

HUMAN RIGHTS

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I n t e r n a t i o n a l

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**Religious
freedom
intolerance
discrimination
in the European Union**

Belgium 2002-2003

April 2003

Religious freedom, discrimination and intolerance a non-issue in Western European democracies?

The example of Belgium



Willy Fautré

“Why a report on religious freedom, discrimination and intolerance in Belgium,” many people will think? “There has always been total religious freedom in our country. Nobody is discriminated against on the basis of one’s faith or belief. There is religious peace and inter-religious dialogue. What a stupid idea to publish such a report! Only the Americans pick a quarrel with Western European democracies, including Belgium, in this field and unduly teach them lessons.” We think nothing is less sure not only in Belgium but also in other EU states where the same language would probably be held. Hence this first report of an upcoming series of other assessments of the same issue in EU member states which will be prepared and written by Europeans for Europeans and from a European perspective.

Belgium has signed and ratified a number of international instruments guaranteeing freedom of religion and belief but a number of questions need to be raised and debated in civil society and at the Parliament.

To what extent are there equal opportunities for the various religions and belief systems existing in Belgium and for their members ?

Does the specific system of relationships between state and religions/ belief systems guarantee their equality?

Is the state financing of religions and belief systems equitable ?

Is the system of religious and ethics classes adapted to religious diversity ?

Is there freedom of worship and religious assembly for everybody?

Doesn’t the state really interfere in internal matters of religious bodies?

Is Islam treated in the same way as any other religion or belief system?

Why was Islamophobia fuelled by the Belgian Permanent Committee for the Control of Intelligence Services in its latest report?

Why such a silence around the new form of anti-Semitism perpetrated in schools and in the public space by Muslim extremists of Arab descent ?

Is the state’s anti-sect policy compatible with the rule of law and necessary in a democratic democracy?

Why a state-sponsored Information and Advice Centre on Harmful Sectarian

Movements (Sect Observatory) which warns against acts and practices in a number new religious, spiritual, esoteric and philosophical movements but not in historical religions?

How to explain such a human and financial investment in the so-called sect issue whilst in the last five years an investigation procedure has only been opened against one religious minority and the leaders of two religious groups?

Why hasn’t the Sect Observatory denounced any act of religious intolerance and discrimination committed by public authorities ?

Why were denominational schools like Steiner and Pentecostal schools (created by a minority religion and a belief system) harassed by several ministries and state agencies?

Why don’t foreign missionaries of several religious minorities have access to the Belgian territory?

Why is an anti-terrorist unit involved in “sect issues”?

This report raises these issues and proposes a set of recommendations for a number of them.

(Terminology used by the Parliamentary Assembly of the Council of Europe to designate what a number of parliamentary commissions, state agencies and public authorities identify as sects/ cults.*

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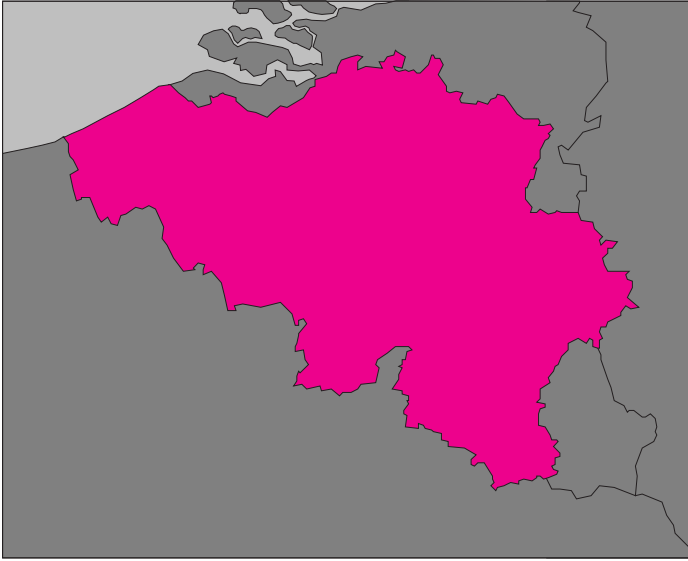
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BELGIUM



Profile

Kingdom of Belgium

Population: About 10.3 million

Total area: 30,520 km²

Head of State: Albert II

Head of Government: Guy Verhofstadt (1999-2003)

Official Languages: Dutch, French, German

Signature and Ratification of Some Basic International Instruments

Ratification

- Charter of the United Nations (June 25, 1945)
- European Convention on Human Rights (June 14, 1955)
- International Covenant on Civil and Political Rights (May 15, 1981)
- European Union Treaty of Amsterdam (February 19, 1999)

Signature

- The Final Act of the Conference on Security and Cooperation in Europe (August 1, 1975)
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (November 25, 1981)
- 1989 Concluding Document of the Vienna Meeting of the OSCE (January 15, 1989)

Religious Demography¹

Recognised Religions

Roman Catholicism: 75% (nominal membership - church-goers: about 15%)

Protestantism: about 100,000

Judaism: about 40,000

Anglicanism: about 6,000

Islam: 250,000 - 350,000 (90% Sunni)

Orthodoxy: about 40,000

Recognised Philosophical Movement:

Secular humanism (1994): about 18%

Non-Recognised Religions

Jehovah's Witnesses: about 25,000 baptised (50,000 church-goers)

Independent Protestant congregations: about 10,000

Adventists: about 1,600

Church of Scientology: claiming about 1,000 members

Mormons: about 3,000-4,000

Buddhism: about 10,000

Hindus: 4,000-5,000

Sikhs: 2,000-3,000

Hare Krishna: 1,500

Jains: 1,000-1,500

Smaller, unrecognised groups, numbering some hundreds of members: Baha'is, Sahaja Yoga, Sukyô Mahikari and the Raëlian movement.

Groups with less than 150 believers: The Family, Soka Gakkai, Unification Church, Nouvelle Acropole, Fraternité Blanche Universelle, Human and Universe Energy, Igreja Universal do Reino de Deus, Church of Christ of Brussels, Ogyen Kunzang Chöling (OKC), Institut Gnostique d'Anthropologie, Antoinism.

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Relationships State-Religions: Two-Tiered System

The Belgian system of relationships between the state and its religions is historically rooted in the principle of recognition and non-recognition of religions.

A religious group seeking official recognition applies to the Ministry of Justice, which then conducts a thorough review before recommending approval or rejection. Final approval of recognised status is the sole responsibility of the Parliament; however, the Parliament generally accepts the decision of the Ministry of Justice. A group whose application is refused by the Ministry of Justice may appeal the decision to the Council of State.

