for recognition lodged by the Belgian Buddhist Union and the Belgian Hindu Forum in 2006 and 2013 respectively.

Lastly, recognition was only possible on the initiative of the Minister of Justice and depended thereafter on the purely discretionary decision of the legislature.

A system of this kind entailed an inherent risk of arbitrariness, and religious communities could not reasonably be expected, in order to claim entitlement to the tax exemption in issue, to submit to a process that was not based on minimum guarantees of fairness and did not guarantee an objective assessment of their claims.

*Human Rights Without Frontiers* therefore urges the Belgian state to revise its discriminatory system of recognition of religions and belief communities and asks its delegation at the OSCE how far this process has been engaged."

*Photo: European Court of Human Rights in Strasbourg*

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## **A couple of Iranian converts under threat of deportation from Belgium**

Willy Fautré, director of Human Rights Without Frontiers

HRWF (23.08.2022) - Hamid Reza Hossein Khani (42) and Mariam Soltani (38), two converts from Shia Islam to Protestantism, have recently been denied asylum by the Belgian authorities and are under threat of being sent back to Iran where they are at risk of being arrested and sentenced to a prison term for apostasy.

They converted to Christianity about three years ago and are now attending a Protestant Church in Belgium (the United Protestant Church of Belgium recognized by the state). They run a website in Farsi language (<http://www.lightsindarkness.com>) through which they spread the message of the Bible to their fellow citizens in Iran and the diaspora. Their website enjoys such an audience that [VOA News](#) has mentioned it in one of its programs in Farsi.

These Iranian converts were born and living in Qom, a city in Iran well-known for its university training radical Iranian and foreign Shia imams. Some of them from Azerbaijan who were educated in Qom were put in prison for extremism when they went back to their country.

I personally interviewed the couple of converts for two hours on 19 May 2022.

**Hamid Reza Hossein Khani**

Hamid graduated from the Islamic Azad University of Qom as a teacher of English language and literature. He speaks Farsi, English and can manage it in Turkish.

Until he fled from Iran in 2020, he had been teaching English. In the year 1397 (2018), one of his students who happened to be a Christian shared his faith with him during several months and invited him to watch videos from YouTube about the Christian faith.

Hamid participated in house church meetings and in June 2019, he converted to Christianity. The religious meetings were taking place in different houses and convened about 6-7 converts in all.

In summer 2020, their meeting, which was taking place in Hamid's house, was interrupted by 'a visit' of intelligence services agents in civilian clothes. Hamid and Mariam managed to flee but other believers were arrested.

Some days later, Hamid and Mariam fled Iran in fear of being arrested and imprisoned.

Hamid has a 11year old daughter

They arrived in Belgium in September 2020.

### **Mariam Soltani**

Mariam comes from a pious Shia family. Her grandfather was a mollah.

She had a beauty salon in Qom. Through a Romanian client who happened to be in Iran, she was put in contact with the leader of a house church in 2019. She met Hamid at one of the house church meetings in the same year. There were some links between their own families and they knew each other.

Mariam has three children: two daughters (13 and 8 years) and one son (18 years)

Mariam's relatives and neighbors know that she has fled abroad and about her conversion and it seems the police are actively hunting her.

### **Persecution of Christians in Iran**

HRWF has a worldwide database of religious prisoners belonging to 19 religious groups in 18 countries. In Iran, HRWF has documented 14 cases of Protestants, mainly converts, who are behind bars <https://hrwf.eu/hrwf-prisoners-database-other-countires/>

More information about the persecution of Christians can be found on Article 18: <https://articleeighteen.com/latest/>

### **Opinion and conclusion**

After interrogating the two asylum-seekers for two hours, including about their conversion, my conclusions are that

- Hamid and Mariam really converted to Christianity in Iran
- They could have been arrested there at any time
- Mariam Soltani could be killed by her uncle, an Islamic hardliner, if sent back to Iran

- Hamid and Mariam are true Protestant believers who continue to actively participate in religious life in Belgium
- They should be granted political asylum.

*Photo : Hamid Reza Hossein Khani and Mariam Soltani*

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## **The court of first instance in Brussels has ruled in favour of Jehovah's Witnesses in a sexual abuse case, *La Libre Belgique* says**

***The court of first instance in Brussels rules in favour of Jehovah's Witnesses in a sexual abuse case. The Centre for Information and Advice on Harmful Sectarian Organisations has been condemned by the court.***

La Libre Belgique (28.07.2022) - <https://bit.ly/3OG0vKn> - On 20 October 2018, *La Libre* mentioned a report that the Centre for Information and Advice on Harmful Sectarian Organisations, CIAOSN, had asked the House (the federal parliament) to investigate sexual abuse of minors committed within the Jehovah's Witness community.

The CIAOSN - an independent centre under the FPS Justice - 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.

*La Libre* learns that on 16 June 2022, the Court of First Instance in Brussels ruled in favour of the Jehovah's Witnesses and condemned the CIAOSN.

### **"Particularly vile rumours"**

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' and the recommendation 'concerning transparency within religious and philosophical groups and the protection of minors against sexual abuse in particular'".

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.

Original version in French: <https://bit.ly/3OG0vKn>

## **Media stigmatization of Jehovah's Witnesses in Belgium**

HRWF (30.06.2022) - On Thursday 20 December 2018 at 6.30am, **Belga** press agency published a breaking news which immediately inflamed all the media: **"Sexual abuse on minors among Jehovah's Witnesses? The Information Center on Cults requests an inquiry"**. Very soon, as it could be expected, the question mark disappeared from the title in the media online:

Twenty-four minutes later, **La Libre Belgique** and **La Dernière Heure** titled **"Sexual abuse on minors among Jehovah's Witnesses: An inquiry is necessary"**.

At 1.35pm, **Le Soir**, another leading newspaper, made one more step, titling **"How Jehovah's Witnesses in Belgium silence sexual abuse on minors inside their community."**

On the same evening, **the Belgian francophone TV channel RTBF** announced in its 7.30pm TV News that the CIAOSN was asking the House of Representatives to establish an inquiry commission about possible sexual abuses 'among' Jehovah's Witnesses. In addition, the RTBF posted on its website an article titled **"Sexual abuse on minors among Jehovah's Witnesses? The Information Center on Cults demands an inquiry."** The RTBF TV news was followed by an interview of two former Jehovah's Witnesses. The RTBF also gave the floor to a spokesperson of Jehovah's Witnesses and was the only media to do it. He explained the internal procedure in force in cases of sexual abuse: to take all necessary measures so that the authorities are informed and to protect the children.

