

NATIONAL LEGAL MEASURES TO COMBAT RACISM AND INTOLERANCE IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

BELGIUM, Situation as of 31 December 2002

General Overview

Preliminary Note: this table is accompanied by an explanatory note.

COUNTRY: BELGIUM	Constitutional provisions	Specific legislation	Criminal law	Civil and administrative law
Norms concerning discrimination in general	Yes, Articles 10 and 11 of the 1994 Constitution	No	No	No
Norms concerning racism	No	Yes, Act of 30 July 1981.	Yes, Act of 30 July 1981.	Yes, collective labour agreements, for example. Act of 15 February 1993 establishing the Centre for Equal Opportunity and the Fight against Racism.
Relevant jurisprudence	Yes	Yes	Yes	Yes

EXPLANATORY NOTE

BELGIUM / GENERAL OVERVIEW

1. Constitutional law

Title 1 of the Belgian Constitution of 17 February 1994 defines three linguistic regions and three cultural communities (Flemish, French-speaking and German-speaking), which means that Belgium, now in the process of federalisation, accepts

the protection of linguistic minorities and recognises a status as well as a degree of self-government for certain regions. Thus Article 11 of the Constitution states that the relevant law and decree must guarantee the rights and freedoms of ideological and philosophical minorities. However, these provisions do not apply to distinctions based on nationality. Article 8 setting out the conditions for the exercise of political rights was amended under Law No. 1998-12-11/30 in accordance with the Treaty of Rome. This means that nationality is no longer a condition for the exercise of such rights. This amendment enables citizens of member States of the European Union to vote in local elections in Belgium; it also clears the way for granting voting rights to residents who are not nationals of a European Union member State

2. Criminal law

In 1981 Belgium adopted a law penalising certain acts motivated by xenophobia and racism. This law of 30 July 1981 makes it an offence to commit or encourage the commission of certain acts motivated by racism or xenophobia. It was supplemented by a law of 15 February 1993, which provided for the creation of a Centre for Equal Opportunity and the Fight against Racism, and by a law of 12 April 1994, which laid down a definition of discrimination and added a provision on racial discrimination in employment.

On 23 March 1995, an Act was passed prohibiting the denial and minimisation of genocide by the National-Socialist regime in Germany (revisionism).

Mention should be made of a procedural aspect that is significant¹ with regard to racism: under Belgian law, according to Article 150 of the Constitution, press offences fell within the sole jurisdiction of the assize courts. Established case-law interprets "press offences" as covering any text which is printed, reproduced and circulated and which conveys a malicious idea. It appears, however, that for several years press offences were not² prosecuted by assize courts because of the cumbersome nature of the relevant procedure and the adverse effects of the publicity surrounding such proceedings. It is evident therefore that the impunity enjoyed by authors of racist tracts was due to the responsibility of assize juries for press offences, together with the wide interpretation of the concept of press offence in case-law.

Law No. 1999-05-07/32 amended Article 150 of the Constitution, which now provides that "The jury is established for all criminal matters, in addition to issues of political and press offences, except for press offences inspired by racism and xenophobia". Such offences, as well as that of Holocaust denial, will be tried by the criminal courts.

3. European law

At the time of preparation of this text (November 2002), EU Directives 2000/78-EC of 27 November 1978 on the creation of a general framework for equal treatment in the field of employment and labour, and 2000/43-EC of 29 June on implementation of the principle of equal treatment of individuals without discrimination on grounds of race or ethnic origin are in the process of being incorporated into Belgian legislation.

Constitutional law: Belgium

Preliminary Note: this table is self-sufficient and is not accompanied by an explanatory note

