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SECOND REPORT ON BELGIUM

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Foreword

The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.

One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.

At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on Belgium is dated 7 June 1996 (published in September 1997). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.

An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.

The contact visit to Belgium took place on 25-26 March 1999. During this visit, the rapporteurs met with representatives of the various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the Belgian national authorities for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation as well as the Belgian Centre for Equal Opportunities and the Fight against Racism for its efficiency and collaboration in the organisation of the visit.

ECRI would also like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.

The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 18 June 1999 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.

Executive summary

Several positive developments in combating racism and intolerance have taken place in Belgium since the publication of ECRI's first report on this country. These include the adoption of measures for more effective action against and prosecution of those responsible for press offences motivated by racism or xenophobia as well as legal provisions aimed at penalising financially political parties which perpetrate racist acts. Measures to enhance recruitment of members of minority groups in the police and initiatives at regional level to counter discrimination in employment are also welcome.

However, problems of racism and intolerance still exist in Belgium. The anti-racist laws are still very rarely applied. The incidence of discrimination on the basis of ethnic origin in employment is very important. Of deep concern is the widespread exploitation of racism in politics by extreme right-wing political parties. The occurrence of manifestations of racism and intolerance on the part of some law enforcement officials is also of especial concern.

In the following report, ECRI recommends to the Belgian authorities that further action be taken to combat racism, xenophobia and intolerance in a number of areas. These recommendations cover, *inter alia*, the need to undertake further efforts to improve the implementation of the anti-racist laws, notably addressing the difficulties in proving a racist motivation or discriminatory act. ECRI also stresses the urgent need to address the problem of manifestations of racism on the part of some law enforcement officials, as well as the need to provide the means for a better response on the part of the authorities (judicial and non-judicial) to complaints of racist behaviour. Further action is also called for to fight more effectively the exploitation of racism by extreme right-wing political parties.

SECTION I: OVERVIEW OF THE SITUATION

A. International legal instruments

1. ECRI noted in its first report that the possibility for individuals and groups of individuals to file petitions before the Committee for the Elimination of Racial Discrimination for alleged violations of the rights set forth in the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), would be a useful tool in the fight against racism and intolerance in Belgium. It therefore encouraged the Belgian authorities to accept Article 14 of CERD which provides for such possibility. ECRI has been informed by the Belgian authorities that the necessary procedures for accepting Article 14 are underway and it hopes for a swift and successful conclusion of this process. In its first report, ECRI furthermore suggested that Belgium consider ratification of the European Charter for Regional or Minority Languages, and the Framework Convention for the Protection of National Minorities. Since there has been no progress in these areas, ECRI urges the Belgian authorities to take steps to sign and ratify these legal instruments. In addition, Belgium is strongly encouraged to sign and ratify the UNESCO Convention against Discrimination in Education. Consideration should also be given to ratifying the European Convention on the Legal Status of Migrant Workers, which has already been signed by Belgium, and to signature and ratification of the Convention on the Participation of Foreigners in Public Life at Local Level.

B. Constitutional provisions and other basic provisions

2. In its first report, ECRI expressed concern at the situation in Belgium as regards prosecution of racist offences committed through the press. ECRI's concerns arose from the fact that the acts penalised under the Act of 30 July 1981 (incitement to racial discrimination, hatred or violence) and the Act of 23 March 1995 (denial, minimisation, justification or approval of genocide) are often committed through dissemination of pamphlets and racist tracts. According to a unanimous and consistent jurisprudence - which interprets as a press offence any written material containing a criminal expression which is printed, reproduced and distributed – the dissemination of such material constitutes a press offence. ECRI noted that Article 150 of the Constitution endowed the Assize Courts with exclusive competence to deal with press offences and that the complexity of the procedure followed by these Courts resulted in the *de facto* impossibility to prosecute the perpetrators of such offences, who, as a result, enjoyed virtual impunity. ECRI therefore urged the Belgian authorities to take measures to remedy this situation, and suggested in particular that some clearly defined press offences could be brought before the criminal courts.