The RTBF finally justified its report by concluding that "in the Netherlands, in eight months' time, the authorities had collected 286 testimonies of sexual abuse; this country has about 25,000 Jehovah's Witnesses, a number close to the one in Belgium."

By the end of the day, public opinion and political decision-makers in Belgium were unavoidably convinced that sexual abuse on minors had been practiced for a long time and in total impunity inside the Belgian movement of Jehovah's Witnesses because their community leaders were illegally hiding such facts. Moreover, the CIAOSN appeared to be a necessary vigilance mechanism for the protection of children against Jehovah's Witnesses and on its website, it published a call for collecting testimonies of Jehovah's Witnesses who had been victims of sexual abuse.

On 30 June 2022, a spokesperson of the Belgian association of Jehovah's Witnesses told *Human Rights Without Frontiers* that they sent a press release to *Le Soir*, *La Dernière Heure*, *RTBF*, *RTL La Libre Belgique* and ten more francophone media outlets but only *Le Soir* had publicly its readers about the acquittal of all the charges.

*Human Rights Without Frontiers* congratulates *La Libre* and the journalist for their professional integrity, although a reminder and a six-month waiting period were needed to publish the judicial truth. *Belga*, [Le Soir](#), *Le Vif* and [VRT](#) (*Vlaamse Radio en Televisie*) have in the meantime published an update of the court case.

Four years after the publicized unfounded charges, most Belgian citizens will unfortunately go on believing that there were institutional cases of sexual abuse in Jehovah's Witnesses congregations and that the association of Jehovah's Witnesses was covering up such facts. The Belgian court said these accusations were unfounded.

*Photo : AFP*

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## The sect observatory has committed a fault against Jehovah's Witnesses

Le Soir (24.06.2022) - <https://bit.ly/3y84MS6> - In 2018, several media outlets published articles claiming that Jehovah's Witnesses were hiding sexual abuse of minors within their own community.

These articles were based on a report by CIAOSN, the Centre for Information and Advice on Harmful Sectarian Organisations. The religious organisation was angry with the centre, which it accused of damaging the reputation of Jehovah's Witnesses, and took the matter to court.

The Brussels court of first instance has just ruled in its favour. It states that "the CIAOSN committed a fault by drafting and distributing the report entitled 'Reporting on the treatment of sexual abuse of minors within the Jehovah's Witnesses organisation' and the recommendation 'concerning transparency within religious and philosophical groups and the protection of minors against sexual abuse in particular'".

The judgement also condemns the Belgian State to publish the judgement on the homepage of the CIAOSN website for six months. No compensation is awarded to the organisation as no damage could be proven. Frédéric Delepierre

Original version in French: <https://bit.ly/3y84MS6>)

### **Media stigmatization of Jehovah's Witnesses in Belgium**

HRWF (30.06.2022) - On Thursday 20 December 2018 at 6.30am, **Belga** press agency published a breaking news which immediately inflamed all the media: **"Sexual abuse on minors among Jehovah's Witnesses? The Information Center on Cults requests an inquiry"**. Very soon, as it could be expected, the question mark disappeared from the title in the media online:

Twenty-four minutes later, **La Libre Belgique** and **La Dernière Heure** titled **"Sexual abuse on minors among Jehovah's Witnesses: An inquiry is necessary"**.

At 1.35pm, **Le Soir**, another leading newspaper, made one more step, titling **"How Jehovah's Witnesses in Belgium silence sexual abuse on minors inside their community."**

On the same evening, **the Belgian francophone TV channel RTBF** announced in its 7.30pm TV News that the CIAOSN was asking the House of Representatives to establish an inquiry commission about possible sexual abuses 'among' Jehovah's Witnesses. In addition, the RTBF posted on its website an article titled **"Sexual abuse on minors among Jehovah's Witnesses? The Information Center on Cults demands an inquiry."** The RTBF TV news was followed by an interview of two former Jehovah's Witnesses. The RTBF also gave the floor to a spokesperson of Jehovah's Witnesses and was the only media to do it. He explained the internal procedure in force in cases of

sexual abuse: to take all necessary measures so that the authorities are informed and to protect the children

The RTBF finally justified its report by concluding that “in the Netherlands, in eight months’ time, the authorities had collected 286 testimonies of sexual abuse; this country has about 25,000 Jehovah’s Witnesses, a number close to the one in Belgium.”

By the end of the day, public opinion and political decision-makers in Belgium were unavoidably convinced that sexual abuse on minors had been practiced for a long time and in total impunity inside the Belgian movement of Jehovah’s Witnesses because their community leaders were illegally hiding such facts. Moreover, the CIAOSN appeared to be a necessary vigilance mechanism for the protection of children against Jehovah’s Witnesses and on its website, it published a call for collecting testimonies of Jehovah’s Witnesses who had been victims of sexual abuse.

On 30 June 2022, a spokesperson of the Belgian association of Jehovah’s Witnesses told *Human Rights Without Frontiers* that they sent a press release to *Le Soir*, *La Dernière Heure*, *RTBF*, *RTL La Libre Belgique* and ten more francophone media outlets but only *Le Soir* had publicly its readers about the acquittal of all the charges.

*Human Rights Without Frontiers* congratulates *Le Soir* and the journalist for their professional integrity. As of 30 June, no other newspaper and media outlet in Belgium had published anything about the court decision acquitting the movement of Jehovah’s Witnesses of covering up sexual abuse charges.

Four years after the publicized unfounded charges, most Belgian citizens will unfortunately go on believing that there were institutional cases of sexual abuse in Jehovah’s Witnesses congregations and that the association of Jehovah’s Witnesses was covering up such facts. The Belgian court said these accusations were unfounded.

Would the Belgian media outlets have kept silent if a Catholic institution, a Jewish organization or a Muslim community had been acquitted of serious crimes after a court would have ruled that the charges, largely publicized in the media, were unfounded?

