

Survey Questionnaire for the SR on Freedom of religion or belief to States on anti-Semitism
Réponse belge

1. Judaism Within the state: the Right to Freedom of religion or Belief

a) Is Judaism recognized as a religion in law? If so, what is the definition of Judaism in law? What is its status compared with other religions?

Judaism is one of the recognized religions since 1870.

Pursuant to article 21 of the Constitution, the State does not have the right to interfere in the internal organization of religions/cults, to intervene either in the appointment or in the installation of ministers of any religion whatsoever, to interfere in internal aspects of doctrines or philosophies, to define Judaism in Law, and to forbid the ministers of religion from corresponding with their superior or to forbid them from publishing the acts of these superiors.

In Belgium, recognized religions receive financial advantages. Most notable is the application of article 181 of the Constitution, i.e. that the salaries and pensions of the ministers of the recognized religions and the representatives of the organizations providing moral assistance according to a non-denominational philosophical concept are at the expense of the budget of the federal state.

Recognition also offers advantages (not necessarily of a financial nature) at regional level, especially as regards the administration of the places of worship.

b) Is there a Jewish population in your state? If so, what size is that population? Are there Jewish communities in many parts of the country or is it concentrated in a few areas (if so, in how many)?

La taille de la population juive en Belgique est inconnue, étant donné que la religion des citoyens n'est pas enregistrée par l'État. Les communautés juives sont principalement concentrées dans 3 zones différentes : dans les villes d'Anvers, de Bruxelles et de Liège.

c) How does the State protect the right to freedom of religion or belief of the Jewish community? Can people freely change their religion into Judaism or leave the religion?

When Belgium became independent in 1830, the authors of the constitution laid down basic principles for the relations between the various authorities as well as general principles such as the freedom of conscience, freedom of education (art. 24 Const.), freedom of worship (art. 19 Const.) and freedom of association (art. 27 Const.).

Nowadays, the articles of our constitution have to be read in conjunction with the international treaties ratified by Belgium, such as the European Convention on Human Rights and the Charter of fundamental rights of the European Union, as well as the judgements of the European Court on Human Rights and the European Court of Justice.

For instance, article 19 of the Constitution guarantees freedom of worship, its public practice and freedom to demonstrate one's opinion on all matters. As a consequence every member of society is free to become a member of a religious order or an adherent of a philosophy and is free to experience this religion or philosophy in public, as long as the laws ruling society in general are respected, and conversely, no one can be forced to participate in any way in acts and ceremonies of worship or to maintain their days of rest (article 20 Const.).

d) Are Jewish groups represented in public affairs? If so, are there official groups that work with the state? Are there official leaders of the community recognized by the state? Are the groups and leaders appointed by the Jewish community or by the state?

The Jewish Central Consistory is the official body that represents Judaism in Belgium. The state does not have the right to interfere in the appointment or installation of the worshipers or to prohibit their correspondence with their government and to publish the deeds of this government, without prejudice, in the latter case, to the normal liability with regard to printing press and publication (article 21,§1 Const.).

e) Do any synagogues exist in your country? If so, are the buildings in use or historical or both?

Synagogues of the local Jewish communities

Freedom of religion and worship is guaranteed by the Belgian Constitution (article 19). Certain religions, namely the Catholic, Anglican, Protestant, Orthodox, Jewish and Muslim Faith, as well as the non-confessional philosophies of life, are "recognized" by the Federal level, which means that the wages of their priests, ministers, rabbis, imams, etc. are paid by the Federal State (Federal Ministry of Justice). Local religious communities of these faiths are recognized, not on the Federal level, but on the Regional level, for the Flemish Community by the Flemish Minister for Home Affairs.

There are six recognized Jewish Communities in the Flemish Community:

- The Jewish Community of Antwerp Sjomre Hadas;
- The Jewish Community of Antwerp Machsike Hadas;
- The Jewish Community of Antwerp (Beth Moshè Rite);
- The Jewish Community of Ghent;
- The Jewish Community Adath Yisrael of Knokke;
- The Jewish Community of Ostend.

Each Jewish Community of Antwerp has its own synagogue or more than one.

Immovable heritage

The inventory for immovable heritage offers an overview of the architectural heritage in the Flemish Community. The following synagogues are included in the inventory:

- Kalmthout: <https://inventaris.onroerenderfgoed.be/erfgoedobjecten/201191>;
- Antwerpen, Schilderstraat: <https://inventaris.onroerenderfgoed.be/erfgoedobjecten/6324>;
- Antwerpen, Terliststraat: <https://inventaris.onroerenderfgoed.be/erfgoedobjecten/7604>;
- Antwerpen, Oostenstraat: <https://inventaris.onroerenderfgoed.be/erfgoedobjecten/7398>;
- Antwerpen, Oostenstraat: <https://inventaris.onroerenderfgoed.be/erfgoedobjecten/7407>;
- Antwerpen, Hovenierstraat: <https://inventaris.onroerenderfgoed.be/erfgoedobjecten/6883>;

- Antwerpen, Jacob Jacobsstraat:
<https://inventaris.onroerenderfgoed.be/erfgoedobjecten/6900>;
- Oostende, Filip van Maestrichtplein:
<https://inventaris.onroerenderfgoed.be/erfgoedobjecten/55414>.

f) Are there Jewish cemeteries? Is there law on their protection?

No statistics available.

g) Are there any places of Jewish education (schools or universities) in your country? If so, are they accredited or recognized by the state? Does the state provide funding to them?

The Flemish government has officially recognized a number of Jewish schools, which means they can issue official certificates of study. They form part of privately-run (publicly subsidized) education, which means they can issue official certificates of study. The network of these schools mainly comprises confessional schools that are linked to a religion.

In addition, there are a number of Jewish private schools which offer collective home education. In Belgium, there is no compulsory school attendance, but there is compulsory education. This means parents can opt for home schooling, and this can be individual or collective. The education inspectorate oversees the quality of home education and can verify whether it meets minimum standards. Antwerp especially has a relatively large Jewish community. Many of these families send their children to Jewish private schools in Antwerp. Collective home schooling is not state-funded.

In the Flemish Community, most pupils of Jewish faith go to recognized Jewish schools. Only a small minority (circa 1,500 pupils) attend private school. Finally, it should be noted that under the provisions of the Belgian Constitution, official education in the Flemish Community (= education organized by the state) has to offer the option of one of the (recognized) religions, among others the Jewish faith. This means that if a parent requests to have Jewish religion included in the teaching hours spent on faith-based education, the school must make provisions for this.

En ce qui concerne la Communauté française, il y a des établissements d'enseignement fondamental et secondaire reconnus et financés par la Communauté française. There are no specific Jewish higher education institutions in the French Community.

h) Are there any legal restrictions on ritual circumcision of males? If so, what are the restrictions?

En pratique, en Belgique, la circoncision pour des raisons religieuses est pratiquée, notamment par un médecin si ce dernier accepte de la pratiquer sans motif médical, dans l'intérêt du patient et de la santé publique. Il importe en effet que les circoncisions se fassent dans les meilleures conditions d'hygiène. Le fait qu'elles soient pratiquées par un médecin est en soi une garantie optimale.

En matière de circoncision rituelle, diverses positions éthiques peuvent être défendues ; elles sont exposées dans l'avis n°70 du Comité consultatif de Bioéthique de Belgique (voir : www.health.belgium.be/bioeth rubrique 'Avis'). Le Comité a toutefois précisé que selon la législation belge, la circoncision rituelle est constitutive de coups et blessures au sens d'art. 398 du Code pénal mais qu'aucune poursuite pénale n'est à mentionner à ce jour.