Constitutional provision	Scope	Relevant jurisprudence	Remarks
Art. 10: Equality of Belgians before the law.	Art. 10 states that all Belgians are equal before the law.		Under Belgian case-law, the constitutional provisions on equality and non-discrimination do not prohibit all differences in treatment. Such differences are lawful if they have a reasonable and objective basis, in relation to the purpose and effects of the law. The principle of equality is violated when the means used are not reasonably proportionate to the aim pursued.
Art. 11: Protection from discrimination.	<p>Art. 11 provides: "Enjoyment of the rights and freedoms granted to Belgians shall be secured without discrimination. For this purpose, the law and the decree shall, <i>inter alia</i>, safeguard the rights and freedoms of ideological and philosophical minorities".</p> <p>This provision is important as it offers broad guarantees of non-discrimination by affording protection from all forms of discrimination.</p>		<p>Under Belgian case-law, the constitutional provisions on equality and non-discrimination do not prohibit all differences in treatment. Such differences are lawful if they have a reasonable and objective basis, in relation to the purpose and effects of the law. The principle of equality is violated when the means used are not reasonably proportionate to the aim pursued.</p> <p>On 12 July 1996, the Jurisdiction and Procedure Court applied this principle to dismiss a plea of</p>

				<p>unconstitutionality against the Act of 23 March 1995 on revisionism.</p> <p>The law and the decree must, <i>inter alia</i>, safeguard the rights and freedoms of ideological and philosophical minorities.</p>
Art. 23: Right to lead a life consistent with human dignity.	Art. 23(5) guarantees everyone's right to cultural and social self-fulfilment.			
Art. 24, para. 4: Equality of educational rights.	All pupils or students, parents, (...) are equal before the law or the decree.			
Art. 191: Protection of foreigners.	"Any foreigner who is in the territory of Belgium shall enjoy the protection afforded to persons and property, except in cases specified by the law".			

Criminal law: Belgium

Preliminary Note: this table is self-sufficient and is not accompanied by an explanatory note.

Offence	Source	Scope	Sanction	Relevant jurisprudence	Remarks
Certain acts motivated by racism or xenophobia. Definition of discrimination.	Section 1(1) of the Act of 30 July 1981, as amended in 1993 (Act of 15 February 1993) and in	The 1994 Act introduced the following definition of discrimination into the basic Act of 1981: "any		Antwerp Youth Court, 26 January 2001 A woman of African origin was chased by a gang of youths	This definition was introduced recently.

<p>1994 (Act of 12 April 1994).</p>	<p>distinction, exclusion, restriction or preference aimed at, or which has the effect of destroying, jeopardising or limiting the recognition, enjoyment or exercise, on equal conditions, of human rights and fundamental freedoms in the political, economic, social or cultural fields or in any other sphere of social life."</p>	<p>shouting racist insults at her. The youths eventually caught up with her and struck her with a dog leash. One of them was sentenced on a charge of racism to an alternative sanction consisting of 24 hours' educational work and 15 hours' participation in a training project. The judge considered that the blow struck against the victim was linked to the racist comments made by the gang. Furthermore, it is certain that the perpetrator of the facts was the ringleader prompting the gang's racist behaviour and that skin colour and ethnic origin or descent were decisive criteria in the completely reprehensible aggressivity of the treatment inflicted on the victim.</p>
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<p>Incitement to discrimination, hatred or violence in respect of a</p>	<p>Section 1 (2), first sub-para. of the Act of 30 July 1981.</p>	<p>Covers all incitement to racial discrimination and hatred vis-à-</p>	<p>Fine and imprisonment.</p>	<p>Judgment of 20 April 1983 by the Correctional Court of Brussels: Calling</p>	<p>The law refers to the circumstances specified in Art. 444 of the</p>
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person.

vis a private individual.

someone, in this case a political opponent, a "dirty Jew" constitutes the offence of incitement to racial discrimination or provocation to racist hatred or violence. The fact that the offence was committed in circumstances which were ideal for publicity (an official political meeting) is a particularly serious and dangerous element as the defendant tried to exploit xenophobia and racism for demagogic purposes.

Court of Cassation judgment of 19 May 1993: for the offence to exist, the acts in question do not necessarily have to reflect the obvious wish of the offender to induce someone to commit specific acts of racism or xenophobia.

Judgement of 15 July 1996 by Brussels Criminal Court:

Criminal Code, which include the existence of public meetings or places, the presence of witnesses and of the injured party, the use of pictures or emblems displayed, distributed or exhibited to public view and the existence of non-public texts addressed or communicated to several people.