Although there are no decrees or laws listing official recognition criteria, the Government applies the following five criteria in deciding whether or not to grant recognition to a religious group: the religion must have a structure, have a sufficient number of members, have existed in the country for a long period of time, offer a social value to the public, abide by the laws of the state and respect public order.

The terms “sufficient,” “a long period of time,” or “social value” have never been defined anywhere.

Catholicism (since 1802 under French rule), Protestantism (since 1802) and Judaism (since 1808) have enjoyed de facto the status of state recognition. Anglicanism was recognised in 1835, Islam in 1974 and Orthodoxy in 1985.

In spiritual families where pluralism prevails, the Belgian state has arbitrarily recognised one or two denominations, denied recognition to others and, in some cases, forced them to build up a common administrative platform.

In the Protestant family, the state has consistently denied a separate registration to the *Federal Synod of Protestant and Evangelical Churches (Synode Fédéral des Eglises Protestantes et Evangéliques/SFEPE)*, which represents half of the Belgian Protestant population. The state has left them no other choice than to negotiate an agreement with the historical Protestant denomination *United Protestant Church of Belgium (Eglise Protestante Unie de*

Belgique/ EPUB) which, apart from Anglicanism, was its official interlocutor. Since January 1, 2003 the two wings of Belgian Protestantism have built up a common representative body called *Administrative Council of the Evangelical Protestant Religion (Conseil administrative du culte protestant évangélique/ CACPE)*.

In the large Orthodox family, the Greek and Russian Orthodox Churches are the official interlocutors accepted by the state.

In the Muslim community, the elections organised by the state in 1998 led to the creation of the Executive of the Muslims of Belgium in which the various countries of origin were represented in a balanced way. However, the state “screening” of the elected representatives and the limited margin of freedom and action left to the Executive have been poisoning the relations between the state and the Muslim community in the last few years.

Secular humanism («la laïcité»), the symbol of which is the torch, is recognised through the *Central Secular Council (Conseil Central Laïque)*.

Constitutional Background

Belgium issued its first constitution on February 7, 1831 shortly after gaining independence.

This constitution was a model and a source of inspiration for other states in Europe in the nineteenth century: Spain, Greece, the Netherlands, Luxembourg, Romania... It guaranteed basic freedoms—freedom of the press, education, association and religion. During the past century and a half, it was regularly adapted to harmonise with the evolution of society.

The last fundamental revision took place in 1994, making Belgium a federal state with three communities: the French, Flemish and German-speaking communities; three regions: the Wallonian, Flemish and Brussels regions; and four linguistic regions: the French-speaking, Flemish-speaking, German-speaking regions as well as the bilingual region of Brussels. The new constitution comprises 198 articles and transitory provisions. The current constitution, which can be called the second constitution of Belgium, was signed and released by King Albert II on February 17, 1994. Very few articles deal with religious freedom, directly or indirectly. These are concentrated under Title II «About the Belgians and their rights»².

Article 11: Enjoyment of the rights and freedoms recognised for Belgians should be

ensured without discrimination. To this end, laws and decrees guarantee notably the rights and freedoms of ideological and philosophical minorities.

Article 19: Freedom of worship, public practice of the latter, as well as freedom to demonstrate one’s opinions on all matters, are guaranteed, except for the repression of offences committed when using this freedom.

Article 20: No one can be obliged to contribute in any way whatsoever to the acts and ceremonies of a religion or to observe the religious days of rest.

Article 21: The State does not have the right to intervene either in the nomination or in the installation of ministers of any religion whatsoever, nor to forbid them from corresponding with their superiors, from publishing their acts, except, in the latter case, taking into consideration normal responsibilities in matters of press and publication. A civil wedding must always precede nuptial benediction, except in cases established by law, should this be necessary.

Article 24 § 1: Education is free; any preventative measure is forbidden; the repression of offences is only governed by law or decree.

The community offers free choice to parents.

The community organises neutral education. Neutrality implies notably the respect of the philosophical, ideological or religious conceptions of parents and pupils.

The schools organised by the public authorities offer, until the end of obligatory schooling, the choice between the teaching of one of the recognised religions and non-denominational moral teaching.

§ 3: Everyone has the right to education with the respect of the fundamental rights and freedoms. Access to education is free until the end of obligatory schooling.

All pupils under compulsory schooling have the right to moral or religious education at the community’s expense.

§ 4: All pupils or students, parents, teaching staff and institutions are equal before the law or decree. The law and decree take into account objective differences, notably the characteristics of each organising authority, that justify appropriate treatment.

Article 181: § 1. The State awards remuneration and pensions to religious ministers; those amounts required are included in the budget on an annual basis.

§ 2: The State awards remuneration and pensions to representatives of organisations recognised by the law as providing moral assistance according to a non-

denominational philosophical concept; those amounts required are included in the budget on an annual basis.

Given the unique character of these provisions, some commentary and clarification are required.

Article 11, which provides for the rights of «ideological and philosophical minorities», can be interpreted as a safeguard of the rights of religious minorities.

Article 19 does not explicitly guarantee «religious freedom» or «freedom of religion» in the broad sense of those expressions but «freedom of religious practices» or «freedom of worship» (*liberté des cultes*). This approach reflects the fact that in 1830 the Constitutional Assembly was more interested in protecting the external manifestations of religious life than in the contents of certain faiths or belief systems and their sources of inspiration. Because the Belgian juridical system has expressed no common opinion about the concept of «culte», a clearly established definition of its meaning, therefore, does not exist. Constitutionalists currently agree, however, on a wide interpretation of the word «culte», which is supposed to comprise all religious and philosophical beliefs. This freedom includes the right to have a belief and to change it. This definition is critical because a «culte» can enjoy

exemption from taxes on land and property.

The expression «religious freedom» is never used in the Belgian Constitution. The wording that is used recurrently to express this idea is «*liberté de(s) culte(s)*», which is a source of misunderstanding. «Culte» has nothing to do with the English word «cult», a synonym of «sect». It cannot be translated into English, and according to the context, several approximate formulations must be used, such as «religious practices», «worship» or «religion».