3. Since the publication of ECRI's first report, Article 150 of the Constitution was modified on 25 March 1999. The Constitution now provides for an exception to the exclusive jurisdiction of the Assize Courts regarding press offences, in cases where such offences are inspired by racism and xenophobia. As the relevant article in the Constitution makes no reference to the law of 30 July 1981, criminal courts may now deal not only with press offences punishable under that law, but with other press offences such as slander and defamation (Article 443 of the Criminal Code) or historical revisionism (law of 23 March 1995) if inspired by racism or xenophobia. ECRI hopes that this constitutional amendment will enable a satisfactory prosecution of the authors of such offences and urges the authorities to ensure the effective implementation of the relevant legal provisions.

C. Criminal law provisions

4. In its first report, ECRI's attention focused mainly on the effectiveness of the Act of 30 July 1981, modified in 1993 and 1994, which aims at repressing certain acts of racism or xenophobia. ECRI highlighted some difficulties in the application of this law, which could contribute to explaining the very reduced use currently made of the provisions contained therein. Apart from the problems relating to the question of prosecution of racist offences committed through the press, which have already been discussed¹, the difficulties encountered in proving the intention to incite to racial hatred still appear to play a primordial role in this context.
5. In this respect, ECRI notes that, in the majority of cases, the phenomenon of racism manifests itself through an ordinary offence such as homicide, arson or assault. In these cases, the Act of 30 July 1981 is not applied, as this Act deals mainly with incitement to racial discrimination, hatred or violence, and therefore requires, for its application, the proof of the intention of the perpetrator of the offence to incite the public to hatred or violence. However, it is extremely difficult to produce such proof. Prosecution of crimes which may be racially-motivated is therefore carried out on the basis of the ordinary offence, and the racist intention is consequently lost.
6. ECRI is concerned at this situation and urges the authorities to consider the introduction of racist motivation as a specific aggravating factor. This should be coupled with additional efforts on the side of the prosecuting authorities to place before the courts any evidence tending to show that a specific offence has been committed on racial grounds. More generally, ECRI considers that further initiatives are needed in Belgium to raise the awareness of public prosecutors of the issues pertaining to the implementation of anti-racist legislation, in order to enhance the priority devoted to the fight against racism within the framework of Belgian criminal policy. It should be pointed out in

¹ See B

this connection that a special judges' training programme concerning the punishment of racism and xenophobia has been drawn up. The courses, run by the Centre for Equal Opportunities and the Fight against Racism, are decentralised and began in 1999. Such efforts are to be encouraged.

D. Civil and administrative law provisions

7. In its general policy recommendation N° 1 on combating racism, xenophobia, antisemitism and intolerance, ECRI recommends that States «ensure that adequate legal remedies are available to victims of discrimination [...] in administrative and civil law where pecuniary or other compensation may be secured». ECRI noted in its first report that civil proceedings in the field of racial discrimination are very rarely used, notably due to the difficulties encountered in identifying and proving the discriminatory act. It therefore encouraged the Belgian authorities to look into ways to enhance the use of civil proceedings in these cases. However, no significant development has occurred in this field since the publication of its first report. ECRI therefore urges the authorities to take prompt action to improve the situation in this field.
8. In addition, ECRI notes that there is at present no specific body of anti-discrimination legislation in Belgium. ECRI understands that the Belgian Parliament has recently begun to examine draft anti-discrimination legislation and hopes that the process will lead to positive results.

E. Specialised bodies and other institutions

9. As set out in its general policy recommendation N° 2, ECRI attaches great importance to the establishment and functioning of specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level. In its first report on Belgium, ECRI had already noted with interest the establishment, in 1993, of the Centre for Equal Opportunities and the Fight against Racism (CECLR). ECRI considers that the CECLR provides an invaluable contribution towards strengthening the effectiveness of the range of measures to combat racism and intolerance, assisting victims and providing advice and information to national authorities. It also notes that closer and more effective co-operation is made possible, through the CECLR, between public institutions and a wide range of social actors.

