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French businessman pays Belgian face veil fines

Reuters (17.08.2011) / HRWF (18.08.2011) - <http://www.hrwf.net> - A French businessman paid fines Wednesday for two women in Belgium who wore full-face veils in public and said he would take Belgium and France to court over laws banning Muslim niqabs and burqas.

Property dealer Rachid Nekkaz has set up a 1 million euro (\$1.4 million) fund to cover fines and paid the first 50-euro penalties imposed in Belgium on two women in Brussels.

"France and Belgium have decided to forbid the possibility and the liberty of women to wear what they want," he told reporters outside a municipal office in Brussels.

The two fined women, both wearing niqabs, were also present.

"I consider that ... it's not acceptable that European governments vote in laws that don't respect individual rights."

Belgium's law banning any covering of the face in public came into effect late last month. France was the first country to introduce a ban in Europe in April.

Nekkaz said he planned a legal challenge in both countries.

"I will pursue the French and Belgian states in their national courts and then in the European Court of Human Rights so that they are sanctioned for violating individual liberties."

Belgium bans burqas starting next week

By Amelia T.

care2.com (15.07.2011) / HRWF (30.08.2011) - <http://www.hrwf.net> - Beginning on July 23, Belgium will become the second European country to ban the burqa and the niqab, following France, whose anti-veiling law went into effect in April. The Belgian law

forbids women to wear any garment that covers their face and body, with a penalty of 137.50 euros (\$195) and up to seven days in jail as a punishment for infringement.

Like France and Australia, where a new draft law which would require women in full, face-covering veils to remove their coverings for police officers, was recently introduced, women who wear the burqa or niqab are a tiny minority of the Belgian population. In Belgium, between 200 and 300 of the country's hundreds of thousands of Muslims veil their faces and bodies, and the trend of women appearing in public in full veils does not seem to be increasing.

But like in France, Belgian legislators are using a heavy-handed rhetoric of women's liberation to justify what Amnesty International condemned as an "attack on religious freedom." In spring 2010, when the law was sponsored in the Belgian parliament, the bill's chief proponent said that although security concerns (like those cited in the Australia law) were a consideration, cultural values were also a strong motivator behind the law.

"[The burqa] has become a political weapon," Daniel Bacquelaine of the liberal Reformist Movement party told Time. "There is nothing in Islam or the Koran about the burqa. It has become an instrument of intimidation, and is a sign of submission of women. And a civilized society cannot accept the imprisonment of women."

After a long approval process, the ban is set to go into effect next week. The question is whether the law will raise the same protests that were immediately sparked when the French burqa ban became law. Spokespeople for the Muslim community seemed disturbed by the bill's passage last spring, even though they admitted that veiling was not common practice for most Belgian Muslims.

"I don't like the burqa. Every person should be visible. In most cases, it is not a religious act, but macho one," said Emir Kir, the Secretary for Public Sanitation and Monument Conservation in the Brussels region. "But I wonder if we need a law on it. If we do this, we could make it a symbol and reinforce extremists on all sides. And in the middle of this economic crisis, where everyone is concerned about their job, this is not the number one problem."

The draft law on abuse of weakness is dangerous despite its good intentions

Human Rights Without Frontiers calls on the senators to evoke it and submit it to the Council of State

HRWF (04.07.2011) - Articles 32, 33 and 39 of the law project on abuse of weakness is a threat to fundamental freedoms as they are violating the Belgian constitution, are discriminatory, create a great deal of arbitrariness and legal uncertainty for a number of professions.

1) Real but hidden purpose of the law project

This draft law results from the incoherent merging of several earlier proposals. Thus a reference to "sectarian drifts" appears suddenly and without reason in Article 39 (the last) as the single target of this legislative initiative while "sects" are not mentioned anywhere in the remaining 38 articles.

Yet there is no distinction between a "sect" and a "religion" or a "faith". Nor can there be any "list of sects" because it would have no legal value which has been confirmed by the

CIAOSN (Center for Information and Advice on Harmful Sectarian Organizations). Moreover, the Court of Appeal in Brussels reminded that everyone benefits from the protection provided by Articles 11 and 19 of the Constitution and of Article 9 of the European Convention (religious freedom).