The second part of Article 19 somewhat limits the public practice of the freedom of worship and the freedom of expression on all matters inasmuch as these rights are no longer guaranteed when offences are committed. These restrictions are determined by general penal laws and by two specific articles of the Penal Code concerning the conduct of religious ministers in the practice of their pastoral duties. Article 267 provides for a fine if a religious minister performs a religious marriage (called *nuptial benediction* in the Constitution and in the Penal Code) before a civil wedding and for an imprisonment of eight days to three months in the event of the repetition of the offence. Article 268 provides that «An imprisonment of eight days to three months and a fine will be imposed on religious ministers who, in the practice of their pastoral duties, have

directly attacked the government, a law, a royal decree or any other act from the public authorities through speeches held before public assemblies».

Article 24, which deals with school education, consists of five paragraphs. This is not surprising for those who know how sensitive this issue has always been throughout the entire history of the country. The Belgian state subsidises a network of Catholic schools which has always been more extensive than the network of public schools. Catholic religious education classes are conducted in the Catholic schools. There are also some Jewish and some Protestant religious classes which are included in their curriculum. In public schools that are under the authority of one of the three communities (French-speaking, Flemish-speaking and German-speaking) or the authority of the provinces and municipalities, a free choice of religious classes is offered to the pupils insofar as it is related to a recognised religion.

Article 181 makes the state liable for the wages and retirement pensions of the clergy of the six religious denominations («cultes») recognised by the state and for those of the moral secular advisers appointed by a non-religious philosophical movement (*Conseil Central Laïque*, or Secular Central Council).

Religious Freedom

Individual Right to Freedom of Religion and Belief

Individuals have the right to freedom of religion and belief if they respect public order. They have the right to have or not to have a religion or belief of their choice, to change religion or belief, to be members of religious or nonreligious communities of their choice, to keep private their religious or nonreligious affiliation, to take part or not to take part in worship services.

In 2002; however, a case of conversion to Judaism involving a seventeen-year old boy was taken to court by the mother. At the beginning, she was not opposed to the conversion, letting him abide by the rules of his new religion. When the youth asked for circumcision, the rabbi asked for his mother's agreement and sent her a form to be signed. In the meantime, she was approached by some people who told her the Belgian Parliamentary Commission on Cults had listed the Satmars as a harmful cult. Consequently, she refused to sign the form and her relations with her son worsened dramatically. Through her attorney, she appealed to the public prosecutor. In January 2002, two policewomen in plain clothes

were assigned by the public prosecutor to warn him about the Satmars and to convince him that he should stop attending the Jewish school in Antwerp.

On 26 February 2002, the Juvenile Court of Brussels heard the youth and his mother in first instance. The mother's attorney claimed a confinement measure. The prosecution requested, on the basis of article 50 of the 8 April 1965 Law on Youth Protection, that an investigation procedure be started and that the young man possibly be put in confinement. The Court ruled provisionally that the youth was to be «put under surveillance by a competent social service». However, the mother judged that the measure was not sufficient and wanted him to be confined so that all his links with the Satmars could be cut off.

On 8 March 2002, the mother lodged an appeal, as did the public prosecutor. During the litigation that took place on 16 April, the judge and the public prosecutor disapproved of the young man's behavior and warned him against the «dangerous cult». On 22 April, the Court of Appeal of Brussels stated that the youth's faith was «unwavering» but he was «immature» and «intolerant» and he

was unable to «consider his faith with some distance». It ruled that he had to attend the school chosen by his mother and to come home every day and that the «surveillance by a competent social service» would continue. The result of the court's decision was that the young man was not permitted to go to the Jewish boarding school in Antwerp. A state educational assistance service was appointed to help him resume «a normal life» with his mother³.

Freedom of Worship and Religious Assembly

Freedom of worship and religious assembly is respected by the state but a religious marriage may not be celebrated before a civil marriage (Article 21 of the Constitution). The Penal Code provides for penalties to be inflicted to the clerics who would not abide by the law.

Since the publication of the Belgian report of the parliamentary commission on sects (April 28, 1997), a number of minority religions such as the Adventists, the Evangelicals, the Pentecostals, Jehovah's Witnesses, Sahaja Yoga, Spiritual Human Yoga, the Raelians, the Church of

Scientology have been complaining about difficulties in renting premises for religious meetings because public authorities and private agencies consider them “harmful or dangerous sects”.

Freedom of Religious Expression

The distribution of printed material, whatever its content (religious, philosophical, political, cultural, commercial) is forbidden by municipal decrees in certain parts of Brussels and of other towns: in the vicinity of schools, (Christian) churches (but strangely enough not synagogues, mosques or any other non-Christian places of worship), military barracks, etc. Other regulations provide that any distribution of printed material, even free of charge and on a small scale, may only be carried out with the written approval of the mayor and after the payment of a small fee.

Freedom of Clergy

The independence of the clergy in the framework of their pastoral duties is respected by the state. However, before the bill on abortion was adopted by the parliament, Belgian Archbishop Danneels reminded Catholics that abortion was not compatible with the Church's teachings. His publicly voiced stance was perceived as a criticism of the law and morally condemned by socialist and liberal parties as an intrusion into the political debate. In the 1960s and 1970s, a number of priests involved in social struggles (*prêtres-ouvriers*), criticised some governmental policies from their pulpits. They were criticised by their hierarchy and by the conservative parties but they were never sued.

State Non-Interference in Internal Matters of Religious Bodies

This right is enshrined in the Constitution (Article 21) and generally respected. A number of complaints have however been voiced in this regard.

Islam

On December 13, 1998, Belgian Muslims were invited to elect a constituent assembly (68 elected and co-opted members), from which would emerge a 16-member Executive, the official interlocutor with the Belgian state. These elections were held at the Belgian state's request and co-organised by a state-funded organisation, the *Centre for Equal Opportunities* and the Muslim representative body of the time.

A royal decree was published on the May 25, 1999 which recognised the Executive as «the interlocutor with the authorities, both on a federal level to deal with the administrative management of religions (nominations of imams and chaplains, management of local communities) as well as at the level of the federated entities, notably with regard to education (programmes, inspections and appointing of religious teachers)».

This seemingly attractive shop front unfortunately hides a less than rosy interior. From the outset of the process, the Belgian state has interfered in the democratic elections that it set up with the intention of monitoring an Executive which would represent Muslim diversity, but also be «acceptable», i.e. docile. Therefore, the Minister of Justice rejected more than half of the elected Executive members after a secret and irrevocable «screening» process by state security.