Photo: *Headquarters of Jehovah’s Witnesses in Belgium - Credit: HRWF*

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## State and religion in Belgium: the slap of the European Court

***HRWF (06.27.2022) - For decades, Anderlecht, a commune of Brussels, has been famous for its football club. Since 5 April 2022, it has been becoming famous for a decision of the European Court in Strasbourg which unequivocally denounces the historical system of state recognition of religions and belief systems (philosophical movements) as incompatible with the international standards regulating freedom of religion or belief. We are sharing hereafter an analysis of the ECtHR decision by Cathérine Van de Graaf published in***



***"Strasbourg Observers" under the title: "Belgium reprimanded in Anderlecht Christian Assembly of Jehovah's Witnesses and Others: the procedure for recognition of a religion lacks minimum guarantees of fairness." Dr. Cathérine Van de Graaf is a post-doctoral researcher at the Academy for European Human Rights Protection (University of Cologne) and visiting professor at the Human Rights Centre (Ghent University).***

Strasbourg Observers (14.06.2022) - <https://bit.ly/3u53wxR> - [Anderlecht Christian Assembly of Jehovah's Witnesses and Others v. Belgium](#) is one of these judgments where you are reading the reasoning of the European Court of Human Rights (hereinafter: Court or ECtHR) and you think you know the direction it is going, but it then takes a turn that nobody saw coming, perhaps least of all the Belgian government. *In casu*, what starts as a judgment on the validity of a denial of an exemption of property tax then morphs into a serious slap on the wrist for Belgium and its system for the recognition of religions and non-religious worldviews. Once recognised, they can count on substantial financial support from the State. Yet, the Court has now found that the procedure towards such recognition lacks minimum guarantees of fairness and does not afford sufficient safeguards against discrimination.

### ***The Belgian system of recognising religions***

Before going into the specific facts of the case and the discussion of the judgment, I will briefly sketch the Belgian context. Unlike France, the United States or Turkey, Belgium does not have a strict church/state separation. Nor does it have a system of partial separation with a state church like the United Kingdom or Sweden. What we find in Belgium instead is a system of active state support to various religions and worldviews. There are [different reasons](#) for this active state support: compensation for the loss of income as a result of the confiscation of church property shortly after the French Revolution, the importance of religion for societal stability and cohesion, the exercise of a certain level of control (in countering extremism, for instance) and ensuring the positive freedom of religion.

When assessing the compatibility of such a system with the liberal idea of state neutrality, [Franken and Loobuyck](#) found that, at first sight, a hands-off approach seems more neutral than one of active state support. If, however, a system of support is based on clear, objective, and relevant criteria that ensure equal opportunities and equal treatment of the different religions and worldviews, it can be equally neutral. Yet, in Belgium, both the criteria on which the support is based as well as the equal division of said support have been subject of scrutiny. Currently, five formal criteria on which state support depends have been distilled from answers of several ministers of justice to different parliamentary questions (listed in § 17 of the judgment). These criteria are: 1) bringing together a relatively large number of adherents (several tens of thousands), 2) being structured with a representative body that can represent the religion in its relation with civil authorities, 3) presence in the country for a fairly long period (several decades), 4) offering some social benefit, and 5) not including any activity that is contrary to public order. Clearly, these criteria are not very straightforward and can – as foreseen by the great [Jan Velaers](#) – lead to legal insecurity. Also, regarding the second criterion in particular, it has been asked whether certain religions were forced to fit into a straitjacket inspired by the organisation of the Catholic church (see [here](#)) and subject themselves to a higher degree of state control than others (see [here](#)). Recognition is a competence of the Federal government (Article 6 § 1, VIII, 6° of the [Special Law for the Reform of Institutions](#)).

When a religion or non-religious worldview wants to obtain recognition, they [submit their file](#) to the Minister of Justice. Only after, when this part is finalised, will it go to the Chamber of Representatives. Yet, no prescribed process is included in the Constitution or

any law for that matter. Recognition has [always](#) been the result of *ad hoc* decisions. After such a positive decision, a recognised religion or non-religious worldview enjoys many privileges. For instance, salaries and retirement of “ministers of religion” and “representatives of organisations recognized by the law as providing moral assistance” are paid by the State (Articles 181 and 182 of the [Belgian Constitution](#)). Additionally, recognised religions and worldviews can organise courses in public schools at the community’s expense and all pupils of school age have the right to follow such religious education (Article 24). Besides the recognition process, the criteria used to calculate the amount of financial support are regularly criticised as well (see, for instance, [Franken](#)).

### ***The facts of the case***

The applicants are nine associations of Jehovah’s Witnesses scattered across different municipalities of the Brussels Capital Region and established under Belgian law. In these municipalities, they own properties which are used for the public worship of their religion. Before the 2018 fiscal year, they were exempt from paying property tax on their real estate used for the public exercise of their religion. Yet, an [amendment](#) of the Income Tax Code of the Brussels-Capital Region of 23 November 2017 narrowed the enjoyment of said exemption down to properties in the Region used for public worship by “recognised religions” only (Article 12). (Certain taxes belong to the competence of the federal entities of Belgium, such as regions, communities and municipalities.) The applicants could thus no longer claim the tax benefit they had enjoyed up until that moment.

On 6 June 2018, these nine associations brought an action to the Belgian Constitutional Court seeking an annulment of the disputed provision, claiming a breach of Articles 10 and 11 (principle of equality and non-discrimination), 19 (freedom of religion) and 172 (equality before the tax authorities) of the Belgian Constitution, in conjunction with Articles 9, 11 and 14 of the Convention and Article 1 of Protocol No. 1 to the European Convention on Human Rights (hereinafter: Convention or ECHR).

In the [judgment of 14 November 2019](#), the Constitutional Court dismissed their application. First, it held that the criterion of recognition of worship was objective and relevant to the legitimate aim of combating tax evasion. Second, the Constitutional Court found that the applicants did not demonstrate that the financial impact suffered was of such a nature that it would threaten their internal organisation, functioning and religious activities. Third, it considered that the criterion of recognition of the religion was not disproportionate since non-recognised religions could apply for recognition of their religion. Finally, it stressed that the procedure for recognising religions, criticised by the applicants, was not governed by the provision challenged before it, so that it was not the subject of the present action.

Dissatisfied with the outcome, these nine associations challenged this judgment at the ECtHR. The applicants alleged a violation of Article 9 in conjunction with Article 11 of the Convention, Article 1 of Protocol No. 1 and Article 14 of the Convention in conjunction with Articles 9 and 11 and Article 1 of Protocol No. 1 to the Convention.

### ***The reasoning of the Court***

In what follows, the reasoning of the Court in *Anderlecht Christian Assembly of Jehovah’s Witnesses and Others* will be explained in detail. The Court first found that the primary question raised was one of differential treatment between recognised and non-recognised religions. Thus, priority was given in its investigation to the complaint under Article 14 (in conjunction with Articles 9 and 11 of the Convention and Article 1 of Protocol No. 1 to the Convention). Then, it argued that the complaint under Article 14 in conjunction with Article 11 was manifestly ill-founded and must be rejected.