				Two National Front councillors were given a suspended sentence of four months' imprisonment and fined 100,000 BEF for giving the Hitler salute while taking an oath and for making racist and discriminatory remarks.	
Incitement to discrimination, hatred or violence towards a group or community.	Section 1(2) second sub-para. of the Act of 30 July 1981.	Covers all incitement to racial discrimination and hatred vis-à-vis a community.	Fine and imprisonment.	Judgment of 11 April 1991 by Brussels Correctional Court: Remarks consisting of a mixture of ideas connected more with politics than with scientific research and aimed solely at depicting the Jewish community as party to a gigantic criminal racket are covered by the Act of 1981. The insinuation of misrepresentation of the truth, provoking impassioned reactions from those accused of deception, constitutes incitement to hatred as punished by the Act.	

The same applies to poisonous remarks about the black community. Bruges Criminal Court, 23 April 2002

The members of the Ostende Civic Initiative (Burgerinitiatief Oostende) were sentenced by Bruges Criminal Court to fines of 495,79 Euro for distributing of racist pamphlets. These pamphlets accused residents of a transit centre of certain crimes. They claimed that these foreigners were involved in crime, drug trafficking and prostitution. In its decision, the court argued that this was a case not of exercising freedom of expression but of clear incitement to hatred of foreigners, an offence punishable by law.

Incitement to discrimination, hatred or violence vis-à-vis a person.

Section 1(2) third sub-para. of the Act of 30 July 1981.

A public announcement of an intention to discriminate against a person is punishable.

Fine and imprisonment.

Judgment of 17 February 1983 by Brussels Court of Appeal (Indictments Chamber): The term bougnoul

				<p>("wog") must be considered in its ordinary sense. This slang expression does not necessarily have a pejorative, hostile, denigratory or insulting connotation in present-day language.</p>
<p>Incitement to discrimination, hatred or violence vis-à-vis a group or community.</p>	<p>Section (1) 2, fourth sub-para. (new) of the Act of 30 July 1981.</p>	<p>A public announcement of an intention to discriminate against a community is punishable.</p>	<p>Fine and imprisonment.</p>	<p>Nivelle Criminal Court, 25 June 2001 A young man had an altercation with a family of foreign origin, during which he struck a member of this family. The next day he wrote on a wall in the neighbourhood "<i>Je chie sur ta sous-race. Retourne dans ton pays, fils de pute de Marocain</i>" (an extremely abusive racist obscenity). Three days later he struck his first victim's brother. The Court held that such expressions of hatred did not necessarily constitute incitement to discrimination, hatred or violence but that,</p>

				on the other hand, it was a clear case of an intention to resort to violence within the meaning of Article 1 (4) of the Law.	
Discriminatory behaviour when supplying goods or services.	Section 2 of the Act of 30 July 1981, as amended by the Act of 12 April 1994.	Discriminatory racist behaviour towards persons and communities is punishable.	Fine and imprisonment.	Judgment of 21 October 1986 by the Correctional Court of Termonde: The manager of a dance hall who makes admittance to his premises conditional on the production of a Belgian identity card is guilty of discriminatory behaviour. Judgement of 21 June 1996 by Anvers Criminal Court: the owner of an estate agency which put up a notice stating that only “natural-born Belgians” could rent its apartments was convicted and sentenced to a month’s imprisonment, suspended, and a fine. Judgement of 9 October 1995 by Bruges Criminal Court: refusal to rent a moped to a Turk, for fear of	Under the law, it is no longer necessary for the act to be committed in a public place or a place accessible to the public in order to be punishable. However, there remains the problem of evidence: witnesses or documents need to be produced.

				how he might use it, does not constitute racial discrimination.	
Discriminatory behaviour in the field of employment.	Section 2 bis of the Act of 30 July 1981, as amended by the Act of 12 April 1994.	Punishes racial discrimination in connection with placement, vocational training, offer of employment, recruitment, execution of employment contracts or dismissal of workers.	Fine and imprisonment.		New section which also introduces the third-party liability of employers for the payment of fines imposed on their employees or agents. Here, too, discriminatory intention needs to be proved.
Membership of a group which practises discrimination or segregation.	Section 3 of the Act of 30 July 1981, as amended by the Act of 12 April 1994.	Covers the membership of a group or association which openly and repeatedly practises or advocates discrimination or segregation.	Fine and imprisonment.	Judgement of 28 June 1994 by Hainaut Assize Court: members of the Parti des Forces Nouvelles were sentenced to six months' imprisonment. Judgement of 23 September 1993 by Namur Criminal Court: members of the Assaut group, whose discriminatory behaviour was shown by the group's magazine, were convicted. Their sentences were reduced by the Liège Appeal Court on 1 March 1995. Judgement of 24	