Once in place, the Executive began to function under the control of its assembly, but the Belgian state, suspecting some of the elected assembly members to be Islamic fundamentalists, feared losing control of the Executive to their advantage. When the Executive was led to replace the positions that had become vacant, it supremely designated the new members together with its assembly. There was an immediate reaction from the State to this new Executive: it was out of the question that replacements take their positions before being «screened» and without the state agreement for each of the new members. Hence the Executive was beset by new tensions between the constituent assembly and the state, and there is general resentment because of the state interference. The Executive hesitates between two attitudes: either obey or enter into a head-on collision with the state.

Philippe Moureaux and Meryem Kaçar, two senators charged by the government to report on the functioning of the Executive of Muslims in Belgium, have been unable to reach an agreement on joint proposals aimed at a more effective organising of Muslim worship in Belgium. The restricted council of ministers has decided to closely examine Philippe Moureaux' report, which recommends re-electing nearly half of the members of the Executive.

Sect Observatory and State Agency of Fight against Sects

In 1999, a *Centre for Information and Advice on Harmful Sectarian Organisations* (Sect Observatory) and an *Coordination Agency of Fight against Harmful Sectarian Organisations* were created by law as part of an overall policy of fight against religious groups suspected of being harmful sects whether they have carried out illegal activities or not. This law is questionable.

The Centre comprises twelve members and twelve substitutes. The recruiting method of these members is very far from guaranteeing their impartiality and their independence from political parties, the Catholic Church and various anti-religious ideologies. Indeed, half of the members were nominated by the Council of Ministers for approval by the House of Representatives while the other half was directly appointed by the House of Representatives. That means that a good share of appointees immediately came to be political personalities. Moreover, representatives of various anti-sect movements were also to be found among the

members. The chairman, a theologian and a former senior of Brussels high seminary, has been an anti-sect activist in the Catholic Church for more than twenty years. Part of the staff of the *Sect Observatory* is detached from the Ministry of Justice. The *Observatory* is under the authority of the Ministry of Justice which also provides for its budget.

For all these reasons, the independence, objectivity and impartiality required by law from the members of the Centre are not guaranteed. This heterogeneous group of members who have religious, philosophical and political commitments lacks coherence; divergent, indeed even contradictory, points of view have been reflected in a number of interviews in the media.

Since 1999, positions have become vacant in the board of the *Sect Observatory*. A first call for applications was published in the “Moniteur” (Official Gazette) on March 30, 2001 but was not followed by any appointments, despite the number of applications. A second call in the “Moniteur” on May 10, 2001 also aroused applications. However, there is no one at the General Directorate of Religions – the competences of which are being transferred from the federal level to the federated entities – who can say at what stage the appointment procedure is at or what are the constraints of some hidden political agendas.

Its activities comprise the management of a new library on religious movements but it lacks the wealth of the existing university libraries on religions in Belgium. Since its creation until the end of 2002, it has published two information leaflets on Mormons and Baha'is. The reports it has transmitted to the police on their request come to eminently predictable conclusions, such as for example “No, Mormons are not dangerous in Belgium”. However, the *Observatory* keeps silent about religious discrimination committed by public authorities and about the controversial anti-sect campaign launched by the French Community of Belgium which wrongly calls “active sects”⁴ the 189 movements listed in the parliamentary report. It is also careful not to criticise private agencies and public authorities (ministers, mayors, tax administrations, etc.) practicing discrimination against religious minorities: libel and slander, stigmatising reports in the media, victimisation in the neighbourhood, at the workplace and at school, damage to individuals' and academics' reputation, loss of jobs or promotions, dismissals, loss of visitation rights or child custody in divorce settlements, inability to rent facilities for religious ceremonies or for meetings, denial of access to public display boards, police surveillance and interrogations, prosecution for alleged illegal practice of medicine, cases of temporary imprisonment, etc.⁵

“One can wonder whether it is useful to have such an observatory which causes more problems than it solves and the mandate of which seems to us eminently controversial: a

state agency that decides which religions are good or bad and without which all the countries of the world can do, except Belgium and until recently France”, said Anne Morelli, Professor at the Institute for Study of Religions and Secular Humanism of the Free University of Brussels (ULB) in the daily newspaper *Le Soir*⁶.

The criteria defining the “harmfulness” and the “sectarian character” of an organisation in the first report of the *Sect Observatory* are formulated in such a complicated way that they do not allow a clear identification of “harmful sectarian groups.”

Since the publication of the Parliamentary Report on Sects in 1997, only four religious groups have been prosecuted and none of them has been condemned for illegal activities. A case has been dismissed and three cases are still pending: against Spiritual Human Yoga (alleged illegal practice of medicine and financial embezzlement), the Buddhist group Ogyen Kunzang Chöling (alleged financial embezzlement) and the Church of Scientology (alleged violation of privacy laws).

The information service to the public required by the law from the *Sect Observatory* opens the door to listing good and bad religions by a state-sponsored agency.

The repression policy of the *Coordinational Agency of Fight against Harmful Sectarian Organisations* is carried out by anti-terrorist units of the police.

The state also has designated a national magistrate and one magistrate in each of the 27 judicial districts to monitor cases involving sects.

Freedom of Religious Education and Instruction

Freedom of religious education and instruction is recognised and respected by the state.

Public schools and Catholic schools are subsidised by the state. There are also a few Jewish primary schools and colleges and some Protestant primary schools; they are also financed by the state. The Muslim community is also entitled to set up schools of general education but has not been yet in a position to do so.

According to Article 24§1, public schools are neutral, which implies “the respect of the philosophical, ideological or religious beliefs of the parents and the pupils”. In these schools, students have the choice between religious classes (only for recognised religions) and so-called non-denominational ethics classes⁷ until the age of 18. Such classes are optional after the age of 16.

Denominational schools only offer religious classes about their own faith.

In 2002, a Pentecostal primary school outside Brussels was raided by the police. On February 7, ten armed policemen and three social inspectors raided the AOG’s International Christian Academy and the International Media Ministries Centre located in Rhode Saint Genese. Some burst into the elementary school attended by about 35 children and confronted the six teachers in front of them. Most of the pupils’ parents were missionaries, ambassadors or employees of international institutions such as NATO.

The officials interrogated 29 people, checked their identity documents and took five women to the police station. One was the grandmother of one of the male students.

She was staying in Belgium for only a few days and happened to be in a classroom when the crackdown occurred. She was released after her interview. Two women had been in Belgium for five and 15 days with legal tourist visas. They were using their vacations to do volunteer work. They were taken into custody and deported on the next day.