Relevons que le Comité consultatif de Bioéthique est parti du principe qu'il n'a ni la compétence, ni l'autorité pour trancher la question médico-scientifique relative à l'aspect préventif en matière de santé d'une circoncision. Enfin, bien que diverses positions soient défendues dans l'avis n°70 susmentionné, le Comité consultatif ne recommande pas de modification légale et propose de réfléchir à surmonter les controverses en encourageant l'évolution des pratiques vers la seule symbolique, de sorte que les rites continuent à se réaliser, mais sans inscription dans la chair de l'enfant. En Belgique, dans le cas où elle est pratiquée par un médecin, la circoncision est prise en charge par l'assurance obligatoire maladie-invalidité (prestation 260934-260945 "circoncision").

i) Are there any restrictions on religious slaughter of animals? If so, what are the restrictions? If not, are there any slaughterhouses in your country that are licensed to allow animals to be killed in line with Jewish law?

Unstunned slaughter of animals is prohibited in the Flemish Region. There is an exception for the slaughter of cattle for religious purposes. Cattle can be slaughtered without stunning on the condition that post-cut stunning is applied immediately after the cut. From 1/1/2020 this exception will no longer apply to the slaughter of veal calves, because there is a reversible stunning method available for these animals. So, from 1/1/2020 veal calves will always have to be stunned before slaughter. When there will be a reversible stunning method available for adult cattle, the exception will also be lifted for these animals.

In the Brussels-Capital Region, legislation still allows ritual slaughter. However, domestic slaughter is prohibited. As a consequence, slaughter according to Jewish religion can only take place at approved slaughterhouses.

Dans la Région wallonne, le Code wallon du Bien-être animal prévoit qu'un animal est mis à mort uniquement après anesthésie ou étourdissement. Lorsque la mise à mort d'animaux fait l'objet de méthodes particulières d'abattage prescrites par des rites religieux, le procédé d'étourdissement doit être réversible et ne peut entraîner la mort de l'animal. Cette exigence est d'application à partir du 1er septembre 2019. Tant que cette exigence est respectée, tout abattoir peut procéder à des abattages dans le cadre de la Loi Juive.

j) Are there any restrictions on importing kosher meat or other food? Is kosher food produced within the state?

As long as these foods, like all others, comply with the legal food safety regulations (which are laid down at European Union level), they can be marketed without a problem. Pour les produits transformés et pour la viande, il existe en Belgique des certifications (ex : kosherbelgium.org) mais elle ne relèvent pas des compétences des autorités belges. Pour ce qui concerne l'abattage rituel et la question de l'étourdissement, cf. réponse précédente.

k) Are there restrictions on Jewish religious symbols being worn? If so, what are those restrictions? Where do they apply? How are they enforced?

Il n'existe pas de restrictions générales pour le port de symboles religieux. Néanmoins, des restrictions peuvent être imposées dans des cas individuels. Toutefois, la Cour de Justice de l'Union européenne a clarifié dans l'arrêt Achbita – en ce qui concerne le domaine de l'emploi – que les règles internes d'une entreprise interdisant aux employés de porter des signes visibles, politiques, philosophiques ou religieux, ne constituent pas une discrimination directe au sens de la directive relative à l'égalité en matière d'emploi. Ces règles peuvent toutefois constituer une discrimination indirecte si elles désavantagent des personnes appartenant à une religion spécifique. Dans le même sens, en ce qui concerne le port de symboles religieux dans les Cours et tribunaux l'article 759 du Code Judiciaire donne la possibilité aux juges d'imposer des restrictions lors d'une audience. Néanmoins, dans l'arrêt Lachiri contre Belgique, rendu le 18 septembre 2018, la Cour européenne des droits de l'Homme a jugé que l'exclusion de Mme Lachiri de la salle d'audience où se jugeait une affaire dans laquelle elle s'était portée partie civile, au seul motif qu'elle portait, par conviction religieuse, un foulard masquant ses cheveux, a constitué une violation de son droit à la liberté religieuse garanti par l'article 9 de la Convention européenne des droits de l'Homme.

En Belgique, il n'existe pas de législation interdisant le port de symboles religieux dans les écoles. Il appartient donc à chaque établissement scolaire de décider de leur autorisation ou de leur interdiction, via leur règlement d'ordre intérieur.

Les principes de libertés de religion et d'opinion, garantis par la Constitution, sont en vigueur dans les écoles belges. Cependant, en Communauté flamande, la majorité d'entre elles ont adopté des mesures restrictives ces 15 dernières années. En 2013, le Gemeenschapsonderwijs/GO! (organisateur de l'enseignement officiel et un des trois réseaux d'enseignement de la Communauté flamande à côté du réseau subsidié officiel et du réseau subsidié libre) a diffusé une directive générale dans les écoles du GO! afin que celles-ci intègrent dans leur règlement d'ordre intérieur une interdiction de porter des signes philosophiques. Enfin, le Conseil d'État n'exclut pas la possibilité d'une mesure générale/niveau plus élevé que les écoles, mais que si elle vise à résoudre un problème audit niveau et que son besoin est justifié in concreto.

l) Are there any restrictions on Jews being able to create religious charities or humanitarian institutions? If so, what are the restrictions? If not, do such charities or institutions exist?

There are no restrictions on the creation of religious charities or humanitarian institutions by Jews. Such charities and institutions do indeed exist in Belgium.

m) Are there any restrictions on Jewish materials being published or sold in the state? If so, what are the restrictions? If not, are there Jewish texts available and accessible in public libraries or institutions such as schools and universities?

Article 25 of the Belgian Constitution guarantees the freedom of the press. Therefore, there are no restrictions on the publication or sale of Jewish publications in Belgium. Jewish publications should in principle be available and accessible in public libraries, schools and universities.

These institutions are each responsible for putting together their own collections. However, recognized and state-funded schools do have to respect language laws.

With regard to the Flemish Community, this means Dutch is the teaching language. Text documents in other languages are permitted, for instance in faith-based lessons as part of the study of the religion in question. In this context, Jewish/Hebrew texts will be made available. At universities offering degrees in Hebrew language and culture, there are no restrictions on the use of Jewish/Hebrew texts.

En ce qui concerne la Communauté française, il n'y a pas de restrictions (Article 3. - § 1^{er}). Dans le cadre de l'acquisition des manuels scolaires, des ressources numériques, des outils pédagogiques et des livres de littérature, le chef d'établissement, pour l'enseignement organisé par la Communauté française, et le pouvoir organisateur, pour l'enseignement subventionné par la Communauté française, doivent garantir le respect des droits fondamentaux, en ce compris:

a) les principes d'égalité et de non-discrimination tels que, notamment définis aux articles 10 et 11 de la Constitution, par la loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme ou la xénophobie, la loi du 10 mai 2007 tendant à lutter contre la discrimination entre les femmes et les hommes, et le décret du 12 décembre 2008 ` relatif à la lutte contre certaines formes de discrimination;

b) Le principe de l'égalité de genre tel que notamment défini par le décret du 7 janvier 2016 relatif à l'intégration de la dimension de genre dans l'ensemble des politiques de la Communauté française.

n) Are Jewish marriages recognized in State law?

A civil wedding should always precede the blessing of the marriage, apart from the exceptions established by the law (article 21,§2 Constitution).

o) Does State law provide for the return of confiscated or otherwise wrongfully seized Jewish communal property and private property owned by Jews and/or the payment of compensation for such property?

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p) Are there any restrictions on freedom of movement of members of the Jewish community, including in travelling abroad or in returning after travel to any country?

There are no such restrictions.

q) Are there any restrictions on the right to maintain free and peaceful contact with members of the Jewish community in other countries?

There are no such restrictions.

r) Is there anti-discrimination law in general? How does the law deal with discrimination based on religion or belief?