June 1997 by Liège Criminal Court: the head of the Assaut group was sentenced to 8 months' imprisonment: the time he had already spent in detention was suspended from the sentence. Liège Criminal Court. On 28 January 2002 Hubert Defourny was convicted of having delivered a speech inciting his audience to racial hatred during a meeting of the Provincial Council (Liège Court of Appeal, 18/10/1999). Commenting on this judgment in a publication (REF), he confirmed his comments despite his conviction. Moreover, Hubert Defourny has since set up a new movement, the WALLOON BLOC, on whose behalf he published an electoral pamphlet which "contains the same approximations and muddled ideas arbitrarily

				<p>insulting foreigners”. Furthermore, Hubert Defourny has also been convicted of belonging to a group advocating hatred and racial segregation (Article 3). Both REF and the WALLOON BLOC are considered as racist movements, given that they constantly publish articles inciting their readers to racism. Hubert Defourny was sentenced to 4 months’ immediate imprisonment and a fine of 4.957,87 euros.</p>	
Discrimination by officials or denial of the exercise of a person's rights or freedoms on racist grounds.	Section 4 of the Act of 30 July 1981, as amended by the Act of 12 April 1994.	This Article also applies to groups or communities prejudiced by the attitude of officials.	Imprisonment.	Judgement of 20 February 1997 by Brussels Criminal Court: four policemen who had refused to allow a person of North African origin to report an accident, and had used violence against him, were convicted. They were sentenced to between 6 and 10 months imprisonment, and fined 10,000 BEF.	Offences include refusal to grant unemployment benefit, celebrate a civil marriage, enrol a foreign pupil in a school, etc.

Ancillary penalties of ineligibility and disqualification from discharging public duties.	Article 5 bis of the Law of 30 July 1981, implemented by the Law of 25 May 1999	In case of offences covered by Articles 1, 2, 2 bis, 3 and 4 of the Law of 30 July 1981 (see above).			Prohibition is ordered for a period of between five and ten years.
Entitlement of associations to initiate judicial proceedings.	Section 5 of the Act of 30 July 1981, as amended by the Act of 12 April 1994.	This right is now granted to any public utility, to any association, to organisations representing employees and employers, to professional organisations and to organisations representing self-employed workers. Such organisations may not act without the consent of the person affected.		The Centre for Equal Opportunity instituted proceedings on 10 occasions between 1 October 1995 and 1 December 1996. MRAX (<i>Mouvement contre le Racisme, l'Antisémitisme et la Xénophobie</i>) instituted proceedings in the case of the Front National councillors. The Brussels Criminal Court ordered the accused to pay 100,000 BEF to the Centre for Equal Opportunity and to MRAX.	An association or public utility must have had legal personality for at least five years prior to the date of the offence, in order to be entitled to act (except the Centre for Equal Opportunity).
Negation, minimisation, justification or approval of genocide.	Section 1 of the Act of 23 March 1995.	This Act prohibits the negation, minimisation, justification or approval of the genocide committed by the National Socialist regime in Germany during the 2nd	Fine and imprisonment. The convicted person may also be obliged, at his own cost, to publish the judgment (in its entirety or extracts) in one or several	On 7 November 2000, Brussels Criminal Court handed down a 6-month suspended prison sentence and a 40.000 BEF fine on a Holocaust denier, also ordering him to pay for verbatim	Recent provision. It should be noted that the Centre for Equal Opportunity and the Fight against Racism, as well as any association