The other two women had been hired as volunteer teachers in fall 2001 for the private elementary school that was just opening its doors. Both had gone to Belgium with a three-month tourist visa and were expecting visas and residence permits for a longer period from the Belgian consulate in Chicago that they never received. The tourist visas of the two volunteer teachers had expired. They were also detained and deported.

No official reason has been given for not granting new visas to the two teachers but in the last few years, Mormon missionaries have been denied visas by a Belgian consulate in the U.S. because their church was on a parliamentary list of religious movements suspected of being “dangerous sects.” The AOG is on the same list although it is represented on the officially recognised Protestant Synod, which from January 1, 2003 is part of the Protestant official platform (CACPE) recognised by the Belgian state. The AOG numbers about 5,800 members among 70 congregations in Belgium.

The Foreign Worker’s Act of 1999 requires employment permits, even for volunteers. However, since the AOG volunteers pay their own way and receive no salary, they do not qualify for the required work permit.

Due to the deportations and the subsequent shortage of English-speaking staff, the church leaders had to close the school.

Institutionalised Religious Discrimination

Financing of religions: The state only finances recognised religions. State subsidies are provided by all the taxpayers, including those who profess a non-recognised religion or who do not adhere to any religion or belief system. This system is not equitable in so far as taxpayers are unable to prohibit the state from using their income tax to finance religions and secular humanism that may be openly opposed to non-recognised minority religions. There have already been public debates about the possibility of introducing a new system of financing religions that would grant taxpayers the right to finance the religion or belief system of their choice but political

parties have not been able to reach an agreement on a new system.

By law, municipal councils must pay any debts that the ecclesiastical administrations of recognised religions may incur. This local financing system uses the taxes collected from all the taxpayers, including those who do not profess a recognised religion.

The Muslim community (250,000 – 350,000 people) complains that the subsidies they get from the state are much lower than for other religions, such as Protestantism (100,000), Orthodoxy (40,000) or Judaism (40,000).

The annual budget of the Religious Directory of the Ministry of Justice lacks

total transparency so that it is very difficult for independent researchers and non-state actors to evaluate the state’s financial support to each religion.

Mechanisms and agencies of fight against “cults”: The state has put mechanisms and agencies (a *Parliamentary Enquiry Commission on Sects*, a *Centre for Information and Advice on Harmful Sectarian Organisations* and an *Coordination Agency of Fight against Harmful Sectarian Organisations* in place to identify so-called “harmful cults”, warn the public and fight against them. The Anthroposophic Society has sued the Belgian state arguing that the law creating

the *Centre for Information and Advice* as well as the *Coordination inter-ministerial Agency* is anti-constitutional. The highest domestic instance, the Court of Arbitration, dismissed the case. A complaint was lodged with the European Court in Strasbourg and declared non-admissible in September 2002.

Other groups suspected of being harmful sectarian organisations started proceedings against the Belgian state but failed to persist after the failure of the Anthroposophic Society. Only the Church of Scientology is pursuing its legal fight. In November 2001, they filed suit in the Administrative Court against the Belgian State with regards to the 1997 Parliamentary Inquiry Commission on Sects. They alleged that the procedures used by the Parliamentary Commission violated individual human rights, failed to meet international standards and deprived the Church of due process rights. In 2002, the government responded in writing to this suit. There are a number of pre-trial procedures to exhaust and the case is not expected to go to trial before 2004.

Freedom of assembly: Renting public places for meetings is often denied to religious associations mentioned on the official list of 189 movements suspected of being “harmful sectarian organisations”.

Missionary work: The Foreign Workers’ Act of 1999 requires from non-recognised religions that foreign missionaries obtain

work permits before applying for a visa to enter the country for religious work. On many occasions, Belgian consulates have failed to answer such applications and have in this way denied American Mormon, Adventist and Pentecostal missionaries access to the Belgian territory. In February 2002, US female Pentecostals were arrested, jailed and deported on the grounds that they were working without a work permit, although they were unpaid volunteers. The same act provides that foreign clerics and missionaries from recognised religions are not submitted to that regulation.

Religious classes: In public schools under the authority of the French community, Jehovah’s Witnesses complain that their children have no other choice than to attend religious or (allegedly neutral) ethics classes⁸ the contents of which, they say, conflict with their beliefs. In the Flemish community, the children of Jehovah’s Witnesses are exempted from such classes.

Chaplaincies: Chaplains of recognised religions and moral advisers of secular humanism have official access to prisons, detention centres for asylum-seekers, hospitals, the armed forces, etc. Non-recognised religions may not send chaplains to such institutions.

Tax exemption on property: The tax department has denied the Japanese religious group *Sukyo Mahikari* an

exemption from property tax on its place of worship on the grounds that it is on the parliamentary list of sects. A procedure of appeal was started in 1998 and is still pending.

Access to positions as civil servants: Some Belgian municipalities have made it a requirement for candidates for positions as civil servants to swear a statement that they do not belong to a harmful sectarian organisation⁹. The Belgian press mentioned the case of a police officer of Uccle (Brussels) who was threatened with dismissal if he did not give up his affiliation to *Sukyo Mahikari*.

Access to radio and TV: The three linguistic communities finance radio and TV religious broadcasts, including masses and religious offices but only for recognised religions.

Divorce cases and child custody: In divorce cases, courts sometimes deny the child custody to the parent who is affiliated to a non-recognised religion (Pentecostal Church, Jehovah’s Witness, Church of Scientology, Sahaja Yoga, Raelian movement, etc.) on the grounds that it is a harmful cult. A number of courts also grant visitation rights to the non-custodial parent who is a member of a so-called “cult” on the condition that he or she does not expose his or her children to the teachings or lifestyle of that religious group during visits.

Religious Intolerance

Anti-Semitism

Belgium was the one of the focal points in Europe for a sharp escalation of anti-Semitism in 2002. Attacks, both verbal and physical, occurred mostly in Brussels and Antwerp, especially in locations with large concentrations of Arab/Muslim and Jewish populations. This trend of a marked increase in attacks began with the second intifadeh of October 2000, which has been used as justification for anti-Jewish activity by local Muslims, and was stimulated anew by the events of September 11 and the reactions that have followed.