Oui, la législation anti-discrimination adoptée par le gouvernement fédéral, les Communautés et les Régions concerne les instruments législatifs suivants :

- [Loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme ou la xénophobie](#), M.B. 8 août 1981, ci-après : « loi anti-racisme » ;
- [Loi du 10 mai 2007 tendant à lutter contre certaines formes de discrimination](#), M.B. 30 mai 2007, ci-après : « loi anti-discrimination » ;
- [Loi du 10 mai 2007 tendant à lutter contre la discrimination entre les femmes et les hommes](#), M.B. 30 mai 2007, ci-après : « loi genre »
- [Décret de la Commission Communautaire francophone de la Région de Bruxelles-Capitale du 22 mars 2007 relatif à l'égalité de traitement entre les personnes dans la formation professionnelle](#), M.B. 24 janvier 2008 ;
- [Décret du 10 juillet 2008 portant le cadre de la politique flamande de l'égalité des chances et de traitement](#), M.B. 23 septembre 2008 ;
- [Décret du 6 novembre 2008 de la Région Wallonne relatif à la lutte contre certaines formes de discrimination](#), M.B. 19 décembre 2008;
- [Décret du 12 décembre 2008 de la Communauté française relatif à la lutte contre certaines formes de discrimination](#), M.B. 13 janvier 2009 ;
- [Décret de la Commission communautaire francophone de la Région de Bruxelles-Capitale du 9 juillet 2010 relatif à la lutte contre certaines formes de discrimination et à la mise en œuvre du principe de l'égalité de traitement](#), M.B. 3 septembre 2010.
- [Décret du 9 mars 2012 de la Communauté germanophone visant à lutter contre certaines formes de discrimination](#), M.B. 5 mai 2012 ;
- [Ordonnance du 16 novembre 2016 visant à lutter contre les discriminations en matière d'emploi en Région de Bruxelles-Capitale](#), M.B. 21 novembre 2017.

Les lois, décrets et ordonnances ont pour objectif de créer un cadre général pour lutter contre la discrimination fondée sur, entre autres, la conviction religieuse ou philosophique. La législation antiracisme et anti-discrimination permet de lutter contre :

- les refus d'embauche ou de licenciement, les refus de location, les dispositions réglementaires touchant au critère « convictions religieuses et philosophiques » : discriminations directes ou indirectes ;
- les incitations à la haine, à la violence ou à la discrimination : le discours de haine ;
- les violences diverses, agressions physiques et verbales, le harcèlement à l'école, sur le lieu de travail, au sport, sur internet et les médias sociaux : les crimes de haine.

See also the common core document for Belgium:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRI%2fC-ORE%2fBEL%2f2018&Lang=en

2. Anti-Semitism in Law and Policy

a) Is there a State definition of antisemitism? What is it?

There is no state definition of antisemitism.

b) Does the State gather statistics on the number and nature of antisemitic hate crimes, penalties imposed on perpetrators and on remedies awarded to victims? Can the State provide these statistics to the Special Rapporteur?

No, the State does not gather statistics on antisemitic hate crimes. However, Unia, the Interfederal Equality Body, registers complaints on antisemitic incidents. Unia's annual report contains a specific section on antisemitism and denial of the Holocaust (https://www.unia.be/files/Documenten/Jaarrapport/Rapport_Chiffres_2018_FR.pdf).

c) Who are the main perpetrators of antisemitism?

Faute de pouvoir identifier les auteurs de faits antisémites, l'État n'enregistre pas leurs profils. Pourtant, le Centre interfédéral pour l'égalité des chances et la lutte contre le racisme (Unia) connaît les profils des auteurs, mais ces informations restent confidentielles. Néanmoins, Unia conclut qu'il n'existe pas un profil de type d'auteurs des actes antisémites, mais que ceux-ci appartiennent à toutes les classes sociales.

d) Are there laws about discrimination against Jews? What are those laws? Who is bound by those laws? Who is protected by those laws?

Dans la législation anti-discrimination générale adoptée par le gouvernement fédéral, les Communautés et les Régions (cf. supra) les critères de discrimination, sur base desquels la discrimination est interdite et punissable, sont les suivants : la nationalité, l'origine ethnique ou nationale, prétendue race, couleur de peau, l'ascendance [juive], handicap, conviction religieuse ou philosophique, orientation sexuelle, âge, fortune, état civil, conviction politique, conviction syndicale, état de santé, caractéristique physique ou génétique, naissance, origine sociale, langue et sexe. La législation s'applique à toutes les personnes (morales et physiques), tant pour le secteur public que pour le secteur privé, en ce compris aux organismes publics.

Le champ d'application des lois fédérales est : l'emploi, les biens et services, la sécurité sociale et la protection sociale, la mention dans une pièce officielle ou un procès-verbal et l'accès et la participation à toute activité économique, sociale, culturelle ou politique accessible au public.

En sus, pour la Communauté française : les relations d'emploi, l'enseignement, la politique de santé, les avantages sociaux, l'affiliation à et l'engagement dans toute organisation professionnelle de droit privée subventionné par la Communauté française.

Le champ d'application du décret flamand sur l'égalité des chances couvre : l'accès au travail salarié ou indépendant ou à une profession, à l'information de choix professionnel, à la formation professionnelle, à l'outplacement et le remise au travail, aux soins de santé, à l'enseignement, aux biens et services disponibles au public (en ce compris le logement), aux avantages sociaux, à l'activité économique, sociale, culturelle ou politique en dehors de la sphère privée.

Toute personne victime de discrimination sur base des critères de la législation anti-discrimination, qu'il s'agisse d'une personne physique ou d'une personne morale, est protégée par cette législation.

e) How is the prohibition of incitement to national, racial or religious hatred as reflected in international human rights law incorporated in national legislation? Does the State take other measures to prevent antisemitic hate speech?

L'interdiction de l'incitation à la haine est une limitation légale de la liberté d'expression. Le cadre légal de cette limitation se constitue de dispositions de plusieurs lois fédérales: l'art. 20 de la loi anti-racisme, l'art. 22 de la loi anti-discrimination, l'art. 27 de la loi genre et de la loi négationnisme . « Inciter à » couvre toute communication verbale ou non verbale (notamment sur Internet) incitant à, stimulant, attisant, encourageant, accentuant, provoquant, poussant ou appelant d'autres personnes à certaines réactions de haine. Il s'agit plus que de simples idées, critiques ou d'informations. Les événements doivent se produire en public: en présence de, ou dirigés vers deux ou plusieurs personnes. De plus, la loi antiracisme et la loi anti-discrimination nécessitent une intention particulière, le but étant que quelqu'un d'autre pose un acte haineux. Par contre, il n'est pas nécessaire que cette incitation entraîne d'office une réaction.

Les sanctions pénales prévues pour l'incitation à la haine sont comprises entre un mois à un an d'emprisonnement et une amende de 300 EUR à 6.000 EUR.

En termes d'autres mesures, l'adoption de la Circulaire commune n° COL 13/2013 relative à la politique de recherche et de poursuite en matière de discriminations et de délits de haine est une évolution significative par rapport au discours de haine. [Circulaire commune [COL 13/2013](#) du 17 juin 2013 du Ministre de la justice, du Ministre de l'intérieur, et du Collège des procureurs généraux près les Cours d'appel.] Cette Circulaire commune n° COL 13/2013 a pour objet d'uniformiser la politique de recherche et de poursuite en matière de négationnisme, discriminations et délits de haine, y compris les discours de haine, notamment ceux fondés sur la nationalité, une prétendue race, la couleur de la peau, l'ascendance, l'origine nationale ou ethnique et/ou la conviction religieuse ou philosophique. Il importe de noter que la Circulaire commune n° COL 13/2013 précitée accorde une attention spécifique à la cyberhaine : des expressions de haine dirigées contre certains individus/groupes sur internet (sites, forums de discussion et réseaux sociaux).

f) Are there specific offences in law regarding antisemitic crimes? Do the laws provide for the imposition of enhanced penalties for crimes committed with anti-Semitic motivation?

No.

g) Can the State provide information on cases of antisemitic violence, harassment, or desecration targeting individuals or their property, educational facilities or Jewish cultural or religious sites?