### **a) As to the applicability**

The Court discussed whether the facts of the case fell within the scope of Article 9 and Article 1 of Protocol No. 1. The Court argued that the tax on property owned by the applicants represented between 21.4% and 32% of the annual operation cost of the buildings, depending on the years concerned. An imposition, which the Court deemed significant, considerably affects the applicants' functioning as religious communities. The Court observed that the national authorities themselves linked the exemption from the impugned tax to the public exercise of religion, implicitly but necessarily considering that such an exemption contributes to the effective exercise of freedom of religion. It added:

*"If the State has gone beyond its obligations and created additional rights which fall within the broader scope of the rights guaranteed by the Convention as a whole, it cannot, in applying those rights, adopt discriminatory measures under Article 14. [...] Therefore, where national authorities grant tax privileges to certain communities without necessarily being obliged to do so under Article 9 of the Convention, they must also comply with Article 14 of the Convention."* (§ 39) (As the judgment is only available in French, all included quotes are the author's own translation.)

As the granting of a tax exemption would have lawfully allowed the applicants not to pay the tax, not getting the exemption falls within the scope of Article 1 of Protocol No. 1.

### **b) As to the existence of a difference in treatment**

Next, the Court observed that the parties agreed on the existence of a difference in treatment between religious communities, which are deprived, in the absence of recognition, of the benefit of the exemption from property tax and other religious communities, which can continue to benefit from it once they are recognised. Yet, it found that the situation of the applicants is comparable to that of communities whose religion is recognised and whose buildings are used for the public exercise of a religion.

### **c) As to the pursuit of a legitimate aim**

The Court verified whether the difference in treatment at issue is based on an objective and reasonable justification. For example, the fight against tax fraud, put forward by Belgium, was considered a legitimate objective by the Court, although there was no proof that the applicants were ever suspected of having abused the tax exemption.

### **d) Whether there is a reasonable relationship of proportionality**

The Court then went on to conduct a proportionality test. It started by stating that by choosing recognition of religious affiliation as a criterion of distinction for exemption from property tax, the authorities of the Brussels-Capital Region have opted for a criterion which is objective in nature and which may be relevant to the aim pursued. The choice of this criterion falls within the margin of appreciation in the context at hand. The fact that this same criterion is not used in the Flemish or Walloon Region does not make it discriminatory.

Although the Court recognised that the applicants' complaints about the serious shortcomings in the recognition procedure have not been subjected to constitutional review, it still went on to ascertain whether the federal recognition system offers enough guarantees against discriminatory treatment contrary to Article 12 ECHR. The Court observed that neither the criteria nor the procedure for recognition by the federal authority are laid down in "a text that satisfies the requirements of accessibility and

foreseeability, which are inherent in the concept of the rule of law that governs all the articles of the Convention” (§ 51).

The Court noted that the recognition of a religion in Belgium is based on criteria which were identified by the Minister of Justice only in the course of parliamentary questions addressed to him. These have been worded in particularly vague terms which do not offer a sufficient degree of legal certainty. Additionally, the procedure for recognising religious denominations is not governed by any text, be it legislative or even regulatory, so that an application for recognition is not accompanied by any guarantee, either as regards the actual adoption of the decision on such an application or as regards the process preceding that decision and the appeal which might, if necessary, be lodged against it subsequently. Another issue is the lack of time limits that govern the procedure. The Court referred in this regard to the backlog in processing the applications for recognition of the Belgian Buddhist Union and the Hindu Forum of Belgium, that were lodged in 2006 and 2013, respectively.

Finally, the Court added that recognition can only occur on the initiative of the Minister of Justice and even when that happens it is contingent on the discretion of the legislature. It concludes that:

*"Such a system inherently entails a risk of arbitrariness and religious communities cannot reasonably be expected to submit to a process which is not based on minimum guarantees of fairness and does not ensure an objective assessment of their application in order to benefit from the tax exemption at issue" (§ 54).*

The Court concluded that the system to obtain recognition does not offer sufficient guarantees against discriminatory treatment and, thus, the difference in treatment to which the applicants are subjected lacks objective and reasonable justification.

As such, the judges unanimously found a violation of Article 14, in conjunction with Article 9 and Article 1 of Protocol No. 1 to the Convention.

### **What is next for Belgium?**

What the current judgment made very clear is that the recognition procedure in its current form is not in line with the protection standard offered by the Convention. How will Belgium set the record straight? The Court ruled that the process was flawed to such a degree that religious communities could not reasonably be expected to submit themselves to it. This can be considered a serious call to action for Belgium. Once the judgment becomes final, the initiation of the execution process will hopefully prompt a substantial revision of the current flawed system. However, that such a revision will not be easy is demonstrated by the various failed attempts that have been undertaken in the past years to optimise (and even abolish) it (a list of proposed bills can be found in [footnote 2 here](#)).

It seems that to rectify the current situation the legislative power itself will have to determine the precise criteria for recognition. In an [opinion](#) of 26 April 2011 on one of the abovementioned failed attempts at optimisation, the Belgian Council of State emphasized that "the question is, however, whether the recognition of the religions [...] is not rather entirely a matter for the legislator, i.e. on the basis of criteria established by it". So, it does not appear that the judgment in its current form could be executed without passing through that first crucial step. Yet, as the Minister of Justice already [stated](#) in response to the judgment, this is a politically very sensitive matter. It opens the door to a broader debate on the division of the state support as well as the question of whether it is desirable to have state support for religion to begin with. Right

after the judgment, the political party of the Minister [proposed](#) a reform that would allow citizens to choose the religion they would want to support. Such a very thorough reform would require an amendment of the Constitution and will thus not be taking place in the near future.

*Photo: European Court of Human Rights Strasbourg-France*

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## **Belgian lawmakers scrap bill to ban kosher, halal slaughter in Brussels**

BY CNAAN LIPSHIZ

JTA (17.06.2022) - <https://bit.ly/3HMWmEf> - Belgian promoters of a ban on kosher and halal slaughter of animals saw their bill defeated in Brussels, the seat of the European Union and [the only region of Belgium where the practice is still legal](#).

The vote Friday in the parliament of the Brussels-Capital Region — one of three states that comprise the federal kingdom of Belgium — was on whether to scrap a bill proposing a ban. The bill, submitted by liberal and environmentally-centered parties, had been voted down in a committee that kicked it back to parliament.

Out of the 89 lawmakers in the region's parliament, 42 voted in favor of scrapping, 38 voted against scrapping, eight abstained and one was not present, preserving for now the legality of kosher and halal slaughter in Brussels, [the news site 7sur7 reported](#).

Had a majority of lawmakers voted against scrapping the bill, it would have come up to a vote in parliament, where lawmakers from diverse ideological backgrounds agree that any slaughter of an animal without prior stunning should be outlawed.