In 2002, anti-Semitism was expressed mostly in isolated and spontaneous acts, propagated mainly by extreme right political parties and movements or groups of young

Arab-Muslim immigrants who are often in contact with fundamentalist political-religious movements. Although these acts have generally been perceived as hooliganism, they should be seen as a part of a growing atmosphere of intolerance to anti-Semitism.

Some of the incidents which took place in 2002¹⁰ are:

● In November, a Jewish teacher of French language at a Brussels school was threatened and harassed in class by Muslim students.

● On the night of 22 April, shots from an automatic weapon were fired at the synagogue in Charleroi. The synagogue was empty and no casualties were reported. Signs of some 18 bullets were discovered on

the building. According to the police, the attacker or attackers fled the scene in a getaway car.

● On 21 April, the Chief Rabbi of Russia, who headed a delegation of the World Jewish Congress in Brussels, was attacked by a young person of Arabic origin. The attack occurred near the Gare du Midi when the rabbi was on his way to a demonstration against anti-Semitism held on Clinique Street in Brussels (Anderlecht). The rabbi was struck in the chest, called a “Dirty Jew terrorist” and robbed of his hat.

● On 19 April, a Jewish family living in Chaussée de Gand in Brussels was harassed once more in a series of such incidents recorded over the past several weeks. Things reached the point where a gang from the area

attacked the family's vehicle scratching on it "Dirty Jew" and a Star of David.

● On 4 April, a Molotov cocktail was thrown at the Old Synagogue in Antwerp.

● On 3 April, a Molotov cocktail was tossed at a synagogue in the heart of a Jewish section of Antwerp. There were no casualties and only minor damage was caused.

● On 1 April, five Molotov cocktails were thrown at the synagogue on Clinique street in the Anderlecht quarter of Brussels. The Molotov cocktails flew in through the second-story windows into the women's gallery, setting the benches on fire. There were no casualties and only slight damage.¹¹ In the aftermath of the attack on 1 April, the *Centre for Equal Opportunities and Fight against Racism* announced its decision to act as a civil party in a court case of hate crime and racial violence as envisaged in article 1 of the 1981 Anti-Racism Law.

Islamophobia

In the aftermath of September 11, the already existing islamophobia in civil society has increased in intensity: verbal abuse, insults, racist graffiti, forced removal of the veil from girls and women, aggressions, etc. An atmosphere has been created where Muslims have to justify themselves that they are not terrorists. This hostile climate was mainly fuelled by extreme right parties and by some political figures in other parties.

During the year, the most serious incident was the assassination of Mohamed Achrak, a young man of Moroccan origin, in the Borgerhout quarter of Antwerp on 26 November. The growing wave of resentment and hostility among the Arab population in the city was stemmed by an appeal to peace and respect issued by Achrak's family.

In June 2002, the Belgian Permanent Committee of the Control of Intelligence Services, known as *Comité R*, transmitted its Ninth Report to the President of the Senate, the President of the House of Representatives, the Minister of Justice and the Minister of Defence.¹² The surveillance of the activities of various Muslim institutions was at the heart of a heated debate in the media. The President of the Muslim Executive expressed disagreement with the report in an open letter addressed to the President of the Senate and the follow-up commission.

The report of the "Comité R" presents the Muslim Executive, the General Assembly of the Muslims of Belgium, the Superior Council of the Muslims of Belgium as close to movements that are in turn fanatical, extremist, fundamentalist, Islamic or radical. A series of elements that are obviously contrary to the truth and even slanderous are advanced.

The president of the Muslim Executive, supported by a number of academics, states that a number of data concerning his institution and the General Assembly of the

Muslims of Belgium are unfounded, fantastic and even defamatory allegations. He denounces "the flagrant enormities of the report, its negative consequences on public opinion and the anti-Muslim racism that it could produce." "All together, this report is peppered with historical aberrations and methodological errors and reflects the prejudices and rumours conveyed in Belgian society more than objective reality, opening the door both to disinformation and abuse."

Because of this, islamophobia is gaining more and more ground in Belgium. The "Comité R" report reinforces the basic discourse of a growing number of «politically correct intellectuals» whose declarations and diatribes strongly contribute to the legitimacy of this ambient racism.

The Muslim Executive deplors the lumping together of Muslim citizens practicing their faith peacefully and active in the human community with extremists and/or terrorists.

Anti-cult hate speech

Anti-cult articles are regularly publicised in the media. Targets of such campaigns are usually Jehovah's Witnesses, the Church of Scientology and the Raelian movement. The right to answer is rarely granted. Complaints on the ground of defamation are seldom successful as judges favour freedom of expression.

In 2002, two incidents highlighted two more movements: Pentecostals and Hare Krishna.

In the aftermath of the deportation of U.S. Pentecostals, Eric Brasseur, director of the *Sect Observatory*, said in an interview with the Catholic daily newspaper "La Libre Belgique," the Assemblies of God "are among the churches that pose the most problems to the public. It is about them that we have received the most unsolicited testimonies." He added that families feel concerned when they see major changes in the behaviour of one of their members who has become a Pentecostal. Brasseur said that the movement required a great commitment and much piety, which could lead to deviancies in fragile people.

Brasseur told *Human Rights Without Frontiers* that the teaching of faith healing by the AOG is a problem because "it psychologically prevents the believers from making the necessary step to visit a medical doctor or a hospital."

The Hare Krishna movement runs a castle in the Ardennes and attracts many tourists. However, the relations with the tourism agencies are difficult on the ground that Hare Krishna is supposed to be a harmful cult as an excerpt of a letter sent by the Tourist Information Office shows "Herewith, we inform you that we have received your kind invitation. However, we do not wish and we do not want to have any contact with the Krishna sect".

Early in 2002, for several weeks, Hare Krishna was in the eye of a media cyclone triggered by a small local conflict with the

neighbours of their centre due to an extension project of their premises. Through dialogue with the local authorities and population, the problem was soon settled but the media campaign continued.

The headlines of the written press were very suggestive: "Hare Krishna knocks out Petite-Somme", "Local residents are afraid of a Krishna library", "The invaders: Near Durbuy, the villagers are alarmed by the building projects of the followers of the Hare Krishna sect", "Radhadesh proposes solutions", "Petite-Somme: Meeting between the population and the Krishna followers", "Krishna in the Namurois: the sect already occupies a castle and goes on expanding", "We are surrounded by Hare Krishnas", "Durbuy fears expansion projects of a sect", "We are victims of the French sect-hunt", "Septon afraid of the Krishna projects - Dangerous or just different? - A smiling dictatorship", "A village in the grip of Krishnas? - The application is withdrawn".