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h) Are the police trained about antisemitism? What form does that training take? Are the judiciary provided with training about antisemitism?

The Belgian Federal Police doesn't organize a specific training session on antisemitism. The Federal Police does however organize a training program on "Holocaust, Police and Human rights in collaboration with the Kazerne Dossin in Mechelen. More than 8.000 members of the integrated

police (police officers and civilians) have completed the training since 2014. It aims to provide insight into the collective violence under the Nazi occupation and the scope for resistance, the underlying rationale being that they who recognize the slippery slope towards collective violence, will be more capable and willing to fight it.

Participants to the training are enabled to discover the timeless mechanisms which lead to bullying, exclusion, discrimination, genocide, ... The program is very practical and includes museum visits focused on the role of the authorities and the police in the 1930's and during Nazi-occupation, as well as a workshop on Human Rights, which aims to connect lessons learned from the past with present-day situations, with a focus on respect for Human Rights and dealing with ethical dilemmas. This includes a presentation of the Terry Cooper model, a tool for handling ethical dilemmas. The training aims for participants to:

- understand discrimination and exclusion
- be aware of the scope to "say no"
- develop the skills to analyse information and situations in an autonomous and critical manner
- act according to his or her own professional and ethical convictions

Les formations des magistrats concernant les discriminations en général abordent également la question de l'antisémitisme.

i) Are there laws about the publication of antisemitic materials? What are those laws?

Oui. Les délits tels que les « injures écrites » ou l' « incitation à la haine, à la discrimination ou à la violence » peuvent constituer des délits de presse. C'est le cas lorsque l'auteur franchit les limites de la liberté d'expression par des publications publiques.

j) Is it lawful to sell Nazi memorabilia or other antisemitic merchandise?

Non. Il n'y a pas de loi belge qui interdise la vente de ce type d'objets. Toutefois, il se peut que cette vente soit interdite en fonction du contexte par l'application d'autres lois.

k) Are Jews allowed to own property? Are they allowed to own businesses? Are there any public or private sector jobs that the Jews are legally excluded from?

Jews are allowed to own property and businesses. They are not legally excluded from any public or private sector jobs.

l) Are there any political parties that do not allow Jewish members? Are there Jewish people in government? Are there Jewish people in the judiciary?

There are no political parties that do not allow Jewish members. There are no statistics on the presence of Jewish people in the government and judiciary given that, due to privacy reasons, religion is not registered by the State.

m) Are there specific educational measures to address anti-Semitism in educational environments and/or to prevent anti-Semitism through education?

In the Flemish Community, a civic integration path is offered to newcomers (more information is available [here](#)). The path includes a social orientation course about life, work, norms and values in Belgium. During this course, themes such as equal opportunities, gender equality, LGBT rights and antisemitism (as well as other forms of discrimination based on religion) are discussed.

Dans la Communauté française, pour des raisons de principe et d'efficacité, la lutte contre l'antisémitisme s'inscrit dans le cadre de programmes et d'actions visant toutes les formes de racisme. La Communauté française a initié en 2017 et relancé en 2019 une campagne de communication sur les assignations identitaires et les préjugés envers les minorités (<http://www.vousvalezmieuxqueca.be>). Elle s'est dotée également d'un décret du 8 mars 2018 relatif à la promotion de la citoyenneté et de l'interculturalité, qui finance des dizaines de projets qui visent directement ou indirectement la déconstruction des stéréotypes et des préjugés racistes, antisémites ou xénophobes.

Also cf. infra - information provided in reply to questions 2)m and 2)q

n) Is there a Holocaust Memorial Day commemorating the genocide of the Jewish people at the hand of Nazi Germany and its allies and collaborators recognized as part of the official state calendar? If so, in which ways is this day marked and commemorated? On which date/s does the commemoration take place and what is the official name of the day/s?

The genocide of the Jewish people at the hand of Nazi Germany and its allies is commemorated on the following dates:

- 27th of January: International Day in Commemoration of the Victims of the Holocaust.

In Parliament the day is marked by a welcome by the Speaker of Parliament followed by a keynote speech by a personality (academic - historian), a testimony by a survivor (former camp detainee or hidden child); interventions by young people on the meaning of the commemoration to them. Activities at memorial sites include wreath laying, candle lighting, and speeches. At other sites, speeches and exchanges take place.

- 8th of May: End of World War II and Restoration of Democracy

At the tomb of the Unknown Soldier in the Center of Brussels a military ceremony is held to commemorate those who gave their lives for our freedom. In Parliament a special session is organized for young people (17-18 yrs) and Veterans of Patriotic Movements where both in 2018 and in 2019 a Jewish survivor and the son of a nazi collaborator had a dialogue about their life changing experiences. In Antwerp, at the Monument for the deported Jewish Population, a ceremony is held, consisting of speeches, candle lighting, Jewish religious songs and wreath laying.

o) At which level do government officials participate in the Holocaust commemorative event/s? Are Jewish community groups and representatives of other groups persecuted by the Nazis and their collaborators involved in the event/s in terms of organization and participation?

The commemorative activities are attended by Government representatives, Members of parliaments, Members of the judiciary and high ranking civil servants. Both on the 27th of January and on the 8th of May, activities are organized in Parliament (cf. supra).

The following groups and organizations are regularly involved in shaping the content, and participate actively in the commemorative events: Victims and survivor's associations, Jewish community, Roma and Sinti community, Civil society, Academia and research institutions.

**p) Are there any public memorials of Nazi crimes that specifically mention the Jews?
Are there any public museums that have exhibitions about Nazi crimes and that specifically mention the Jews?**

Belgium has public monuments, such as the Monument for the Deported Jewish Population in Antwerp and the National Memorial to the Jewish Martyrs of Belgium in Anderlecht.

The Jewish Museum of Belgium in Brussels, Kazerne Dossin in Mechelen and the War Heritage Institute in Brussels focus on nazi crimes and the Jewish community.

In 2020, the Museum of Contemporary Art Antwerp (M HKA) will juxtapose Degenerate Art and Nazi views on culture among others in an exhibition titled 'Monoculture'.

q) Do public school curricula cover the rise of European fascism, the ideology of the Nazi Party, and the Holocaust and other crimes perpetrated by the Nazis?

The Flemish Community has set out so-called attainment targets for compulsory education. The attainment targets put forward several guidelines which schools can use to teach about discrimination in general and anti-Semitism in particular, about Nazism and the holocaust, and Jewish history and culture. These are, among others:

- Recognizing and preventing the mechanisms that cause prejudice, stereotyping, abuse of power and group pressure
- Being able to explain intolerance and discrimination in society and debunking mechanisms of exclusion
- Interpreting historic images in a rational way
- Taking social responsibility for today's and tomorrow's society by being aware of the link between past and present
- Gaining a better understanding of societal contexts: political, cultural, social, economic,...
- Gaining a better understanding of the differences between coexistence in a democracy and coexistence under other (e.g. authoritarian) regimes
- Realizing the importance of human rights and children's rights.

Seeing as freedom of education is anchored in the Belgian Constitution, Flemish schools have the right to shape their own high-quality program around these attainment targets, adapting it to their specific situation and needs. As a consequence, the Flemish government itself does not provide teaching materials. This would be contrary to the pedagogical freedom of schools. Schools can employ their own specially designed materials, they can consult the pedagogical advisory service of the educational group they belong to, they can use text books provided by publishing companies, make use of external organizations, ... For history/remembrance education in particular, a number of supporting bodies exist which offer teaching materials and training:

- In this regard, the Special Committee for Remembrance Education (BCH) is especially relevant: www.herinneringseducatie.be. The BCH committee consists of representatives of the different educational groups (urban education, free (catholic) schooling, community education,...), of a variety of museums and organizations which focus on remembrance education, such as In Flanders Fields, Tumult, the Auschwitz Foundation and Kazerne Dossin, and representatives of the Ministry of Education and Training. On the committee, which is funded by the Flemish government, several partners look at how schools and teachers could be inspired and supported on the subject of remembrance education. The BCH boasts a lot of expertise regarding anti-Semitism and the holocaust. The BCH and Kazerne Dossin have, among others, developed a Flemish version of the international UNESCO brochure Why Teach the Holocaust? <http://herinneringseducatie.be/waarom-lesgeven-over-de-holocaust/>
- Since 2006, Belgium has been a member of the International Holocaust Remembrance Alliance, an international think tank that aims to increase research and education on the holocaust and anti-Semitism.
- In 2013, the Flemish Parliament approved a resolution with the aim to encourage school visits to Kazerne Dossin, the Memorial, Museum and Documentation Centre on the Holocaust and Human Rights. The museum outlines the persecution of Jews and gypsies in Belgian history and points out the mechanisms that cause human rights' abuse.