A majority of lawmakers in the parliaments of Belgium's other states — the French-speaking Walloon Region and the Dutch-speaking Flemish Region — voted in favor of banning the practice in 2017 and 2019, respectively. A ban in Brussels would have had Belgium join a handful European Union states where halal and kosher slaughter of animals are totally illegal.

Brussels, a binational city that is the headquarters of multiple central organs of the EU, is often thought of as a symbol for the bloc. Throughout Western Europe, nationalists and progressives have found unity over a desire to ban kosher and halal slaughter.

Multiple parties with a perceived bias against Islam, and at times also Judaism, support banning kosher and halal slaughter because they see the practices as signs of an unwanted foreign presence. Those parties also tend to support banning the non-medical circumcision of boys, which both Muslims and Jews are commanded to perform.

Additionally, left-leaning parties with secularist and humanistic agendas oppose both ritual slaughter of animals and the circumcision of boys as unethical and unnecessary. Rabbi Pinchas Goldschmidt, the president of the Conference of European Rabbis, welcomed the vote in a statement.

"These unsolicited bans have a dark historical precedent; rather than ushering in a future of increased animal welfare, these alarmingly legislative prohibitions are instead a harsh, destructive step backwards," he wrote.

Photo: Parliament building of Brussels-Capital Region

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## **Jehovah's Witnesses' shunning can be freely taught and practiced in Belgium**

***The Court of Appeal of Ghent criticizes the first degree judgement and concludes shunning is protected by religious liberty principles.***

By Massimo Introvigne

Bitter Winter (20.06.2022)- <https://bit.ly/3n6c8jU> - Bitter Winter [discussed in several articles](#) the controversial criminal decision rendered by the Court of Ghent, Belgium, on March 16, 2021, which stated that suggesting that current members of a religious organization do not associate with ex-members who have been disfellowshipped or have left the organization amounts to discrimination and incitement to hatred, and should be forbidden in Belgium.

CESNUR, the parent organization of Bitter Winter, organized [a webinar on the Ghent decision](#), where several leading scholars of both the Jehovah's Witnesses and religious liberty presented papers. They all agreed that the Ghent judges had created an extremely dangerous precedent for religious liberty in general, and expressed the hope that the decision can be overturned on appeal.

Happily, on June 7, the Court of Appeal of Ghent has agreed with these scholars, and completely overturned the first degree decision. Indeed, the appeal judges criticized how the criminal investigation was conducted, noting that only disgruntled ex-members of the Jehovah's Witnesses and opponents were interrogated. Representatives of the Jehovah's Witnesses in Belgium were not heard, despite the fact that they had made themselves available. The court also noted the role of the federal Belgian anti-discrimination agency UNIA, which acted as a civil party and whose arguments the appeal judges also answered.

The appeal court noted that the first degree decision was based on the Belgian Anti-Discrimination Act, which prohibits discrimination and harassment, although the first degree judges also argued that the religious liberty of the disfellowshipped members protected by the Belgian Constitution and the European Convention on Human Rights had been violated.

The Court of Appeal first reiterated that collective freedom of religion of religious organizations is also protected, and according to a unanimous case law of the European Court of Human Rights (ECHR) it includes the right of excluding members based on the organization's own theology and criteria. That somebody is no longer one of the Jehovah's Witnesses is announced in congregational meetings. Freedom of religion, however, "also implies the right to make known to the devotees who does or does not

belong to the religious community,” and the Jehovah’s Witnesses’ announcement policy is thus also protected.

The parties do not dispute, the appeal judges said, that “the exclusion policy stems from a religious conviction or a rule of faith, more specifically an interpretation—specific to the Jehovah’s Witnesses—of certain Biblical texts.” This seems to be obviously protected by freedom of religion. However, the first degree decision and UNIA argued that religious freedom is “not unlimited.”

As a general principle, the appellate court stated, this is correct. The European Convention on Human Rights allows for limitation of religious liberty “necessary in a democratic society.” However, “the protection granted by Article 9 of the European Convention on Human Rights is quite comprehensive, and the margin of appreciation of the authorities—in this case, the criminal courts—correspondingly small.”

In the case “Jehovah’s Witnesses of Moscow and others v. Russia,” the ECHR, the appeal court noted, ruled that a religious conduct that causes alienation of family members with different religious beliefs is also protected by Article 9. The appeal court also quoted the landmark ECHR decision “Sindicatul,” which stated that there is no “right to dissent and dissidence” within a religious organization, and the latter is free to exclude dissidents. Individuals’ religious liberty is still protected, because they can leave the organization and join or establish another religious group, as several of the civil parties in fact did.

The appeal court judges also noted that the law cannot compel members of a religious community to associate with those who have left their community if they do not wish to do so. However, UNIA argued that in the case of the Jehovah’s Witnesses the shunning policy violates the religious liberty of the individual members, for whom leaving becomes difficult or even impossible because they know that if they leave they will be shunned.

The appeal judges observed that “almost all the civil parties and registered injured parties in the case are former members of the Jehovah’s Witnesses, which seems difficult to reconcile with the argument that the shunning policy makes it impossible or unreasonably difficult to leave this faith community.” Indeed, the appeal court noted, many leave the Jehovah’s Witnesses every year, and are not prevented from doing so by their knowledge of the shunning policy.

UNIA also argued that the religious liberty of those who remain in the Jehovah’s Witnesses’ organization is violated, because they are compelled to follow the shunning policy and, if they do not comply, they are disfellowshipped. Based on documents and witnesses, the appeal court doubts that such is factually the case in all instances where the shunning policy is not complied with.

More importantly, the appeal judges note that teaching and practicing shunning, and even making it an essential policy of a religious organization (which also happens, the appeal court observes, in religions other than the Jehovah’s Witnesses, including within Orthodox Judaism and several schools of Islam), cannot be prohibited per se under Belgian anti-discrimination law interpreted within the framework of the European Convention of Human Rights. Courts can certainly examine whether ex-members are “stalked, harassed, bullied, or threatened” by members in good standing. However, this is not happening in the case of the Jehovah’s Witnesses, who merely practice a form of “passive social avoidance.”

The first degree court quoted a lecture given in 2013 by an elder who vituperated against the "apostates." He did not incite to violence either, the appeal judges observed, and he distinguished between "apostates," i.e., ex-members who convert themselves into militant opponents of the Jehovah's Witnesses, and those who simply leave the organization but do not devote their life to publicly attacking it. The elder (my comment, not the judges') indeed correctly applied the prevailing sociological concept of "apostates."

While UNIA insisted that shunning condemns its "victims" to a total "social isolation," the appeal judges countered that this is not the case. The Jehovah's Witnesses are a tiny percentage of the Belgian population. The shunned ex-members are still free to associate with the large majority of Belgian citizens who are not Jehovah's Witnesses.