To make a distinction would be an intrusion by the State in the religious field and a discrimination not in accordance with Articles 10 and 11 of the Constitution and Article 14 of the European Convention (discrimination prohibition) a violation of Article 9 of the European Convention (religious freedom), and a "destruction of law" under Article 17 of the same Convention since it is limiting the effective exercise of a protected freedom.. Article 27 of the Constitution also protects freedom of association as well as Article 11 of the European Convention.

2) The "victims"

In some cases, namely those whose alleged weakness is being abused, could become victims of this law: it was because of their alleged weakness that women were legally incapable. According to the law, victims would in fact have a limited legal capacity, as being considered "in a situation of weakness", "abused" and "harmed" and we allow third parties to challenge acts they consider to have consented to freely and it makes them legally incapable.

This law is based on the presupposition that the rites and practices of some nonrecognized religions would allegedly be practices of "psychological subjection" (undefined term) or "techniques to alter the capacity for discernment" (another undefined term) and that proselytizing could be described as "abuse of a position of weakness". In other words, the conversions would be targeted on the grounds of an alleged danger, which seems to be the exception and not the rule in the matter.

3) Very large part of arbitrary

The law draft is introducing a very large part of arbitrary since the key concepts are not defined such as: "fraudulent abuse", "situation of weakness", "judgment alteration", "mental impairment", "physical harm", "property harm", "psychological subjection" and "techniques likely to alter the capacity of discernment" etc.

Yet a criminal law:

- a. must be sufficiently precise (principle of legality of penalties (Article 7 of the European Convention and Article 12 of the Constitution). It is not up to the judge to make the laws but to apply them and every citizen must be able to avoid committing any offense and organize their behavior accordingly. However, the authors of the law "do not want that the position of weakness be defined too precisely ... this position of weakness can be both physical and psychological one must leave the broader latitude to judges and prosecutors to assess the situation of weakness ... whether permanent, temporary, transient or continuous. ... The magistrates will be able to... call upon experts (doctors, psychiatrists, psychologists) to help establish the state of weakness of the victim". The law requires, however, that the author be deliberately abusing of a "situation of weakness" while the concept (deliberately) is not defined and could thus be retrospectively. As for the "mental harm" this is a new concept without any definition and which is par excellence the domain of the intangible and unprovable.

- b. must also respect fundamental freedoms and deviate from it only under the conditions provided for this purpose. Freedom is the rule and exemption the exception.

Fundamental freedoms protected by the European Convention are the protection of privacy and freedom of religion and freedom of association. However we can ignore it only under the conditions laid down by the European Convention not met in this case,

namely measures that "are necessary in a democratic society, for public safety, protection of order, health or morals or the protection of the rights and freedoms of others".

- c. must respect the notion of equality between individuals,

4) Legal uncertainty

The draft law creates a great deal of legal uncertainty, because some people might well invoke a so-called "situation of weakness" and an "abuse" to put in question some actions.

5) Conclusion and call for the senators

This draft law introduces a high degree of arbitrary, inequality and insecurity, and a very serious violation on fundamental freedoms. Without it being limiting, it could undermine all aspects of our lives in Belgium:

– The medical doctors will not dare to do heavy treatments for seriously ill people; tax inspectors will not dare to control vulnerable people; marketing techniques may be seen as instruments of abuse of weakness; salesmen will not dare to sell high value objects; the religious people will discourage all religious conversions because baptism will become a risky operation; diets will be suspect; associations will not dare to recruit members; the sport coaches will be careful, and the military training too; the fasting of Ramadan and of Sabbath may be challenged as well as circumcision; the "protesters" may be regarded as "sorely" missing "discernment"; the employment agencies could be affected as well as the contemplative religious orders, the youth movements, the hospitals, the homes for elderly people and psychiatric clinics, the banking and insurance sectors, inheritance, donations ... (*)

Consequently, Human Rights Without Frontiers calls on the senators to evoke this law draft immediately and submit it to the Council of State.