10. In view of the difficulties currently encountered in proving a discriminatory act under the law of 30 July 1981, as highlighted in this report², the Belgian authorities are encouraged to consider whether the CECLR could not play a role in facilitating such proof. Furthermore, ECRI wonders whether the CECLR could not even be made competent to deal with certain cases, thus functioning as a quasi-criminal mediation body. This would, *inter alia*, enable swifter compensation to victims of discrimination and partially reduce the workload of prosecutors and tribunals.

F. Reception and status of non-citizens

11. Belgian immigration policy is still governed by the 1974 decision to halt traditional immigration. However, Belgium remains a country of immigration. Apart from illegal immigrants, current migration flows into Belgium are mainly composed of asylum seekers, people taking up family reunion rights and highly skilled workers.
12. ECRI is concerned at the increasing presence of prejudices and false general assumptions about immigrants in political debate in the past few years. This doubtlessly contributes to stigmatising further members of the immigrant population and their descendants living in Belgium. This situation is linked to the presence in Belgium of some extreme right-wing political parties which gain electoral support by exploiting widespread public concern about increased unemployment, crime and feelings of insecurity. ECRI deals with this specific aspect in Section II of this report. However, ECRI registers here its concern at the influence that these parties exercise on democratic political parties. In particular, immigration and asylum policies appear to be increasingly inspired by a conception of the foreigner as a danger and a threat for public order, economic stability and social peace. ECRI considers that this trend runs counter to efforts to develop a culture of tolerance and respect for difference in Belgium, and constitutes a dangerous development for the social cohesion of the people living in this country.
13. The situation as regards asylum-seekers is of particular concern to ECRI. Public opinion appears to often associate this category of people with criminality and to over-estimate the financial burden represented by them. As mentioned above, current political discourse fuels such misconceptions; however, the attitudes sometimes displayed by representatives of public bodies such as the police and border control officials also play a role in this context. ECRI stresses that awareness-raising and educative measures, both among the general public and within key institutions such as the police and border control personnel, are paramount in rectifying misconceptions and combating prejudices. Furthermore, given episodes of use of excessive force against persons subject to removal from the country, clear instructions

² See paragraphs 5, 7 and 17.

respectful of human rights and intensive human rights training should be provided to officials dealing with removals of illegal immigrants and asylum-seekers who have not been granted refugee status.

14. A reconsideration of certain aspects of current asylum policies and practices also appears to be necessary. In particular, ECRI is concerned at the widespread use of detention for undocumented asylum seekers, which contributes to reinforcing the association by the general public between asylum-seekers and criminality. ECRI is aware that, in October 1998, the Government adopted new policies on asylum, which provide, *inter alia*, for a reduction of the maximum detention period for undocumented aliens. Furthermore, a special commission is to be set up to monitor conditions in the detention centres. The government measures also include the creation of a special commissioner to monitor asylum policies. ECRI stresses that the Belgian authorities should ensure that immigrants and asylum-seekers, even when deemed to be sejourning illegally in Belgium, should not be treated as criminals, and that any measures taken with regard to such persons should reflect this approach.
15. In conformity with European Directive 94/80/EC, Belgium has reviewed Article 8 of the Constitution – which restricted the exercise of political rights to Belgian nationals – in order to extend the right to vote and stand for election at local level to European Union nationals. A proposal to recognise this right for non-EU citizens as well has been rejected in 1998. A compromise was reached whereby the extension of this right is postponed until the municipal elections of 2006 at the earliest, without guarantee of its adoption. In this respect, ECRI recalls that certain instruments established within the Council of Europe provide for the granting of voting rights in local elections to non-citizens who are long-term residents³. In consideration of the attention currently devoted by Belgian public institutions to the various aspects of integration of the immigrant population, ECRI considers that integration and participation in society of non-citizens who are long-term residents would be improved by granting this category of people the right to vote in local elections. This would also encourage an engagement on the part of political parties to take the interests of non-citizens fully into account.