<p>World War. According to this Act, the term genocide is to be understood as it is defined in the International Convention of 9 December 1948 for the prevention and repression of the crime of genocide.</p>	<p>newspapers, or in notices.</p>	<p>publication of the judgment in two different daily newspapers, for having distributed a British neo-Nazi publication containing Holocaust denials. Brussels Criminal Court, 15 January 2002. Holocaust denial on the Internet Between December 1997 and February 1999 the defendant used the Internet to publish a series of racist and Holocaust-denying texts. After repeated warnings from his Internet service provider, which had no effect, the provider made an official complaint, simultaneously claiming damages. The defendant was sentenced <i>in absentia</i> to 12 months' prison for violations of legislation against racism and Holocaust denial, on the grounds of the gravity of the</p>	<p>defending the rights of members of the resistance or deportees, can initiate judicial proceedings in any of the incidents where this Act could be applied.</p>
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				offence emerging from the case-file.
Joint circular from the Minister of Justice and the Public Prosecutor's Office, in force since 15 Mai 1999.	Concerns information that may be transmitted to the press by the judicial authorities and police departments during preliminary investigations. Personal data on the individuals involved, such as their ethnic origin and nationality, can only be communicated if they are relevant.		Complements the "Franchimont" Law of 12 March 1998 on improvement of the administration of criminal justice at the investigatory stage.	

Civil and administrative law: Belgium

Preliminary Note: this table is accompanied by an explanatory note.

Provision	Scope	Consequences of breach	Relevant jurisprudence	Remarks
This agreement was rendered mandatory by Royal Decree on 31 August 1999.	Chapter III, Article 2 bis of the agreement lays down that the recruiting employer must not treat candidates in a discriminatory manner.	Collective Labour Agreement No. 38 of 6 December 1983 as amended under collective agreements 38 bis of 29 October 1991, 38 ter of 17 July 1998 and 38 quarter of 14 July		Discriminatory treatment of candidates for a post.

1999.				
Act of 15 February 1993.	Founding of the Centre for Equal Opportunity and the Fight against Racism.			
Flemish Council Decree of 4 May 1994 concerning radio and television broadcasting networks, Art. 20, Par. 2.	Prohibition on broadcasting programmes containing incitement to hatred based on race, sex, religion or nationality.	In the event of repeated serious breaches, the Flemish government may suspend broadcasting.		
Decree of 28 April 1998 from the Flemish Consul on the Flemish policy on ethno-cultural minorities.	The policy on minorities is aimed at ensuring that ethno-cultural minorities living legally in the Dutch-speaking region and the bilingual Brussels Capital region can participate as full citizens in Flemish society and be accommodated, assisted and supported with respect for human dignity and the fundamental human rights.			This Decree provided for the setting-up and subsidising of support and consultation centres for ethno-cultural minorities and the setting-up and subsidising of provincial and local integration centres. It also provides for the setting-up of the Interdepartmental Commission on Ethno-Cultural Minorities.
Decree of 06 July 1996 from the Walloon Region on the integration of	Establishes a positive discrimination and civic participation policy.			Provides for setting up the Federation of Regional Integration Centres.

aliens.			
Decree of 30 June 1998 from the French Community as amended under the Decree of 27 March 2002 aimed at guaranteeing equal opportunities of all students in terms of social emancipation, particularly through positive discrimination.	This decree is aimed at ensuring equal opportunities for all students, particularly by means of positive discrimination.		Art. 40 of this Decree provides that “Provided they are accompanying their parents or persons holding parental authority, minors residing unlawfully in the territory, shall be admitted to local schools. Head teachers shall also accept enrolments of unaccompanied minors. In such cases they must ensure that the minor takes the requisite steps for registration with an institution apt to exercise parental authority over him or her”.
Decree of 14 June 2001 on the integration of newly arrived migrant students in formal or French Community-subsidised education.	This text is aimed at ensuring the integration of new arrivals by introducing new reorientation classes. The period of attendance of such classes ranges from one week to six months. Any school organising a reorientation class must take in all students fulfilling the		The Decree provides for setting up an Integration Board for newly arrived migrant children in every secondary school organising a reorientation class.

	conditions set out in Article 2, which will be forwarded to it by the Directorate-General of Compulsory Schooling.	
Article 18 bis of the Law of 15 December 1980 on access by foreigners to the territory and residence authorisation.	This text empowers the Government, under certain conditions, to prohibit specified categories of aliens from residing or settling in specified municipalities. This constitutes an exceptional measure, and is susceptible of a legal remedy.	This provision is aimed at remedying the possible integration problems facing the persons concerned where they have been “ghettoised” and at preventing excessive financial burdens on the municipalities concerned