(*) For more information, see <http://ines-wouters-avocat.skynetblogs.be>

Discriminatory Draft Law in Belgium violates fundamental religious rights, says the US-based Institute on Religion and Public Policy

By Joseph K. Grieboski

Worldwide Religious News (14.06.2011) / HRWF (21.06.2011) - www.hrwf.net - Proposed legislation in Belgium contains provisions specifically designed to discriminate against targeted religions derogatorily designated as "sectarian movements". This draft law is designed to "fight" against religious minorities through the creation of a new penal offense based not on the criminal activities of such groups, but on the character of their beliefs and religious doctrines.

An individual's choice to convert to one of these faiths is characterized as "abuse of weakness". The draft law would amend the penal code and criminalize the manifestation of religious beliefs by labeling religious practices of targeted faiths as "psychological subjection" or "techniques susceptible to alter one's capacity of discernment".

The new offense would require an assessment by law enforcement authorities and Courts of the validity of religious practices and beliefs in order to determine whether they

constitute an "abuse" or not. Such a determination would allow discrimination of minority faiths considered as "sectarian" as opposed to religions with traditional beliefs. This would represent an impermissible violation of the international human rights commitments signed by Belgium, which mandate non-discrimination on religious grounds and freedom of religion and belief for all religions.

Passage of such legislation would represent a serious impairment of the principle of religious freedom and the principle that the law has to be precise and foreseeable, guaranteed under Belgian law and international legal norms, as the Belgian Council of State noted in its opinion on similar draft laws in 2006 and 2009.

The proposed legislation is inspired by the much-criticized French law of 12 June 2001, known as the "About-Picard Law", which allows for the imposition of restrictions on religious groups based on a new offense of "abuse of a state of ignorance or weakness", an offense unprecedented in Europe in modern times. The French legislation aroused international condemnation from religious, human rights and inter-faith organizations as well as a recommendation by the Council of Europe that France reconsider the law. International legal standards mandate that new religions or religious minorities that may be viewed with hostility by the majority or by predominant religions be treated the same as other religions. These standards also mandate a spirit of tolerance toward minority movements. Yet, based on discriminatory theories that have been discredited by authorities and scholars around the world, the draft legislation adopts a distinctly unequal and intolerant approach towards religious minorities that would lead Belgium further down a path of intolerance.

Spearheading the draft legislation is Member of Parliament André Frédéric, who has led the "fight against" spiritual minorities he derogatorily labels as "sectarian movements". Linking the developments of "sects" to the failure of traditional religions, in particular Catholicism, Frédéric explained that in a society in search of new values people are "drawn towards a new form of pseudo-spirituality" and only want one thing: to be guided by nice speeches, "ignoring in their credulity that their mind is going to be formatted".

In order to combat these new forms of spirituality, Frédéric has proposed new penal provisions that are about to be examined by the Belgian Parliament in June 2011 even though they contain provisions that infringe on the rights of minorities to freedom of belief, conscience and association.

The proposed bill contains two articles inserted by Frédéric to repress the so-called "sectarian movements".

Article 33 proposes the insertion in the Belgian penal code of a new Article 442 quater. Ironically it comes right after the existing Article 442 ter, which criminalizes harassment based on the religious or philosophical convictions of the victim. This new Article 442 quater criminalizes the Abuse of a Situation of Weakness and provides:

"§1 - Will be sentenced to a jail term going from one month to two years and a fine from 100 up to 1,000 euros or one of these penalties only, anyone who, knowing the situation of physical or psychological weakness of a person altering seriously her capacity of discernment, has fraudulently abused of this situation so as to get that person to do an act or refrain from doing an act, this act or omission being highly detrimental to her physical or mental integrity or to her patrimony."

Then another paragraph follows setting aggravating circumstances:

"§2 - The penalties will be of a jail term going from one month to four years and a fine from 200 up to 2,000 euros or one of these penalties only in the following cases: If the act or omission referred to at §1 results from a physical or psychological subjection due to the exercise of serious and repeated pressures, or techniques susceptible to alter one's

capacity of discernment. (...) If the abuse referred to at §1 constitutes an act of participation to the principal or accessory activity of an association.

These articles contravene the right to freedom of religion and belief and the rule of law under Belgian legislation and the international treaties signed and ratified by Belgium.