There is a special case, the appeal judges said, that needs to be examined. While relations of friendship are not constitutionally protected, and everybody is free to break them and refuse to interact with former friends, article 22 of the Belgian Constitution offers a special protection to relations between spouses and between parents and minor children. These relations can be broken only by following procedures regulated by the law, which provides for divorce and care of minor children when the spouses separate and in other cases.

The appeal judges noted that the Jehovah's Witnesses teach that marital relationships between cohabiting husbands and wives should continue even when one of the spouses is no longer one of the Jehovah's Witnesses, and the care of minor children should also continue. In this case, "shunning" only means that the ex-member no longer participates in the family's religious activities.

The appeal court did acknowledge that some ex-members testified that after they left the Jehovah's Witnesses they were mistreated by their spouses and a divorce followed, but it observed that it is unclear whether in these cases religious problems were the only cause of the disagreement. At any rate, the appeal judges noted, nobody who so wishes can be prevented from filing for divorce.

The appeal court concluded that teaching and practicing the shunning policy is lawful in Belgium, and cancelled the criminal penalties imposed on the Jehovah's Witnesses by the Court of Ghent. It is significant that the appeal judges rendered their decision on the same day when the European Court of Human Rights declared that the 2017 "liquidation" of the Jehovah's Witnesses in Russia was unlawful. The Court of Appeal of Ghent correctly applied the principles established by the ECHR in its numerous decisions about the Jehovah's Witnesses, restored the rule of law, and affirmed that, unlike in Russia, in democratic societies courts protect the corporate liberty of religious communities to organize themselves as they deem fit.

*Photo:: The Court of Appeal of Ghent. [Credits.](#)*



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## **Jehovah's Witnesses acquitted on appeal for alleged discrimination and incitement to hatred**

**Willy Fautré, Human Rights Without Frontiers**

**The European Times (16.06.2022) – <https://bit.ly/39urLyE> - 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.**

In 2015, 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 had 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 on 7 June 2022 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.

*Human Rights Without Frontiers* largely covered the judicial proceedings in 2021 in [Bitter Winter](#), addressing the following issues:

- 📄 Timeline
- 📄 The trial
- 📄 Who are the claimants?
- 📄 The statements of the claimants
- 📄 The position of the CCJW
- 📄 The verdict and its consequences

### ***Ghent Appeal Court decision in line with Belgian and European jurisprudence***

The decision on appeal is in line with the opinion of leading scholars who have followed this case. It is also in conformity with previous rulings by Belgian courts of appeal and the Court of Cassation on the same issue.

On 10 January 2012, the Court of Appeal of Mons rejected the discrimination claim of J.L., a former Jehovah's Witness.

On 5 November 2018, the Court of Appeal of Brussels confirmed the decision of the Court of Appeal of Mons and rejected again the said discrimination claim.

Last but not least, on 7 February 2019, the Court of Cassation also rejected the appeal against the judgment of the Court of Appeal of Brussels.

The European Court of Human Rights had also previously emphasized that determining doctrinal or behavioral standards to which members of a religious community must conform in their private lives is a feature common to many religions.

Referring to these well-established legal principles, Holly Folk, associate professor at Western Washington University, observed as well: "It is not the role of governments to intervene in the choices that consenting adults make. And the reality is that many religions have a norm of no longer having strong ties to people who leave their religious traditions."

### ***Verdict: Charges not proven and claims of the civil parties unfounded***

About the criminal charges, the Court of Appeal of Ghent declared that **the charges against the Christian Community of Jehovah's Witnesses had not been proven** and discharged it from prosecution.

About the civil field, **the Court of Appeal dismissed as unfounded the claims of the civil parties and the Interfederal Centre for Equal Opportunities and Opposition to Discrimination and Racism**, a public institution having taken sides against Jehovah's Witnesses in the case.

Whilst the condemnation of Jehovah's Witnesses in first instance was widely covered by printed media, radio and TV, their acquittal was ignored by almost all of them. The media and journalists should avoid stigmatization of any religious group and sensationalism but devote the same attention and importance to a final acquittal.

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## **European Court of Human Rights: Belgium found guilty of tax discrimination against the Jehovah's Witnesses**

***Granting exemptions from property taxes to "recognized religions" only is not permissible, the Strasbourg judges said.***

By Massimo Introvigne

Bitter Winter (11.04.2022) - <https://bit.ly/3Odn9wm> - With a surprisingly quick decision compared to its usual standards, considering that the application was filed on May 14, 2020, the European Court of Human Rights (ECHR) [decided on April 5, 2022](#), that the Jehovah's Witnesses are discriminated by new rules on religion-based exemptions from the property tax adopted by the Brussels Region in 2017, which limit the exemption to state-recognized religions.

Since 2001, in Belgium property tax exemptions are regulated by regional laws. Just as the other regions, Brussels granted an exemption to places of worship and other properties used by religious organizations for religious, educational, or charitable purposes. It was never cast in doubt that the exemption applied to the Kingdom Hall properties of the Jehovah's Witnesses.

In 2017, however, the Brussels Region expressed a concern that the religion-based exemption might be used for tax fraud. In fact, as the ECHR observed, in the discussion on amending the law no specific cases of tax fraud were mentioned. The ECHR also noted

that on June 19, 2017, the State Council warned the Brussels Region of the possible discriminatory effects of the proposed new legislation, which might cause problems both with the Belgian Constitution and the European Convention on Human Rights.

Nonetheless, on November 23, 2017, the law was amended restricting the property tax exemption to nationally “recognized religions” only, which in Belgium meant, and means, a small club including Roman Catholicism, Protestantism (insofar as Protestant churches are part of the recognized national organization), Anglicanism, Judaism, and Islam.

In 2018, the six congregations of the Jehovah’s Witnesses in the Brussels Region, which had thus lost the property tax exemption and had to pay significant taxes, appealed to the Belgian Constitutional Court, which on December 14, 2019, found in favor of the Brussels Region. The Jehovah’s Witnesses then went to the ECHR.

The ECHR noted that it was not contested that the taxed buildings were used by the Jehovah’s Witnesses for religious purposes, nor that the law introduced a discrimination between registered and unregistered religions. The ECHR stated that, according to its case law, states are free to grant or not to grant certain tax exemptions based on religion; if they do, however, they should treat all religions equally and in a non-discriminatory way.

The question before the court was, thus, whether the requirement that a religion be registered does create a discrimination prohibited by articles 9, on freedom of religion and belief, and 14, on non-discrimination of the European Convention on Human Rights. The core of the Belgian government’s defense argued that there was no discrimination since any religion is free to apply for national registration. The ECHR examined whether the Belgian registration process offers the necessary guarantees of non-discrimination mandated by article 14. It concluded that it does not.