On 27 January 2015, the then Minister of Education and the heads of the different educational groups signed a joint Declaration of Commitment to make sure that through specific actions all pupils in secondary education would gain a lasting understanding of the mechanisms of 'genocide(s) and crimes against humanity during World War II' : <https://herinneringseducatie.be/engagementsverklaring-woii/>

Dans la Communauté française, ces thématiques sont inscrites dans les référentiels et programmes (Histoire / Sciences humaines) de tous les réseaux d'enseignement. Les enseignants disposent de nombreux supports leur permettant d'aborder ces sujets en classe : manuels, ouvrages de référence, dossiers pédagogiques, témoignages, documentaires, etc.

La Communauté française a mis en place, depuis 2009, un dispositif pérenne pour favoriser le travail de mémoire et d'histoire sur la Shoah au travers du décret relatif à la transmission de la mémoire des crimes de génocide, des crimes contre l'humanité, des crimes de guerre et des faits de résistance ou des mouvements ayant résisté aux régimes qui ont suscité ces crimes.

Ce décret prévoit la reconnaissance d'opérateurs spécialisés et le lancement d'appels à projets. La thématique du nazisme et de l'univers concentrationnaire et d'extermination nazi est traitée dans les actions menées par ces opérateurs et dans les sujets abordés dans les projets reconnus.

r) Does that education include materials specifically focused on the history of Jews and Judaism? Does it mention Jewish life and cultures before and after the Holocaust?

Cf. supra – information provided in reply to question 2)q.

s) What is the status of academic research concerning the history of Jews and Judaism, antisemitism and the Holocaust (research institutions, dedicated university chairs or departments, etc.)?

In the Flemish Community, universities, documentation centers and museums pay attention to the study of Judaism, anti-Semitism and the holocaust. Academic research on these subjects can rely upon existing research funding, such as the Special Research Fund and the Fund for Scientific Research.

The portal Flanders Research Information Space (<https://researchportal.be/en/>) collects all the information on publicly funded scientific research in the Flemish Community since 2008. This portal lists 101 scientific publications for the keyword holocaust, 21 publications for the keyword anti-Semitism, and 614 publications for the keyword Jews. An extensive overview is included in the appendices (information provided by the Flemish Interuniversity Council). Some examples:

- The Institute of Jewish Studies is integrated into the University of Antwerp. This institute is responsible for the scientific study of Judaism drawing on a variety of cultural scientific disciplines. The institute focuses on academic research, university education, and educational and scientific service provision: <https://www.uantwerpen.be/en/research-groups/ijs/>. This institute also works closely together with Kazerne Dossin (see below).
- At the Catholic University of Leuven (KU Leuven), Hebrew has been taught for a long time. In 2016, this degree was added to the linguistics and literature program <https://www.arts.kuleuven.be/studeren/bachelor/taal-en-letterkunde/leuven/hebreuws>. At the Interdisciplinary Centre for the Study of Religion and World View of KU Leuven, Jewish faith is explored as part of a study of the various world religions.
- The Centre for Historical Research and Documentation on War and Contemporary Society (CEGESOMA) is the Belgian knowledge center on the history of 20th century conflicts. It is a platform for scientific and social activities, both nationally and abroad, especially regarding the two world wars: http://www.cegesoma.be/cms/index_en.php
- Memorial, Museum and Documentation Centre on Holocaust and Human Rights: The archives of Kazerne Dossin hold a large collection of documents about the holocaust in Belgium. The collection includes video and audio files, authentic objects, etc. Kazerne Dossin also regularly receives family archives from family members of victims. <https://www.kazernedossin.eu/EN/>. The Kazerne Dossin collection remains a subject of research.
- The Jewish Museum of Belgium aims to improve knowledge and understanding of Jewish history, religion, and culture in time and space. The Jewish Museum of Belgium owns the largest archive collection on Belgium's Jewish community. This collection also remains the subject of study and research. <http://www.mjb-jmb.org/?lang=nl>
- The Auschwitz Foundation has an extensive documentation center to document and preserve the Nazi period and the holocaust. The foundation aims to encourage scientific research and multidisciplinary publications about this period of history. The Auschwitz Foundation is also a member of the Special Committee of Remembrance Education (see above) <https://www.auschwitz.be/>.

The French Community, has a dedicated institution focused on Judaism: the Institut d'Études du Judaïsme at ULB (<https://www2.ulb.ac.be/facs/philo/judaisme/>) which is a public interest organization. The Institut d'Études du Judaïsme provides an education entirely devoted to the study of the many dimensions of the Jewish world, from antiquity to the present day and to the study of its different forms of artistic, linguistic and literary expression.

t) Are there laws that address Holocaust denial?

Yes. In 1995, Belgium enacted legislation on holocaust denial. This legislation (of 23 March 1995) makes it punishable by law to deny, minimize, justify or approve of the crimes of the German National Socialist regime during World War II. Any citizen able to prove an infringement of this legislation, can bring the matter before a court.

Cf. information provided in reply to questions 3)k and 3)l.

u) Does the State have a parliamentary or legislative code of conduct to deter politicians from making antisemitic, xenophobic, racist, homophobic, or other hateful remarks from the floor or in public appearances? Is there qualified or parliamentary immunity for hate speech?

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v) Does the State monitor and investigate antisemitism online? What data does the State have on the ways in which online propaganda and harassment and political manipulation are affecting Jewish People?

The Federal Police, under the DJSOC (Judicial Directorate in charge of the fight against Serious and Organized Crime), has, since 2016, a service specifically dedicated to Internet Investigations (DJSOC/i2-IRU), which is also a support unit for all services of the Integrated Police. This service carries out, on request, Internet investigations for judicial cases, including cases regarding Hate Speech (Racism, xenophobia, and other forms of discrimination, and thus including the facts of antisemitism). The Unit is also in charge, in Belgium, for the IRU (Internet Referral Unit). The members search for and report, for removal, illegal content to the various social media platforms. Since 2016 the service is designated as (inter)national SPOC (Single point Of Contact) for the investigations/removals by a joint decision of the Ministers of Justice and Interior regarding the facts of Terrorism, Propaganda, Radicalism, Extremism and Hate Speech. The criteria selected for "Hate Speech" are the constituent elements of the offences:

- Incitement to discrimination, hatred, violence or segregation
Antidiscrimination legislation : combination of 3 laws : the Gender Act, the Antiracism Act and the Antidiscrimination Act. Offences refer to discrimination on the basis of sex, race, color, descent, national or ethnic origin, sexual orientation, civil status, birth, wealth, age, religion or philosophical beliefs, present or future state of health and disability or physical traits.
- Nasty disclosure Criminal code art. 449
- Defamation Criminal code art. 443
- Insults Criminal code art. 448

When the perpetrator is identified or identifiable, a report is drawn up and sent to the territorially competent prosecutor's office. In all cases, content is reported to the platforms with a request to remove it. Except in the case when we have an judicial rogatory letter from a magistrate, this measure is not coercive, and is based on the European Commission's Code of Conduct and the platform's TOS (Terms of service).