In essence, the draft bill attempts to dissuade people from making particular religious choices and to penalize religious organizations that manifest their religion through proselytism and religious practices based on the State's view on the propriety of those choices.

It is crucial to keep in mind that international law does not establish a place for the State to assume the role of conscience police.

Religions are not above the law. However, any legitimate concerns are much more effectively addressed by the enforcement of existing laws on common criminal activities. Special laws against "sects", on the other hand, are discriminatory and endanger the religious liberty of every citizen.

The provisions of the draft law intended to criminalize religious practice contradict the rule of law, violates fundamental rights to freedom of religion and conscience, including the right to manifest religion, and contravenes the doctrine of neutrality.

THE INSTITUTE on Religion and Public Policy accordingly urged the Belgium Parliament in a full analysis of the bill (found here) not to enact the draft legislation in order to ensure that Belgium complies with the commitments it has made to the United Nations, European Convention on Human Rights and Organization for Security and Cooperation in Europe.

For more information, see

<http://wwrn.org/articles/35584/?place=belgium-holland>

or

http://www.huffingtonpost.com/joseph-k-grieboski/discriminatory-draft-law_b_876513.html

or

<http://jwitness.wordpress.com/2011/06/18/belgiumholland-discriminatory-draft-law-inbelgium-violates-fundamental-religious-rights/>

Fresh attempt launched to introduce anti-burqa law in Belgium

EarthTimes (30.03.2011) / HRWF (04.04.2011) – www.hrwf.net - A committee in Belgium's lower chamber of parliament approved Wednesday a law outlawing burqas and other kinds of Islamic face veils - relaunching efforts to introduce the ban nearly one year after they were thwarted by a government crisis.

The law seeks to punish anyone caught in public places with their face completely or partly covered - thus preventing their identification - with fines between 15 to 20 euros (21 to 35 dollars) and/or up to seven days' imprisonment.

The draft law still needs to be approved by the full Chamber of Deputies and by the Senate, Belgium's upper house.

A similar bill won backing from the Chamber last April, but was still waiting to be approved by the Senate when a linguistic squabble between Belgium's French- and Dutch-speaking politicians led to parliament being dissolved, triggering early elections.

The bill was reintroduced by the centre-right French-speaking Mouvement Reformateur (MR), which stressed the need for a national law outlawing burqas after judges in January scrapped a local ban imposed in Etterbek, a district of Brussels, the Belga news agency said.

Like last year, all other parties backed the proposal except for the French- and Dutch-speaking Green parties, which renewed calls for Belgium's top administrative court to review the constitutionality of such a ban before it is introduced.

Law proposals

Daniel Bacquelaine, Corinne De Permentier, Denis Ducarme, Jacqueline Galant, Katrin Jadin, Gwendolyn Rutten, Patrick Dewael

<http://www.dekamer.be/kvvcr/showpage.cfm?section=|flwb&language=fr&cfm=flwbn.cfm?lang=N&dossierID=0219&legislat=53>

Filip De Man, Alexandra Colen, Rita De Bont, Barbara Pas, Annick Ponthier, Bert Schoofs

<http://www.dekamer.be/kvvcr/showpage.cfm?section=|flwb&language=fr&cfm=flwbn.cfm?lang=N&dossierID=0085&legislat=53>

Catherine Fonck, Christian Brotcorne

<http://www.dekamer.be/kvvcr/showpage.cfm?section=|flwb&language=fr&cfm=flwbn.cfm?lang=N&dossierID=0754&legislat=53>

Headscarf row re-surfaces

Hema employee refused contract for wearing hijab

By Alan Hope

Flanders Today (16.03.2011) / HRWF (20.03.2011) – www.hrwf.net - After being refused an extension of her contract because she wore a headscarf to work, an employee of Hema last week turned down a new job offered by the Dutch-owned retail chain. Antwerp-born Joyce Van op den Bosch, 20, said the new offer was not satisfactory.

"This is not my old job as a saleswoman; here I have to stay in the warehouse. I won't be accepting their offer," she said. In addition, the contract was temporary and part time, while Van op den Bosch had been promised a full-time job.