The ECHR observed that the criteria for recognition are vague, and not even included in a law or regulation. Soliciting the recognition is a decision by the Minister of Justice, and granting it is a political act of the Parliament. “Neither the criteria for recognition, nor the procedure by which a religion can be recognized by the federal authorities, are set forth in statutes that meet the requirements of accessibility and predictability inherent in the concept of the rule of law.”

“The examination of an application for recognition, the ECHR added, is not accompanied by any guarantee, either with respect to the adoption of the decision on such an application, or to the process leading up to a decision, or the appeal that may be made against it at a later stage.” The European judges also observed that there is no delay within which an application should be considered. The representative organization of Belgian Buddhists sought registration in 2006, and the corresponding Hindu body in 2013. They have received no recognition to this date.

The ECHR suspects, not without reasons, that the non-recognition may be based on a value judgment about certain religions. The decision does not explicitly mention the discrimination of some religions as “cults” (“sectes,” in French) but quotes the 2011 decision “Association of the Jehovah’s Witnesses v. France,” which found France had used taxes to discriminate against religious organizations it had listed as “cults (sectes),” including the Jehovah’s Witnesses. Quoting that decision, the ECHR observed that “in its relationship with the various religions, faiths, and beliefs, the State must be neutral and impartial,” and that in general the right to freedom of religion or belief “excludes any

assessment by the State of the legitimacy of religious beliefs or the manner in which they are expressed.”

Another defense by Belgium, that in practice the amount of the property tax to be paid was minimal, was also rejected by the ECHR. The European judges concluded that, on the contrary, the amount of the property taxes the Brussels congregations of the Jehovah’s Witnesses are requested to pay “is not insignificant, and significantly affects the functioning of the applicants as religious communities.” It may also be mentioned that, if unchallenged, the Brussels Region law might have influenced the adoption of similar discriminatory statutes in the other Belgian regions.

As a consequence, the ECHR ruled that the 2017 amendments to its tax laws by the Brussels Region excluding from the property tax exemption non-registered religions such as the Jehovah’s Witnesses are discriminatory and prohibited. It ordered Belgium to pay to the Jehovah’s Witnesses Euro 5,000 as a contribution to their legal expenses. Judge Georgios Serghides from Cyprus filed a partially dissenting opinion on the sole point that he would also have ordered Belgium to pay moral damages to the Jehovah’s Witnesses, while the other judges concluded that the substantial finding on the property tax “constitutes in itself a just satisfaction for the non-material damage suffered by the applicants.”

The decision is a significant precedent both for Belgium, where other forms of discrimination against non-registered religions are now likely to be challenged, and for other countries that may be tempted to grant different rights to different categories of religion, including by distinguishing between “good” and “bad” religions based on these “assessments by the State of the legitimacy of religious beliefs or the manner in which they are expressed” that the ECHR has explicitly prohibited.

Photo : *A view of the Belgium Branch Office of the Jehovah’s Witnesses, Kraainem.*  
Source: [jw.org](http://jw.org)

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## Jehovah's Witnesses in Brussels receive €5,000 compensation for discrimination



Credit: Belga

**Brussels Times (09.04.2022) - <https://bit.ly/362wbem> - The Belgian State must pay nine Brussels-based Jehovah's Witness associations a total of €5,000 in damages, because they are not a recognised religion in Belgium and therefore miss out on a tax exemption in Brussels.**

The case was taken to court by nine associations of Jehovah's Witnesses after an amendment of the Brussels legislation, reports **De Standaard**. Since 2017, non-recognised religions in Belgium are no longer exempt from property tax on their prayer houses.

Recognised churches, mosques or synagogues, on the other hand, no longer have to pay the real estate tax – a fiscal benefit for recognised religions. For this, Brussels applies the recognition system of the Federal Government.

But this system lacks transparency: there are no clear legal criteria, only the Justice Minister can initiate the recognition procedure and approval is decided in the Parliament. That fosters discrimination, **according to a binding ruling by the European Court of Human Rights (ECHR) on Tuesday.**

Within the next three months, the Belgian State must pay the Brussels associations a total of €5,000 in damages to cover their legal costs. As they had not yet paid their property tax, this will not need to be reimbursed.

Professor of Discrimination Law Jogchum Vrielink (Université Saint-Louis) called the ruling "a legal bombshell." He told **De Standaard** that "the core of the entire support system, the access to recognition, is being undermined."

To avoid more convictions and compensations, Belgium will have to quickly work on a legal framework for the recognition of religions.

In 2004, the communities and the federal level already agreed to do so, but no changes have been made. Justice Minister Vincent Van Quickenborne told the newspaper that he will work on such a legal framework. "The judgement is clear."

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## **Jehovah's Witnesses win in Strasbourg in a discriminatory taxation case**

***Failure to grant congregations of Jehovah's Witnesses exemption from property tax in the Brussels-Capital Region since 2018 was discriminatory ([Assemblée Chrétienne des Témoins de Jéhovah d'Ande rlec ht and Others v. Belgium - Application 20165/20](#)). See the unofficial English translation [HERE](#)***

Registrar of the European Court (05.04.2022) - <https://bit.ly/3ua7CFj> - In today's Chamber judgment<sup>1</sup> in the case of **Assemblée Chrétienne Des Témoins de Jéhovah d'Anderlecht and Others v. Belgium** (application no. 20165/20) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 14 (prohibition of discrimination) read in conjunction with Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights and with Article 1 of Protocol No. 1 (protection of property) to the Convention.**

The case concerned congregations of Jehovah's Witnesses which complained of being denied exemption from payment of a property tax (*précompte immobilier*) in respect of properties in the Brussels-Capital Region used by them for religious worship. According to an order of 23 November 2017 enacted by the legislature of the Brussels-Capital Region, as of the 2018 fiscal year the exemption applied only to "recognised religions", a category that did not include the applicant congregations.

The Court held that since the tax exemption in question was contingent on prior recognition, governed by rules that did not afford sufficient safeguards against discrimination, the difference in treatment to which the applicant congregations had been subjected had no reasonable and objective justification. It noted, among other points, that recognition was only possible on the initiative of the Minister of Justice and depended thereafter on the purely discretionary decision of the legislature. A system of this kind entailed an inherent risk of arbitrariness, and religious communities could not reasonably be expected, in order to claim entitlement to the tax exemption in issue, to submit to a process that was not based on minimum guarantees of fairness and did not guarantee an objective assessment of their claims.