There were also regular reports on all the Belgian TV channels and on the radio.

The sources of information of journalists were mainly the Hare Krishna leaders, spokespeople of some French-speaking anti-sect movements - ADIF (Association for the Defence of Individuals and Families) and AVCS (Aid to the Victims of Sectarian Behaviours) - some local residents and the *Information and Advice Centre on Harmful Sectarian Organisations*. No Belgian academic was interviewed.

In an interview with the main French-speaking Catholic newspaper "La Libre Belgique" (9 January), the director of the *Sect Observatory* said "No recent data allow us to draw negative conclusions and there is nothing relevant as far as sectarian behaviours are concerned". On the same day, the vice-president of the *Sect Observatory*, Mr Henri de Cordes, declared on the main French-speaking TV channel RTBF "The practice of repeating mantras is known in psychology as a technique that allows access to semi trance states that allow in certain cases a greater control of the individual by the leaders of the movements. Beyond Radadehs's shop window open to the public, the movement has a whole network of property, insurance and computer companies." The Hare Krishna leaders denied the existence of such a network and complained to the *Sect Observatory*.

Last but not least, dozens of thousands of brochures (*Gourou, gare à toi*) published in 1998 by the French Community of Belgium (a federated entity) are used by individuals, institutions, teachers in schools. This richly illustrated brochure warns public opinion and especially youth against sects in general, and about 30 movements in particular. A number of movements have sued the French Community on the ground of defamation, but unsuccessfully. The Anthroposophic Society has appealed the decision. The case is pending.

Court Cases Against Religious Groups

Cases against three religious groups have been pending for several years: Spiritual Human Yoga (SHY), the Buddhist group OKC and the Church of Scientology.

In January 1999, the Belgian secretary of the non-profit making association SHY, Mrs Vo Minh Diep, was arrested by an anti-terrorist unit and imprisoned for 22 days. The spiritual leader of the movement, Master Dang (a U.S. citizen of Vietnamese origin) was also arrested during a visit in Belgium and imprisoned for 65 days. He was released only after paying USD 1.3 million in bail. The amount was provided by foreign donors. Dozens of SHY practitioners were interrogated by the police to substantiate accusations of illegal practice of medicine and financial embezzlement. A judge of instruction has been appointed to investigate

about the alleged facts but since then there has not been any progress in the proceedings.

In the case of Ogyen Kunzang Chöling (OKC), a Tibetan Buddhist group, one of the spiritual leaders, Robert Spatz, and his secretary Jeanne Bucura have been particularly targeted. In May 1997, they were accused of alleged financial swindle and were both kept in custody, respectively for 4 months and 2 months. Mr Spatz was released after paying USD 125,000 in bail but was immediately re-arrested, this time for alleged sexual misbehaviour which would have been committed on a 12-14 year-old French girl in France in 1986-1987. He was again released two months later. These cases against Mr Spatz are still pending in 2003.

In September 1999, the headquarters of the Church of Scientology and approximately 20 individual homes and business premises of members of the Church in Belgium and in France were raided by 120 members of an anti-terrorist unit. Tons of files, including the confidential religious counselling folders, and most of these have not been returned to date. The operation was based on allegations of fraud, illegal practice of medicine, supporting or being a member of a criminal organisation. The Church of Scientology filed a case to have the religious counselling folders of its parishioners returned but this was denied by the judge of instruction and by the appeal court in 2002. Religious counselling folders of individuals are kept with full knowledge and agreement at the Church of Scientology in Belgium.

1 These statistics only have an indicative character. They are based on research carried out by *Human Rights Without Frontiers International*.

2 The existing translations of the Belgian constitution present some inaccuracies, even the official one circulated by the federal government. The translation of the articles that follow was made by *Human Rights Without Frontiers International*.

3 See Website <http://www.hrwf.net/newhrwf.net/html/belgium2002/html>

4 See *Gourou, gare à toi ! J'ai ma liberté de penser...*, Gouvernement de la Communauté française, Cabinet de la Ministre-Présidente, Place Surllet de Chokier 15-17, 1000 B-Bruxelles (eds), p. 7 (1998)

5 See detailed cases at <http://www.hrwf.net/newhrwf.net/html/belgium2002/html>
<http://www.hrwf.net/newhrwf.net/html/belgium2001/html>
<http://www.hrwf.net/newhrwf.net/html/belgium2000/html>
<http://www.hrwf.net/newhrwf.net/html/belgium1999/html>

6 Carte blanche published on January 7, 2003.

7 Non-denominational ethics classes have been criticised by a number of religious movements for the reason that they reflect, in reality, secular humanist ethics which they consider incompatible with their own ethical principles.

8 Ibid.

9 In *Conscience et Liberté*, No. 58/ 1999, Louis-Léon Christians, lecturer at the Catholic University of Louvain and member of the Belgian 'Sect Observatory', wrote an article entitled *Liberté d'opinion en droit européen : observations belges (II) – Les limitations (Freedom of Thought in European Law: Belgian Observations II – Limitations)*. On p. 10, footnote 1, he wrote: "« Certaines communes belges ont fait de l'obligation de prêter serment de non-appartenance à une 'organisation sectaire nuisible' une condition d'accès à un poste de fonctionnaire." (Some Belgian municipalities have made it a requirement for candidates for positions as civil servants to swear a statement that they do not belong to a 'harmful sectarian organisation'.)

10 See a more detailed list of events at <http://www.hrwf.net/newhrwf.net/html/belgium2002/html> and at <http://www.hrwf.net/newhrwf.net/html/belgium2003/html>

11 More cases recorded in 2002 and 2001 can be found on the website of *Human Rights Without Frontiers*, <http://www.hrwf.net/newhrwf/html/belgium2002/html>

12 See website <http://www.comiteri.be> and <http://www.hrwf.net/newhrwf/html/belgium2002/html>

13 The use of both terminologies is advised by the Council of Europe.

List of publications about religious issues

● Religious freedom, intolerance and discrimination in the EU / Belgium (2002-2003) (12 p.) 2,5 Euro - USD 2,5

● Liberté, intolérance et discriminations religieuses dans l'Union européenne / Belgique 2002-2003 - Religieuze vrijheid, onverdraagzaamheid en discriminaties in the Europese Unie/ België 2002-2003. Edition bilingue - Tweetalige uitgave (24 p.) 5 Euro - USD 5

● The Belgian State and the Sects (32 p.) - 5 Euro - USD 5

● L'Etat belge et les sectes (32 p.) - 5 Euro - USD 5

● De Belgische staat en de sekten (32 bl.) - 5 Euro - USD 5

● State and Religions in Europe (2 p.)