Van op den Bosch had been employed by Randstad as temporary staff in the Hema store in Genk, where she lives.

When her contract reached its end and was not renewed, she was told there had been customer complaints about her headscarf. According to a spokesman for Randstad,

wearing a headscarf was "not in conformity with Hema's company dress code". Her contract was not renewed, he said, because she had declined to comply.

At the beginning of her employment, Van op den Bosch had asked if wearing a headscarf was acceptable, and she was told it was. She was even provided with a Hema headscarf, as worn by staff in the Netherlands. That went on for two months, then came "many negative reactions" from customers, according to Hema spokesperson Inge Van Baarsen. The company declined to say how many complaints were received.

In a statement, the company made an unusual claim: "Since in Belgium it is not customary to wear a headscarf in a public place," Hema decided to ask Van op den Bosch to stop wearing the headscarf, which she declined to do. "We wish to stress that this decision is not connected to the wearing of a headscarf as such, but that it applies to any outward appearance which is not in keeping with the neutral and discreet image of Hema," the statement said.

However, Jozef De Witte, director of the Belgian Centre for Equal Opportunities and the Fight Against Racism, said that the case appears to be discrimination. The temp agency cannot discriminate among their staff on the basis of the complaints or prejudices of a client – in this case Hema. Unless the store cancelled its contract with Randstad as a whole, it would be guilty of discriminating against one member of staff.

Randstad later admitted it had misgivings about the question of discrimination against the wearing of a headscarf and had applied earlier this month to the Centre for Equal Opportunities for advice. The centre said a headscarf was in most cases not a significant item of business clothing and so could not be grounds for dismissal. Randstad later said it could not take the centre's advice, since a number of employment law experts disagreed.

Last weekend, Hema issued the statement: "By permitting the wearing of a headscarf and later withdrawing permission, Hema behaved unfairly towards the temporary employee. Internal rules for work clothing have now been refined, central to which is that staff should be as neutral as possible in the view of the public."

For Van op den Bosch (pictured), nothing is decided. "This week on Wednesday I have an appointment with my lawyer," she said. "Then we'll know where everything stands." Also last weekend, about 300 people took part in a demonstration organised by supporters of the right to wear a headscarf.

Meanwhile, the controversy over the headscarf was also revived again at the federal level after a member of staff of the socialists appeared in parliament wearing one. N-VA called for a ban on the display of all religious symbols in parliament, a position supported by French-speaking liberals and the far-right Vlaams Belang.

Last year Jan Peumans, N-VA speaker of the Flemish parliament, reprimanded Vlaams Belang's Filip Dewinter after he called for the expulsion of a woman wearing a headscarf in the public gallery.

Brussels Court acquits Muslim woman for wearing burqa

By KUNA

Eurasia Review (01.02.2011) / HRWF (09.03.2011) – www.hrwf.net - A court in the Brussels borough of Etterbeek has acquitted a Muslim woman who was taken to court for wearing the niqab, local media reports said today.

The magistrate ruled that a fine for wearing the niqab was not in proportion to the offence.

Last year Belgium's lower house of parliament passed a legislation banning the full veil, or burqa, but because of the current political crisis in the country the bill is yet to go before the Senate for its approval.

It is estimated that only about 30 Muslim women wear the burqa in Belgium which has a population of about 450,000 Muslims.

Antwerp: Faculty of comparative study of religions

www.antwerpfvg.org / HRWF (28.01.2011) – www.hrwf.net - In a multicultural context of mutual understanding, the different religions and philosophies across the world are studied at the Faculty for Comparative Study of Religions. A philosophical melting-pot of ethnic wealth displaying a clear insight in order to place in a broader perspective your proper world of thought.

Declaration

On 13.3.1980, several religiously interested individuals met in Antwerp. From their conversation it became apparent that there was a genuine need for a university level institution dedicated to the comparative study of religions and related sciences.