### ***Principal facts***

The applicants are nine associations established under Belgian law which have properties in the Brussels-Capital Region used for public worship.

On 23 November 2017 the legislature of the Brussels-Capital Region amended the Income Tax Code and restricted the exemption from property tax in respect of properties in the region used for public worship to "recognised religions". The amendment took effect from the 2018 fiscal year onwards. As the applicant associations, nine congregations of Jehovah's Witnesses, did not belong to a "recognised religion", they were no longer able to claim the exemption to which they had previously been entitled in the Brussels-Capital Region. They applied to the Constitutional Court seeking the setting-aside of the provision in question, and their application was rejected in November 2019. The Constitutional Court found that the financial impact on the applicant associations was not such as to jeopardise their internal organisation, functioning or religious activities. It also found that the requirement for the religious denomination to be recognised was not disproportionate since faiths that were not recognised could apply for recognition.

In Belgium, religious denominations have the possibility of lodging an application for recognition, which is optional rather than compulsory. The recognition of religions is a federal matter. The procedure for recognition is not enshrined in legislation but is derived from administrative practice. According to the replies given by the Minister of Justice to MPs' questions, a faith must satisfy five criteria to qualify for recognition. The application has to be made to the Minister of Justice, who decides whether the criteria are satisfied. In the event of a favourable decision, the Minister may table draft legislation on recognition in the House of Representatives, as recognition is a prerogative of the legislature. There are currently six recognised religious denominations in Belgium: Catholicism, Protestantism, Judaism, Anglicanism, Islam and the Orthodox faith. Applications for recognition of Buddhism and Hinduism were lodged in 2006 and 2013 respectively, but the authorities have not given a decision on them to date.

### **Complaints, procedure and composition of the Court**

The applicant associations alleged that they had been the victims of discrimination on account of the fact that the new legislation in the Brussels region made exemption from property tax (*précompte immobilier*) contingent on belonging to a "recognised religion". They relied, in particular, on Article 14 (prohibition of discrimination) of the Convention, read in conjunction with Article 9 (freedom of thought, conscience and religion) and with Article 1 of Protocol No. 1 (protection of property) to the Convention.

The application was lodged with the European Court of Human Rights on 14 May 2020. Judgment was given by a Chamber of seven judges, composed as follows:

Georges **Ravarani** (Luxembourg), *President*,  
Georgios A. **Serghides** (Cyprus),  
María **Elósegui** (Spain),  
Anja **Seibert-Foehr** (Germany),  
Andreas **Zünd** (Switzerland),  
Frédéric **Krenc** (Belgium),  
Mikhail **Lobov** (Russia),  
and also Olga **Chernishova**, *Deputy Section Registrar*.

### **Decision of the Court**

#### **Article 14 in conjunction with Article 9 of the Convention and Article 1 of Protocol No. 1**

The applicant associations alleged that the tax in question was equivalent to 23% of the donations they received, which constituted their sole source of funding. It also transpired from the accounting documents produced by the applicant associations that the amount payable by way of this tax accounted for a substantial proportion of the annual running costs connected with their buildings. Overall, their property tax they were required to pay represented between 21.4% (41,984.23 euros for all the applicant associations) and 32% (42,830.25 for all the associations) of those costs, depending on the year.

In the Court's view, these amounts were not insignificant and had a considerable impact on the operation of the applicant associations as religious communities. The facts of the case therefore came within the ambit of Article 9 of the Convention and Article 1 of Protocol No 1 to the Convention.

As to whether there had been a difference in treatment, the Court noted that in enacting the measure in question, the legislature of the Brussels-Capital Region had sought to prevent abuse arising out of the exemption from property tax of premises that were in fact designated for use by "fictitious" religious denominations. It observed that there was nothing in the case submitted to the Court to suggest that the applicant associations had committed, or been suspected of committing, any fraud in benefiting in the past from the exemption of property tax in respect of their places of worship. Nevertheless, the prevention of tax fraud was an aim whose legitimacy *per se* could not be called into question by the Court.

As to whether the means used had been proportionate to the aim pursued, the Court considered that in using the recognition of a religious faith as the basis for distinguishing between claims for exemption from property tax, the authorities had opted for an objective criterion that was potentially relevant with regard to the aim pursued. In itself, the choice of such a criterion fell within the margin of appreciation left to the national authorities in the sphere under consideration.

The government argued that it was open to the applicant association to apply for recognition of their faith at federal level in order to continue to claim exemption in the Brussels-Capital Region. The applicant associations countered that it would be pointless to apply, given the serious shortcomings in the procedure for claiming recognition.

The Court noted in that connection that neither the criteria for recognition nor the procedure leading to recognition of a faith by the federal authority were laid down in an instrument satisfying the requirements of accessibility and foreseeability, which were inherent in the notion of the rule of law governing all the provisions of the Conventions.

It observed, firstly, that recognition of a faith was based on criteria that had been identified by the Minister of Justice only in reply to questions put by members of parliament. Moreover, as they were couched in particularly vague terms they could not, in the Court's view, be said to provide a sufficient degree of legal certainty.

Secondly, the Court noted that the procedure for the recognition of faiths was likewise not laid down in any legislative or even regulatory instrument. This meant, in particular, that the examination of applications for recognition was not attended by any safeguards, with regard either to the actual adoption of the decision on such applications or to the process leading to the decision and the possibility of appealing against it subsequently. In particular, no time-limits were laid down for the recognition procedure, and no decision had yet been taken on the applications for recognition lodged by the Belgian Buddhist Union and the Belgian Hindu Forum in 2006 and 2013 respectively.

Lastly, recognition was only possible on the initiative of the Minister of Justice and depended thereafter on the purely discretionary decision of the legislature. A system of



this kind entailed an inherent risk of arbitrariness, and religious communities could not reasonably be expected, in order to claim entitlement to the tax exemption in issue, to submit to a process that was not based on minimum guarantees of fairness and did not guarantee an objective assessment of their claims.

In sum, since the tax exemption in question was contingent on prior recognition, governed by rules that did not afford sufficient safeguards against discrimination, the difference in treatment to which the applicant associations were subjected had no objective and reasonable justification. There had therefore been a violation of Article 14 of the Convention, read in conjunction with Article 9 of the Convention and with Article 1 of Protocol 1 to the Convention.

**Just satisfaction (Article 41)**

The Court held, by a majority (6 votes to 1), that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant associations. It also held, unanimously, that Belgium was to pay the applicant association

5,000 euros (EUR) in respect of costs and expenses.

**Separate opinion**

Judge Serghides expressed a partly dissenting opinion which is annexed to the judgment.

*Photo: European Court of Strasbourg*