G. Employment

16. Discrimination against members of minority groups in the field of employment still constitutes an important problem in Belgium, as reflected by the fact that most of the complaints of discriminatory behaviour, (in the sense of the Act of 30 July 1981) received by the CECLR, concern precisely this area. A comprehensive study on Belgium published by the International Labour Office

³ See Convention on the Participation of Foreigners in Public Life at Local Level, Article 6; Recommendation 1082 (1988) of the Parliamentary Assembly on the right of permanent residence for migrant workers and the members of their families, para. 9. b. v.

in 1998⁴, shows a serious incidence of discrimination on the basis of ethnic origin at the point of recruitment. However, discriminatory behaviour is reported to take place also in other areas, notably as concerns promotions and dismissals.

17. In 1994, a provision concerning discrimination in employment (Article 2 bis) was introduced in the Act of 30 July 1981. This Article punishes racial discrimination in connection with placement, vocational training, offer of employment, recruitment, execution of employment contracts or dismissal of workers. However, the implementation of this provision is currently not effective, partly due to the difficulties encountered in proving the discriminatory act. There is also a certain reluctance on the part of the prosecuting authorities to prosecute this type of offence. Although legal measures alone cannot suffice in successfully countering discrimination in employment, ECRI considers that adequately implemented legal provisions play a paramount role. In this respect, ECRI stresses the need to "fine-tune" the legal framework as concerns discrimination in the field of employment. It encourages the authorities, in particular, to examine closely the possibility of facilitating the proof of the discriminatory act for the complainant. The establishment of a legal framework requiring transparent recruitment procedures, whereby employers and those responsible for recruitment are bound to give priority to qualifications over personal characteristics of potential employees, is also required.
18. In the field of education, training and awareness-raising, ECRI noted in its first report that further initiatives were necessary to raise the awareness of potential employers and staff responsible for recruitment of the issues pertaining to racial discrimination. Despite a number of such initiatives at the regional level, further efforts should be undertaken in this field, notably to sensitise employers to the potential professional capacity provided by members of minority groups living in Belgium. More generally, the Belgian authorities are strongly encouraged to promote dialogue between the different social, political and economic actors involved, in order to stimulate the adoption of new initiatives and strategies in the field of the fight against discrimination in employment.

H. Representation of the Muslim community

19. Since the publication of its first report, where ECRI noted the existence of a temporary spokesbody of the Muslim community, a decisive step was taken in 1998: elections were indeed held on 13 December 1998 with a view to recognising a representative body – the Islamic Religious Leadership, as the official negotiating partner for both the Muslim communities and the Belgian authorities. Subsequently, a Royal Decree of 3 May 1999 officially recognised

⁴ B. Smeeters, A. Nayer *La discrimination à l'accès à l'emploi en raison de l'origine étrangère: le cas de la Belgique*, International Labour Office, Geneva, 1998.

the Belgian Muslim Executive and ratified the results of the elections. The responsibilities of the Islamic Religious Leadership will be education (lessons in religion by recognised teachers), the appointment of imams (to visit prisons) and religious administration (salaries and pensions of religious representatives). Islam will in future be entitled to the financial contributions provided for in law and receive the same facilities as are granted to other religions (religious broadcasts, etc). This is significant progress towards a constructive dialogue between the public authorities and Muslim communities.

I. Monitoring the situation in the country

20. The scarce use made of anti-racist laws and civil remedies in cases of racial discrimination, as previously mentioned⁵, is also reflected in the current lack of detailed information on complaints of racist and xenophobic acts, the number of complaints of racial discrimination filed with the courts, the results of the proceedings instituted in these cases and the compensation granted, where appropriate, to the victims of discrimination. ECRI expresses its concern at this situation, since accurate and comprehensive statistics constitute indispensable tools to plan policies and strategies in the fields of combating racism and intolerance and to monitor their effectiveness. It therefore encourages the authorities to develop an adequate system of statistical data to cover the above mentioned areas.

J. Media

21. In its first report, ECRI stressed the role of the media in combating racism and intolerance. It noted how, in Belgium, media often contribute to reinforcing prejudice and racist attitudes towards members of minority groups. ECRI endorsed the recommendations published in 1994 by a Working Group of the General Association of Professional Journalists on information concerning the "allochthonous" population. Regrettably, there has been no evaluation of the impact of these recommendations and ECRI considers that the authorities should adequately support such follow-up. Furthermore, given the currently important presence of extreme-right political parties in Belgium, as discussed below⁶, it could also be beneficial for the media profession in Belgium to develop clear guidelines on reporting information originating from exponents of the extreme-right.