Regarding the general knowledge about what affects the Jewish community, the Unit has many contacts with the Civil Society and the Jewish organizations, and also cooperates with some (inter)national partners (e.g. UNIA, Unit "Diversity" of the Federal Police, CEJI - "A Jewish Contribution to an Inclusive Europe", ENAR - "European Network Against Racism", FRA - "Fundamental Rights Agency, ...) as part of the fight against anti-Semitism and other discrimination against the Jewish community. In general and when invited, the Unit participates in official Jewish events, activities and trainings. Finally, the Unit is also the representative during work/sessions of the European Commission, or national instances and in particular :

- EU Internet Forum
- High Level Group combatting racism, xenophobia and other forms of discrimination
- The vigilance cell anti-Semitism

w) Does the State monitor and investigate the manipulative use of bots on social media, and tactics including doxing, disinformation, that target Jewish people?

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x) What measures have been taken by the State to increase the reporting of anti-Semitic hate crimes? E.g. has the State made efforts to ensure that the reporting mechanism is transparent and accessible?

The recording of discrimination and hate crimes in general is based on instructions that are published in a joined circular for police forces and public prosecutors (COL 13/2013), which provides a policy framework to combat discrimination and hate crimes. Among others, the COL 13/2013 provides instructions for the police and the prosecutors' office on how to correctly register discrimination and hate crimes. Also, the COL 13/2013 ensures the information flow between the different competent actors: the local and federal police, the prosecutor's offices and the equality bodies. In some police districts, documentation is created for police officers with checklists to identify whether the act constitutes a hate crime or discrimination. Some police districts provide sample questions to improve the hearing of the victim, witnesses and suspect.

Furthermore, Belgium has participated in the project "Turning Words into Action" of the OSCE (ODIHR). The guide of ODIHR "Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities: A Practical Guide" has been implemented and translated in the national languages. During a workshop in April 2019, law enforcement and Jewish communities were brought together to discuss the practical guide and to discuss ways to work together in order to address antisemitic hate crimes.

y) Does national law allow private members clubs to exclude Jews? Are hotels allowed to exclude Jews? If so, under what laws?

Oui, les entreprises de tendance peuvent faire une différence de traitement sur base de la conviction religieuse, si les exigences légales sont respectées. L'entreprise de tendance est une exception à la loi anti-discrimination, qui permet de justifier une distinction directe fondée sur le critère de conviction religieuse et philosophique. Selon la législation anti-discrimination, une entreprise de tendance peut donc faire une différence de traitement sur base de la conviction religieuse. Il existe deux types d'organisation de tendances: celles qui ont pour objectif inhérent de promouvoir une religion ou une conviction et celles qui se fondent sur une éthique pour conduire leurs activités. Cette éthique convictionnelle doit être présente de façon systématique dans toutes les activités quotidiennes. Une entreprise de tendance est une exception à l'interdiction de discrimination, qui doit strictement respecter les limites précises imposées par les textes légaux.

En ce qui concerne l'accès aux hôtels, toute discrimination fondée sur la religion, l'ascendance, la prétendue race, etc. dans l'accès aux biens et services est interdite.

z) Does the State have any initiatives in place to counter negative religious stereotyping of Jewish persons?

Pour des raisons de principe et d'efficacité, la lutte contre l'antisémitisme dans la Communauté française s'inscrit dans le cadre de programmes et d'actions visant toutes les formes de racisme. La FWB a initié en 2017 et relancé en 2019 une campagne de communication sur les assignations identitaires et les préjugés envers les minorités (<http://www.vousvalezmieuxqueca.be>). Elle s'est dotée également d'un décret du 8 mars 2018 relatif à la promotion de la citoyenneté et de l'interculturalité, qui finance des dizaines de projets qui visent directement ou indirectement la déconstruction des stéréotypes et des préjugés racistes, antisémites ou xénophobes.

3. Anti-Semitic Incidents

a) Have any political parties been accused of antisemitism in the past five years? If so, how was this addressed?

No.

b) Have there been any cases brought against the media for antisemitism in the past five years?

No.

c) Are public broadcasters (radio and television) required to have a code or policy on antisemitism?

As the Flemish Community is concerned, the Media Decree of 27 March 2009 regarding radio and television broadcasting stipulates that the programs made by the public broadcaster VRT should serve to further develop the identity and diversity of Flemish culture and shape a democratic and more tolerant society (Article 6, paragraph 2, sub-paragraph 3). In addition, broadcasting activities mustn't incite hatred and violence (Article 38). Besides this general requirement of diversity in the media, there are no specific rules and/or policies regarding anti-Semitism.

d) Have neo-Nazi or antisemitic groups carried out antisemitic filtering campaigns, flash demonstrations (unannounced, quickly disbanded gatherings) or rallies?

There are no known incidents of groups. The incidents that are registered by Unia (Interfederal Equality Body) are committed by individuals who distribute antisemitic or racist content on social media.

e) Is there a specific mechanism for reporting antisemitic incidents? If so what is the mechanism?

No. There is only a mechanism to report discriminatory or racist incidents in general, organized by the State. However, Unia, the Interfederal Equality Body, registers complaints on antisemitic incidents. Also, victims of anti-Semitic incidents can contact the website antisemitisme.be, which has installed an e-mail address and a hotline. Unia works closely together with antisemitism.be to handle the complaints they receive.

f) Does the state record antisemitic incidents? If so where are they recorded? Are the statistics rising or falling? Do the statistics include the penalties imposed on perpetrators and remedies awarded to victims?

Antisemitic incidents are not specifically recorded by the State. The registration of anti-Semitic incidents by Unia (Interfederal Equality Body) nearly doubled last year. Whereas 56 such incidents were recorded in 2017, in 2018 this number increased to 101. The statistics do not include the penalties imposed on perpetrators and remedies awarded to victims.

g) Does the government collect information concerning the motivation of the perpetrators of antisemitic acts? Can the State provide this information to the Special Rapporteur?

The motivation of the perpetrators is not registered by the State.

h) Does the state provide security for Jewish schools or cultural sites? If so, in what form? Does the state allow Jews to form community security groups? Is there a formal or informal relationship between them and the police?

Implementation of security measures is a task for the local police forces. For example, the Brussels CAPITAL Ixelles local police does this through a combination of standing orders and temporary orders. It provides security in accordance with the threat level defined by the federal Coordination Unit for Threat Analysis and the Crisis Center of the Ministry of Interior. Measures range from static surveillance by armed police officers to frequent reinforced passages by police patrols. The Brussels local police works in close collaboration with the military unit affected to Brussels for surveillance of critical infrastructure in order to provide the required surveillance for the Jewish sites.

Within the boundaries of the federal legal framework, the state allows Jews to form community security groups. A "community security group" would most likely be considered as a private security firm or an internal security service.

The legal framework requires prior authorization of private security firms and internal security services; the authorization will only be granted if the applicant meets the minimum standards laid down by the legislator. The actions of such security services or firms are limited. Private security services can provide security services in public spaces, but only within a strict framework and under the supervision of the local police.

At the Brussels CAPITAL Ixelles local police, the relationship between such groups and the police is formalized: one member, advisor to the Director of the operational branch is designated as a Point of Contact (POC). The POC holds the rank of commissioner and works in close proximity to the chief of the Brussels CAPITAL Police. The POC is in charge of implementation of the operational measures in accordance with the risk assessment at the federal level. In addition to the formal role, the POC has almost daily formal exchanges with representatives of the Jewish Community, thus providing low-level access to the local police.

i) Can the State provide information on cases of antisemitic violence, harassment, or desecration targeting individuals or their property, educational facilities or Jewish cultural or religious sites?