EXPLANATORY NOTE

BELGIUM / CIVIL AND ADMINISTRATIVE LAW

1. Centre for Equal Opportunity and the Fight against Racism

This public body, established under the Act of 15 February 1993, has jurisdiction at federal level and a power of co-ordination vis-à-vis community, regional and local authorities. It has a wide remit, being able to mediate, take on-the-spot action, initiate legal proceedings, draw up inquiry reports, make recommendations to public authorities and propose legislative amendments with a view to eliminating discriminatory clauses from statutory provisions or combating racism and discrimination more effectively. The Centre can also perform tasks - often involving co-ordination - on behalf of authorities, such as the combating of truancy in schools or international trafficking in human beings. On 10 October 2000, Belgium submitted to the Secretary General of the United Nations a Declaration whereby it acceded to Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. In accordance with Article 14.2, the Centre for Equal Opportunities and the Combat of Racism has been mandated to receive and examine complaints from individuals coming under the Belgian judicial system claiming to have suffered any kind of violation of the rights set out in the said Convention.

Since 1999, the Centre has been running a specific training programme for members of the national legal service on the suppression of racism and xenophobia.

Lastly, in 1999 the Centre signed a Protocol of Agreement with the Post Office aimed at preventing the distribution of certain documents issued by political parties. Under this agreement the Post Office can halt the delivery of documents incompatible with the anti-racist laws of 1981 and 1995 (see information sheet on criminal law).

2. Interdepartmental Commission on Ethno-Cultural Minorities (ICEM)

This Commission, provided for by the Decree on Flemish policy on ethno-cultural minorities of 28 April 1998, is responsible for supervising the coherency, synergy and co-ordination of minorities policies within the Flemish Community.

3. Federation of Regional Centres for Integration (FeCRI)

This body is a forum for co-ordination of human resources, training, observation and integration-related initiatives for aliens and persons of foreign origin. Where socio-occupational integration is concerned, the centres operate under the European Social Fund's (ESF) Employment programme.

4 The role of non-profit making associations

Several private law associations play an important role in combating racism and xenophobia. On the legal front, some of them organise “legal surgeries” for victims of racism. They may also use the opportunities for legal proceedings offered by the 1981 and 1995 Acts. They also take part in awareness and information campaigns on the question. The following organisations are examples:

- the Mouvement contre le Racisme, l'Antisémitisme et la Xénophobie (MRAX) (Movement against Racism, anti-Semitism and Xenophobia);
- the Association pour le Droit des Etrangers (ADDE) (Association for the Rights of Foreigners);
- the Ligue des Droits de l'homme (The League for Human Rights)
- the Jeunes Avocats pour la Défense des Etrangers (JADE/JAVA) (Young Lawyers for the Protection of Foreigners).

5. The National Labour Board (CNT)

This is a joint body made up of representatives of the most representative inter-professional employers' and workers' organisations. It has public institution status and deals with combating racial discrimination in legally binding collective labour agreements. The CNT has amended Collective Labour Agreement No. 38 on the recruitment and selection of workers.

6. The Commission of the French Community

This Commission's competences in the field of health care and assistance to individuals include helping to maintain and develop the accessibility of quality services for the whole population. It is required to guarantee a series of user rights,

including free choice of services, respect for ideological, philosophical and religious convictions and the prohibition of discrimination on ethnic grounds. It also organises training courses for the staff of public services provided by the State employment and training departments, as well as for voluntary association staff, in order to keep them abreast of the intercultural aspects of their work.

7. Action of the Communities

1) The Flemish Community

Education

The Flemish Community has mainly directed its efforts at the educational sphere. A policy introduced in 1991 made intercultural education a priority: for example, schools which take in immigrant pupils may obtain extra staff. Secondly, a *Declaration of Non-discrimination* was signed by the Flemish Minister of Education and representatives of the educational networks. The first part of this declaration adopts a resolute stand against discrimination in schools. The second deals with a policy of financial support for schools. An evaluation and mediation committee specially set up by the Flemish Education Council was made responsible for preparing and following up the declaration.