⁵ See paragraphs 4, 7 and 17

⁶ See L.

SECTION II: ISSUES OF PARTICULAR CONCERN

22. In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of Belgium, ECRI would like to draw attention to the problems of conduct of law enforcement officials, and to the exploitation of racism in politics.

K. Conduct of law enforcement officials

23. Despite the paucity of official statistics in this field, the experience of organisations working in the field of combating racism and intolerance in Belgium indicates that an important part of the complaints of racism relate to the behaviour of certain law enforcement officials. The acts most recurrently cited are discriminatory identity checks, a considerable part of which result in the person subject to such checks being in turn accused of resisting arrest or insult by the police officer. Insults, bodily injuries, arbitrary detention and humiliating treatment are also reported to be recurrent subjects of complaint. A considerable proportion of complainants are young males of North-African origin.
24. The lack of statistics on complaints of racist acts on the part of members of the police in Belgium is of concern to ECRI. This situation is partly linked to the failure on the part of the judicial authorities to take the racist element of the complaint into consideration, with the consequent loss of the racist motivation behind the behaviour of the police officer. Public prosecutors should therefore be made more aware of the importance of retaining the racist element of the alleged offences. A failure to take the racist element into consideration is also noted as regards the complaints which are processed within the police forces. Again, efforts to raise awareness of the issues of discrimination and racism among the persons responsible for internal control within the different police units are urgently needed. ECRI also notes that the number of complaints which are filed is thought to underestimate the actual scope of the problem, since many members of minority groups are reluctant to resort to a formal complaint, due to lack of confidence in the possibility of redress or fear of further reprisals.
25. There is evidence to suggest that, when complaints are actually filed, the response of the judicial authorities is unsatisfactory. In particular, ECRI is concerned at the low number of complaints which are followed up and the lengthiness of the relevant proceedings. Complainants of racist behaviour on the part of the police are even less likely to see their cases followed through the control mechanisms which are in place both within the single police units (internal) and externally⁷. The police service appears reluctant to acknowledge

⁷ The external control is exercised by the so-called "Comité P", a permanent police monitoring body which enables the Parliament to exercise its surveillance function on the provision of police service.

any incidence of racist behaviour on the part of its officers. In addition, a serious lack of transparency is reported, as complainants are very rarely informed by the police authorities of the results of the procedures. As a result, they do not know whether any disciplinary action or other form of sanction has taken place. This situation contributes to the impression that members of police forces enjoy virtual impunity and ultimately diminishes the confidence of members of minority groups in the police.

26. To remedy this situation, action is called for both at the level of the judicial authorities and as concerns the control exercised by the single police units and the "Comité P". As regards the first aspect, in line with what has been said above concerning the need for a more effective implementation of the criminal provisions aimed at fighting racism and intolerance⁸, public prosecutors should be made more aware of the necessity to prosecute cases of racist behaviour on the part of certain law enforcement officials. As for the second element, ECRI is aware that a sweeping reform on all aspects of the police forces is currently taking place in Belgium. Within the framework of this reform, ways should therefore be considered to improve the response of the control mechanisms, particularly the ones internal to the single police units, to the complaints of racist behaviour on the part of certain members of the police forces. This could include, *inter alia*, the establishment of a compulsory internal control mechanism in all police units, the adoption and enforcement of deontology and disciplinary regulations, and an obligation thoroughly to inform the complainants on the follow-up given to their complaints. More generally, it should be made clear publicly and at a high level, that incidents of racism on the part of members of the police forces will be thoroughly investigated and punished. Furthermore, any episode of racism should be publicly and unequivocally condemned.
27. In its first report on Belgium, ECRI highlighted the need for further training and awareness raising of law enforcement officials of the issues of racism and discrimination. ECRI welcomes the fact that, within the framework of the reform, courses are held at the Police Academy on human rights, ethical principles and multiculturalism. In addition to these courses, ECRI stresses the need for special practical courses on how to prevent the occurrence of any discriminatory behaviour. It also encourages the authorities to keep the effectiveness of these courses under review.
28. The presence of members of minority groups in the police forces in Belgium is still extremely limited. The composition of the police forces does not therefore currently reflect the multi-ethnic fabric of the communities they serve, particularly in the big Belgian cities, where the "allochthonous" population is mainly established. In its first report, ECRI noted initiatives aimed at improving recruitment of members of minority groups in the police and called for the continuation and strengthening of these initiatives. ECRI welcomes the