Oui, voici quelques exemples de jurisprudence récente :

Dieudonné: <https://www.unia.be/fr/jurisprudence-alternatives/jurisprudence/cour-dappel-de-liege-20-janvier-2017> - Appel, Liège 20 janvier 2017 (pouvoi en cassation rejeté)

Insultes et menaces antisémites: <https://www.unia.be/fr/jurisprudence-alternatives/jurisprudence/tribunal-correctionnel-hasselt-19-octobre-2017>

Propos antisémites sur Facebook: <https://www.unia.be/fr/jurisprudence-alternatives/jurisprudence/tribunal-correctionnel-turnhout-9-octobre-2017>

Laurent Louis – négationnisme: <https://www.unia.be/fr/jurisprudence-alternatives/jurisprudence/cour-dappel-bruxelles-20-septembre-2017>

Autocollants négationnistes aux alentours de la Kazerne Dossin : <https://www.unia.be/fr/jurisprudence-alternatives/jurisprudence/cour-appel-anvers-18-janvier-2017>

Un enseignant tient des propos négationnistes en classe: <https://www.unia.be/fr/jurisprudence-alternatives/jurisprudence/cour-dappel-de-liege-18-octobre-2016-1>

Matériel antisémite en négationniste: <https://www.unia.be/fr/jurisprudence-alternatives/jurisprudence/tribunal-correctionnel-anvers-2-mai-2016>

3 mai 2018 : Propos négationnistes (+ matériel) conservé sur le lieu de travail (région d'Anvers): <https://www.unia.be/fr/articles/un-employe-condamne-a-une-peine-de-prison-pour-negationnisme>

26 juin 2018: Vandalisme et menaces dans le quartier juif d'Anvers : <https://www.unia.be/fr/articles/unia-satisfait-de-la-condamnation-dactes-de-vandalisme-dans-le-quartier-juif-danvers>

12 mars 2019: Tuerie en 2014 au Musée juif de Bruxelles: la cour d'assises de Bruxelles condamne Mehdi Nemmouche à la réclusion criminelle à perpétuité assortie d'une mise à disposition du tribunal de l'application des peines d'une durée de 15 ans. Nacer Bendrer, considéré comme co-auteur des faits écope de 15 ans de réclusion criminelle assortie d'une mise à disposition du tribunal de l'application des peines d'une durée de 5 ans. <https://www.unia.be/fr/articles/attentat-au-musee-juif-de-belgique-le-caractere-antisemite-a-ete-reconnu-pa-1>

Dossier en cours: Actes de violence et menaces antisémites de la part d'un commissaire de police à l'égard de collègues d'ascendance juive – Bruxelles.

j) How does the State ensure that victims of antisemitic hate speech, crimes or discrimination are provided with effective remedies? Does the State fund programs designed to help hate crime victims?

In 1998 legal reforms were adopted to enhance the position of victims during judicial proceedings. The legal reform ensured the attention to victims at every stage of the procedure and improved the rights of the victim. This reform gave the civil party in the judicial investigation the same rights as the suspected person.

In order to put in place the necessary victim support for victims of hate crime or discrimination, the joint circular (COL 13/2013) includes guidelines for the treatment of victims by the police, such as to have a detailed hearing of the victim and the suspect, to receive the victim in conditions that guarantee maximum discretion, to give every complaint the required attention and gather and seize all useful evidence etc.

Furthermore, the COL 13/2013 ensures the aid to victims in relation to the prosecutor's office. If the case is handed over to the public prosecutor's office or in case of judicial investigation, the secretariat of the public prosecutor's office immediately sends a copy of the initial statement as well as the details of the victim to the victim support services. Depending on the circumstances, the victim support service will contact the victim. In addition, the magistrate must ensure that the principles and criteria decreed by circular COL 16/2012¹ relating to victim support within public prosecutors' offices and courts are taken into account.

The equality bodies (Unia and the Institute for equality of women and men) ensure the support of victims of hate crime, for which they are funded by the State. They provide guidance and assistance, and give them the necessary information. Also, they support victims of hate crime in the judicial procedure during the different steps. In order to guarantee that police services and prosecutor's offices take the needs of hate crime victims into account, there exist several local good practices (not financed by the state), inter alia:

- Unia works together with the victim support service of the arrondissement of Antwerp. They were trained and an automatic referral to Unia in case of a hate crime was established. Furthermore, Unia cooperates with the service for hate crime victims of the local police district of Antwerp in order to ensure legal support victims of hate crime.
- Several civil society organisations assist and support victims of hate crime (e.g. CCIB, MRAX etc.).

k) How does the state monitor education materials in schools and in religious institutions to prevent antisemitic language, teachings, and depictions? How does it monitor those materials to prevent Holocaust denial? What sanctions and remedial actions are available if those materials are discovered?

¹ A circular for the prosecution regarding the support of victims within the public prosecutor's offices and courts. The circular of 2012 can be found here: <https://www.om-mp.be/fr/savoir-plus/circulaires>.

In 1995, Belgium enacted legislation on holocaust denial. This legislation (of 23 March 1995) makes it punishable by law to deny, minimize, justify or approve of the crimes of the German National Socialist regime during World War II. Any citizen able to prove an infringement of this legislation, can bring the matter before a court.

I) Does the state monitor public libraries and state-sponsored literary and cultural events for publications or other content that is antisemitic or that denies the Holocaust?

The law of 23 March 1995, making it punishable to deny, minimize, justify or approve of the genocide committed by the German National Socialist regime during World War II, also makes holocaust denial punishable by law.

Anti-racism and anti-discrimination legislation makes racism and discrimination based on five so-called 'racial criteria' punishable by law. These are nationality, skin color, origin and national or ethnic descent. The task of the independent organization Unia is to monitor compliance with this legislation and it is internationally recognized as a national human rights institute.

The presence of anti-Semitic and negationist publications or content in public libraries and/or at funded literary and cultural events is not systematically monitored.

4. Information on States to promote tolerance and understanding including public-private initiatives?

a) What policies and regulations are in place to promote pluralism, diversity of the media, including new media, and which promote universal and non-discrimination in access to and use of means of communication? Are there examples of best practice?

With regard to the Flemish Community, as mentioned previously, the Media Decree of 27 March 2009 regarding radio and television broadcasting stipulates that the programs made by the public broadcaster VRT should serve to further develop the identity and diversity of Flemish culture and shape a democratic and more tolerant society (Article 6, paragraph 2, sub-paragraph 3). In addition, broadcasting activities mustn't incite hatred and violence (Article 38).

The Council for Journalism does have a code prescribing professional ethics rules for journalists. The code serves as a guideline for practice and offers a framework to ensure non-stigmatizing reporting. Currently, a Social Charter is also being drafted for the media sector, which will list rules of conduct, among others on non-discrimination.

In accordance with Flemish media policy, the following subsidies are granted to support the journalistic sector:

- operating subsidies to the professional association Flemish Union for Journalists (VVJ), including the Journalistenloket (Journalist Helpdesk) and the contribution to the Council of Journalism;
- operating subsidies to the Pascal Decroos Fund (FPD), including operating subsidies for in-depth investigative journalism;

- operating subsidies to the Flemish Journalism Fund (VJF), including funding to be granted as a result of the subsidy applications for innovative journalistic projects;
- training aid to MediAcademie;
- the 'promote reading' project Nieuws in de Klas (News in the Classroom).

Apart from these, the below subsidies are also granted with regard to accessibility of the media and dealing with the media:

- subsidies to make broadcasting programs accessible to private television bodies;
- operating subsidy to the Flemish regional television broadcast organizations, including subtitling of the news;
- subsidies to the Flemish Knowledge Center for Digital and Media Literacy.

None of the above subsidies fight anti-Semitism directly, but generally contribute to the promotion of diversity and plurality in the media.

b) Does the State provide dedicated resources, including online, for the exchange of information and resources on the 'Istanbul Process' and implementation of Human Rights Council Resolution 16/18?

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c) Has the State identified whether sectors of their population are at risk of radicalization by extremist ideologies? What information does the State have on the recruiting techniques and organizational mechanisms of extremist groups for targeting alienated youth?