On 30.4. 1980, they established the founding of the International Association Faculteit voor Vergelijkende Godsdienstwetenschappen - FVG (Faculty for Comparative Study of Religions). Its foundation and constitution are recognised by Royal Decree, dated 20. 6. 1980 (published in the Belgian Official Gazette 8.6. 1980), 17.2. 1989 (Scientific Research) and 21. 5. 1990 (diplomas). The FVG is also recognised by the Ministry of Social Affairs (10.8. 1993 with reference to the Royal Decree of 28. 6. 1969) as an educational institution of the third level.

Art. 2 of the said Constitution runs as follows:

The objective of the Association is to launch, to organise and to manage at international university level the comparative study of religions.

All present and future members declare solemnly that the Faculty for Comparative Study of Religions (FVG) will not and never be submitted to any doctrinal system.

The most absolute tolerance will bind and lead for all relations between members and all those concerned with the Faculty.

Principles Statement

World events at present demonstrate the ever-increasing contact between the various world-religions and between man's differing cultural patterns as determined by these religions.

An average intellectual at the most has some idea of the main traits of these faiths, but he usually lacks any insight into these different forms of spirituality, as they are actually experienced.

True, religion is studied as a science at academic level. However, it is apparent that universities founded on denominational principles emphasise their own religious beliefs as

a matter of course. Other faiths are then treated mainly from one's own consciously or unconsciously exclusive and proselytising angles. In non-denominational institutions, religious works may be the object of linguistic or historical study, but they are never really considered in the light of man as a religious being and his attitude to life.

The FVG is therefore organising in daytime courses in a four-year cycle at international and university-level (Oic 30.06.19–80, art. 2) a thorough study of the world-religions but, simultaneously also of the so-called local and primitive religions, as well as to a certain extent, the peri- and para-religious phenomena.

The FVG's distinguishing feature is expressed in its educational project.

The Faculty for comparative study of religions has the intention:

To gain insight in the multitude of religions, world conceptions and philosophies without any exclusion or bias. This means:

1. That it does not limit its research to the world religions but also pays attention to religious minorities with local significance.
2. That it takes an independent position towards every ideology in the conviction that religions cannot be studied from the viewpoint of one single religion.
3. In order to realize this one-of-a-kind insight the faculty has developed its own methodology. Given the importance of the direct contact with the religions and philosophies, one aims to provide education by appointing teachers belonging themselves to the different philosophies, who are able to provide information "from the inside". This offers a guarantee for equivalence and pluralism. Teaching from their own religion and culture they, next to the knowledge of theoretical doctrine, offer insight in the practical experience as well. As such they give concrete form to what otherwise would remain too much of an abstraction. This 'testimony' however may not lead to proselytising acts.
4. By teaching every philosophy and religion independently one from the other as equal parallels, no theologically or philosophically convergent viewpoint is taken; philosophies and religions are rather being approached empirically as an expression of human behaviour. In that sense the contents of theology may become object of scientific research of the religions as well.
5. In correspondence with its denomination of 'faculty FOR comparative study of religions', it does not count the concrete comparison at contents level under its educational objectives by not teaching this as a separate course. What it rather aims to achieve is providing the student with the necessary material and tools without trying to turn into science the comparative aspect at contents level from above. The search for correspondences and differences is however elementary for the elaboration of the subject-matter and essentially contributes to the student's formation and the student has to go into his or her own being different. Paradoxically this not only leads to a better 'notion' of the other but also to a rediscovery and revalorization of the own cultural and philosophical habits. As such, the student acquires an attitude of 'active tolerance'.
6. Except being an educational institution, the faculty wants to be a forum, an actual meeting place where people from different cultures come together breathing a same spirit and aspiration, namely to get to know each other. As such the faculty hopes to make people competent in leading an efficient intercultural and

interreligious dialogue in order to adapt themselves in a flexible way to the different socio-cultural domains.

Admission

Persons who are seeking admission must submit the following:

1) Application for Admission.

2) Application fee (not refundable) of € 100 by bank transfer or money order. The total amount for an academic year is € 700.

When a candidate is accepted, the Secretary will send the information concerning the Academic year.

Foreign students (from countries which do not belong to the European Community) should never come with a tourist visa. They must have an authorisation for provisional sojourn. A visit to the Belgian Embassy is highly recommended.

More info at <http://www.antwerpfvg.org/>