⁸ See C

clear political will expressed in recent years to improve this situation. This has resulted in an initiative aiming, on the one hand, at enhancing recruitment of members of minority groups in the police by means of free aptitude tests and preparatory courses, and, on the other, at establishing the necessary conditions within the police forces to ensure that members of minority groups will wish to remain in the police once recruited. This project should be continued and extended. An assessment of the results of this initiative is also highly recommended.

L. Exploitation of racism in politics

29. ECRI is deeply concerned at the increasing presence of racist and xenophobic discourse on the part of Belgian extreme-right political parties as well as at the considerable success of such parties, which resort to racist and intolerant propaganda. As mentioned above⁹, immigrants, asylum seekers and refugees are the first targets of such propaganda, with widespread negative repercussions on the perception of this category of people, and their descendants living in Belgium, by the autochthonous population. Typically, non-EU citizens living in Belgium are held responsible for increased unemployment, social security abuse, crime and feelings of insecurity. These ideas are often circulated, *inter alia*, through the dissemination of explicitly racist material. In addition, the different nationalist affiliations of the Belgian extreme-right political parties contribute to straining further the sometimes tense inter-community relations in Belgium and foster a climate of tension which can ultimately encourage the development of intolerant behaviour and ideas.
30. ECRI is particularly concerned at the influence that these parties exercise on mainstream political parties, which -- for fear of losing electoral support from wide segments of the population supposed to be hostile to foreigners -- tend increasingly to part from a concept of society based on principles of justice and solidarity. This favours the adoption of restrictive legislation as well as measures, notably as concerns immigrants and asylum seekers, which do not always guarantee full respect of human rights.
31. Given the extent of the problem of well-established extreme-right parties in Belgium, an intensification of the fight of the public authorities against the exploitation of racism in politics is called for. In this framework, the recently introduced constitutional amendments¹⁰ -- provided that they actually result in the effective prosecution of the authors of racist and xenophobic tracts -- could constitute a step in the right direction, given that, as mentioned above, the authors of such disturbing material are often exponents of extreme-right political parties.

⁹ See paragraph 12

¹⁰ See B

32. ECRI also notes with interest the recent introduction of a provision which allows for the partial or total suppression of public financing for those political parties whose members are responsible for racist or discriminatory acts. These recent changes in the regulations governing the funding and supervision of political parties do not aim to proscribe anti-democratic parties, but to deprive them of direct public funding on grounds of human rights and fundamental freedoms. Offending political parties may continue to present lists and manifestos at election times. The object is to prevent them from using taxpayers' money for their racist material.

33. It has been decided to empower the Conseil d'Etat to deliberate and rule on any complaint lodged by five or more members of the supervisory committee. Such a complaint may be submitted if the members concerned believe that a political party, through its constituent elements, candidates or elected representatives, shows manifest hostility, of which there are several indications, towards the rights guaranteed by the European Convention on Human Rights. Further to the complaint, the Conseil d'Etat may decide to withdraw all or part of the grant allocated to the party in question. A non-suspensory appeal challenging the legality of the decision may be brought before the Court of Cassation. This law entered into force on 28 March 1999 but the implementing arrangements have to be laid down in a royal decree discussed and agreed on by the Cabinet. This law clearly represents a practical step forward in the financial penalisation of parties whose propaganda is openly racist and xenophobic. ECRI encourages the Belgian authorities to pursue and step up their efforts in this field.

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