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d) Is extremism in the political system an issue for the State?

/

e) How does the State create an environment for open robust debate and dialogue, including through a free and open Internet, in line with the rights to freedom of religion or belief, freedom of opinion and expression, and non-discrimination?

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f) What non-legislative initiatives does the State pursue to promote interfaith tolerance, understanding and public discussion?

On 12 May 2017, the Council of Ministers established a structural dialogue council between the federal government and the representatives of the recognized worship services and non-confessional organizations, the so-called "inter-religious dialogue council". This Council meets twice a year under the varying presidency of the Prime Minister and the Minister of Justice to discuss current issues.

In the Flemish Community, the Flemish Interfaith Dialogue (VILD), organized under a rotating presidency of the recognized faiths, regularly convenes.

The Agency for Local and Provincial Government of the Flemish government provides the secretariat. The VILD re-enforces the exchange and dialogue between faiths. On 2 June 2017, in the presence of the Flemish government, the recognized faiths signed a charter in which they endorsed shared, fundamental freedoms and values. The charter expressed a shared commitment to, despite mutual differences, work together on an endurable world, a society promoting everyone's well-being and the preservation of the democratic constitutional state. Following the signature of the charter, the VILD was further extended to become a discussion platform, where representatives of the recognized faiths and the Flemish government can engage with each other.

Dans la Communauté française, pour des raisons de principe et d'efficacité, la lutte contre l'antisémitisme s'inscrit dans le cadre de programmes et d'actions visant toutes les formes de racisme. La Communauté française a initié en 2017 et relancé en 2019 une campagne de communication sur les assignations identitaires et les préjugés envers les minorités (<http://www.vousvalezmieuxqueca.be>). Elle s'est dotée également d'un décret du 8 mars 2018 relatif à la promotion de la citoyenneté et de l'interculturalité, qui finance des dizaines de projets qui visent directement ou indirectement la déconstruction des stéréotypes et des préjugés racistes, antisémites ou xénophobes. (cf. supra).

g) Does the State have any initiatives in place to counter negative religious stereotyping of Jewish persons?

Cf. supra.

h) How does the State use public office to eliminate barriers between religious communities? Does it include Jews within those initiatives? If there are no Jewish communities in your country, how is Judaism included in these discussions?

The "Inter-religious Dialogue Council", which meets twice a year under the alternate Presidency of the Prime Minister and the Minister of Justice, discusses current issues with representatives of various recognized worship services and non-confessional organizations. The Jewish Central Consistory acts as the representative organ of the Jewish communities of Belgium.

As the Flemish Community is concerned, cf. supra - information provided in reply to question 4) f.

La Communauté française a lancé en 2016 une vaste campagne de sensibilisation à la lutte contre le racisme, en partenariat avec la Plate-forme de lutte contre le racisme et la RTBF. Elle est intitulée « Réduire une personne à une identité unique, c'est le début du racisme. Le racisme, vous valez mieux que ça ! ». Cette campagne a été relancée en 2019. Elle se décline en quatre spots radios et télévisuels qui ont été diffusés en télévision et sur le web, dans les salles de cinéma et écrans publicitaires. 8.000 affiches ont été diffusées aux acteurs de terrain par la Plate-forme de lutte contre le racisme, chargés de faire rayonner la campagne. Un site web, vitrine de la campagne, www.vousvalezmieuxqueca.be, a également été créé.

La campagne présente quatre profils de femmes et d'hommes « ordinaires » appartenant à une communauté, qu'elle soit juive, africaine, musulmane ou d'origine rom. Souvent, cet aspect de l'identité est stigmatisant, de sorte que l'individu en perd toute sa singularité et n'est plus perçu que sous cette appartenance communautaire.

Les spots audio-visuels tendent à casser ce processus en montrant les multiples facettes de chacun, leurs professions, leurs passions, leurs petits défauts. Ils visent à amener chacun à rester vigilant face aux peurs excessives de la différence.

i) Does the State encourage or require public and private media to adopt and abide by codes of professional ethics and press codes that sanction anti-Semitic stereotyping?

For the Flemish Community, the Code of the Council of Journalism sets out professional ethics rules for journalists. The code was approved in 2010 by the board of directors of the VZW Association of the Council of Journalism, in which journalist associations and publisher federations, media companies and press agencies are represented. The code is meant as a guideline for practice. It contains 27 articles in total, and is complemented with guidelines to further clarify specific articles. The code is used by the Council of Journalism to answer questions and complaints that are put to the Council.

One of the professional ethics principles of a journalist is to respect privacy and human dignity. Journalists mustn't incite discrimination or racism. They should ensure that the wording used in their reporting is not stigmatizing, for instance when ethnic background, nationality, religion, beliefs, sexual orientation or gender are mentioned. In accordance with the professional ethics mentioned in the code, anti-Semitic stereotyping is therefore not acceptable.

Furthermore, a Social Charter for the media sector is currently being drafted, which will be a guideline for an endurable working environment in the Flemish media industry. The charter is a collection of commitments and rules of conduct which will be drafted in partnership with several players from the media industry. One of the topics in the charter is non-discrimination. All signatories must refrain from using any form of direct or indirect discrimination or any suggestion thereof. The non-discrimination principle should be respected more specifically when it comes to recruitment, selection, assessment, remuneration, daily interactions with others in the workplace and in any other situation. Any form of undesirable distinction or unequal treatment on the grounds of, among others, age, sexual orientation, marital status, birth, wealth, religion or beliefs, political opinion, trade union conviction, present or future health, disability, physical or genetic characteristics or social origin is unacceptable.

j) How does the State engage with social media companies to address online harassment of Jewish individuals and harassment response efforts?

En mai 2016, la Commission européenne a adopté un « Code de conduite pour la lutte contre les discours haineux illégaux en ligne » en collaboration avec Facebook, Microsoft, Twitter et YouTube. En Belgique, CEJI (A Jewish contribution to an inclusive Europe), Unia et la Police fédérale [Le service DJSOC/i2-IRU de la police fédérale dispose également de ce statut et fait partie des « Trusted Flagger ». Pour toutes les autres plateformes, DJSOC/ i2-IRU communique avec ces plateformes à l'aide d'une adresse e-mail dédiée et identifiable comme émanant d'un service de police en charge de la lutte contre le phénomène] ont le statut de « signaleur de confiance » pour l'application du Code de conduite et peuvent donc signaler un contenu problématique via un canal prioritaire. Lors du troisième exercice de suivi du Code de conduite (en novembre et décembre 2017), 83% des signalements provenant des reporters de confiance ont mené à un retrait du contenu visé.

En comparaison, 51.2% avaient été retirées lors de l'exercice précédent, six mois plus tôt [*European Commission, Code of Conduct on countering illegal hate speech online Results of the 3rd monitoring exercise Fact sheet, January 2018*]. La Police fédérale communique avec toutes les autres plateformes n'ayant pas signé le Code de Conduite avec la Commission Européenne, à l'aide d'une adresse e-mail dédiée et identifiable comme émanant d'un service de police en charge de la lutte contre le phénomène.

k) Does the State regulate website-hosting companies that host hateful or harassing content? Does the State impose liability for web hosts that host hateful or harassing content?

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l) What support or training does the State provide to local religious actors to support their role as key actors in preventing incitement to violence? How does that incorporate antisemitism?

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m) Does the State engage with civil society groups with expertise on tolerance and non-discrimination? What does this look like? Does it include Jewish groups?

Yes, in the so-called vigilance cell on antisemitism state actors engage with the representatives of the Jewish community. This entity has been set up to serve multiples purposes: it facilitates the consultation between prime actors in the fight against antisemitism, such as police officers, prosecutors, representatives of the minister of Justice, the minister of Interior and the minister of Equal Opportunities, as well as representatives of the Jewish community. It also serves to organize, in a structural way, the cooperation and exchange of views, ideas and concerns between public authorities and the Jewish community.