(Advocating equal opportunities for religions and their faithful)

● The Family (8 p.) - 0.50 Euro - USD 0.50

● Les raëliens (4 p.) - 0.50 Euro - USD 0.50

● Pour un financement non-discriminatoire des cultes et de la laïcité (4 p.) 0.50 Euro - USD 0.50

● Voor een niet-discriminerende financiering van de erediensten en de laïciteit (4 p.) 0.50 Euro - USD 0.50

● Turkey: The Genocide against the Christian Assyrians (9 p.) 0.50 Euro - USD 0.50

● Turquie: Must the right to asylum be granted to Christians from South-East Turkey / Faut-il accorder le droit d'asile aux chrétiens du sud-est de la Turquie? (Bilingual issue) (40 p.) 10 Euro - USD 10

Minimum order: 10 Euro or USD 10

Mailing costs to be added

Human Rights Without Frontiers Int. recommends...

to the Federal Government

1. to revise the Constitution so as to introduce total separation between state and religions (including the non-financing of any religion) or to reform the existing two-tiered system based on two categories of religions (recognised and non-recognised religions) so as to remove the most serious forms of institutionalised discrimination

by introducing a system in which **all** religious communities and philosophical movements, whatever their historicity or their size, would be registered in the same way by the state (Norwegian system) as far as they respect the basic democratic principles and public order;

by elaborating a financing system which would allow **all** tax payers to choose one of the registered religious communities or philosophical movements to which the state would allocate a part of their income tax (Norwegian system);

by granting tax exemption to citizens making donations to registered religious denominations and philosophical movements;

by granting equal opportunities to registered religious denominations and philosophical movements in general: for example access to chaplains in centres for asylum-seekers, in prisons, in homes for elderly or handicapped people, etc.;

2. to put an end to illegitimate interference of public authorities in the internal affairs of religions, and in particular of the *Executive of the Muslims of Belgium*;

3. to revise art. 21 of the Constitution and, consequently the provisions of art. 267 and 268 of the Penal Code, so as to cancel the prohibition of celebrating a religious marriage without or before a civil marriage;

4. to abrogate the law creating a *Centre for Information and Advice on Harmful Sectarian Organisations* and a *Coordination Agency of Fight against Harmful Sectarian Organisations* and to adopt a new law creating an independent *Inter-university Centre for Information on Religious, Spiritual and Esoteric Entities*;

5. to ban the word 'sect' and to replace it either by 'religious minority' or 'group of a religious, esoteric or spiritual nature' ¹³because of the discrimination and intolerance generated by such a terminology;

6. to drop any policy that discriminates against religious minorities;

7. to revise the 1999 Labour Act so as to remove the discriminatory provisions regarding the access to the Belgian territory to missionaries invited as unpaid volunteers by non-recognised religions;

8. to promote tolerance and to fight against intolerance concerning persons professing minority religious or philosophical beliefs;

9. to give the *Centre for Equal Opportunities and Fight against Anti-Semitism* the necessary means and resources so that it can fully use the new Anti-Discrimination Law of December 2002 to fight against religious discrimination and intolerance towards Jews, Muslims and members of minority religions, and to act as a civil party;

10. to promote dialogue between state and religions;

11. to denounce any attempt made by the faithful, clerics or religious leaders to hide behind the principle of religious freedom, so as to avoid legal proceedings;

12. to prosecute any illegal act committed by clerics or religious leaders and by religious or philosophical associations on the grounds of common law;

to the French Community

1. to allow minors professing a non-recognised religion to be exempted from religious classes and from so-called non-denominational ethics classes as in reality, the latter ones are not 'neutral' but reflect secular humanist ethics, which they consider incompatible with their own ethical principles;

2. to drop any policy that discriminates against religious minorities;

3. to promote tolerance and to fight against intolerance concerning persons professing minority religious or philosophical beliefs;

to the Flemish Community

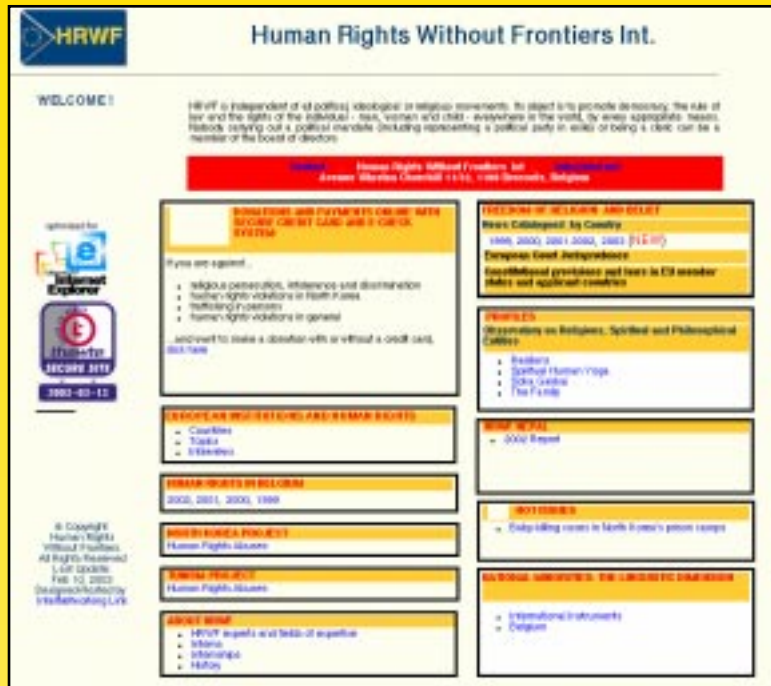
1. to drop any policy that discriminates against religious minorities;

2. to promote tolerance and to fight against intolerance concerning persons professing minority religious or philosophical beliefs;

to the municipalities

1. to remove from municipal decrees the territorial limitations to freedom of religious expression;

2. to drop any policy that would discriminate against religious minorities.



<http://www.hrwf.net>

Human Rights Without Frontiers International is an associated member of the Vienna-based International Helsinki Federation (IHF)

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Human rights NGOs which want to become associated members of HRWF Int. can send a letter of motivation to our address on the front page.

Applications are examined at the end of every semester.