The signatories to the declaration undertook to institute a procedure for examining complaints of intolerance on the basis of a standard code specifying the attitudes to be adopted by school authorities towards cultural and ethnic differences. Between 15 July 1993 and 31 July 1996, the Centre received 71 complaints concerning education in Dutch. Analysis of how these complaints were treated demonstrates the success of a non-judicial, mediation-based approach.

The following measures should also be noted:

- "Hand in Hand" Campaign to promote tolerance and combat racism, run by an association and partly subsidised by the Flemish authorities. This is a three-year campaign for democracy and tolerance (1991-1994).
- "Non-racist Schools": schools in which 60% of the pupils and teachers subscribe to a "non-racist schools" policy text are awarded the title "non-racist school".
- Use of the Flemish Fund for the Integration of the Disadvantaged (VFIK) by local authorities with disadvantaged groups in their areas. At least a quarter of the amount allocated to a local authority must be used specifically for the benefit of immigrants.
- The *Kind en Gezin* Institution, responsible for drawing up an appropriate social aid strategy for immigrants (including illegal immigrants) and other special population groups. The institution's mediation service has already dealt with some complaints of racism.
- Declaration of non-discrimination signed in 1997 by operators in the housing sector in Ghent, other organisations and the mayor of Ghent. This text stated their intention

of fully applying the anti-racist legislation in the housing sector and preventing any discrimination in this field.

- The Youth Department of the Directorate General for Culture recognises and subsidises a large number of associations conducting intercultural activities with various communities. The Department runs two special programmes, namely the "Youth Summer" and the "Free Neighbourhood" operations.

2) The French Community

Education

The French Community attaches particular importance to education;

- basic education is free of charge for all children of non-citizens, regardless of their origin;

- education must promote the personal development of each pupil, in accordance with the objectives of the French Community's Education and Training Council;

- a teacher has been seconded full-time to the General Directorate for the Organisation of Studies to conduct specific schemes concerning Human Rights;

- an exhibition on "Youth and Democracy" is available to schools;

- additional staff have been made available to 7 schools in the French Community to give intensive courses in French to new arrivals;

- intercultural experiments have been set up in the basic education sector with the support of several countries' embassies (Morocco, Turkey, Portugal, Greece, Italy). Some 40 schools are involved;

- Partnership Charter. At the beginning of the 1997-1998 school year the French Community signed partnership agreements with Greece, Italy, Morocco, Portugal and Turkey. Under these agreements, one or more teachers from the above-mentioned countries spent time in each of the schools taking part in the partnership action.

- provision of teachers' training aimed at eliminating prejudice and racist behaviour.

- *Zone d'éducation prioritaire* (ZEP - "Priority education area"). In 1992 a positive discrimination policy was introduced with a budget of 1000 million Belgian Francs. This programme is aimed at schools providing priority support for foreign or newly arrived migrant students, and also for refugee parents.

Other measures to be noted:

- in the cultural field, assistance is given to associations combating racism and xenophobia;

- the French Community has transferred substantial budgetary funds for the social integration of immigrants to the Brussels and Walloon regions;
- support is given to regional integration centres whose task is to support, inform, co-ordinate, assess and stimulate local integration schemes financed, for example, by the Ministry for Social Action of the Walloon region.

In short, this is a series of measures forming part of an overall policy aimed at integrating persons of foreign origin.

Note

¹ See the 1996 Annual Report of the Centre for Equal Opportunity and the Fight against Racism, p.34; Dejemepe, B: “*De bestraffing van racistische gedragingen: stand van zaken anno 1996*”, Panopticon, 1996/4, p.325; Renson, B: “*Du renforcement de la lutte contre le racisme et la xénophobie: Du rêve à la réalité?*”, *Journal du droit des étrangers*, 1995, No. 82, p.8.

Note

² With the exception of the very recent De Becker and Sandron case, in which the Mons Court of Appeal decided on 14 January 1994 that the case should be remitted to the Hainaut Province Court of Assizes for a judgment on the commission of a press offence (De Becker and Sandron having distributed two racist tracts). On this subject, see *Jurisprudence de Liège, Mons et Brussels*, 1994, p. 517. On 23 June, the Hainaut Court of Assizes concluded that no press offence had been proved in the case.