National Analytical Study on Racist Violence and Crime

RAXEN Focal Point for Belgium

Centre for Equal Opportunities and
Opposition to Racism

EXECUTIVE SUMMARY

This report aims to present an overview of the major trends concerning racial violence in Belgium. The report starts with a short overview of xenophobic / racist parties and right wing extremist organisations in Belgium and their recent activities. In the Dutch-speaking community, the dominance of the Vlaams Blok is observed. The Vlaams Blok (VB) is an extreme-right political party that was founded in 1978 as the result of a split within the Flemish nationalistic Volksunie. Main themes of this political party are: A harsh point of view on foreigners ('assimilate or get out'), a radical Flemish-nationalism ('own people first!'), focus on safety/security with a focus on hard repression of criminality and stressing the traditional family as a cornerstone of society (rejection of homosexual marriage, marriage between man and woman as the norm for a healthy society and a healthy education). During the last years, the Vlaams Blok tries to profile itself as a broad right-wing conservative party by cutting off the hard edges of its program. As a consequence of the electoral success of this party, the other political parties signed an agreement that they would not co-operate in any possible way with the Vlaams Blok. This agreement is referred to as the '*cordon sanitaire*'. Recently, a public debate on whether this '*cordon sanitaire*' should be maintained has been initiated. To this day, however, all political parties, except for the Vlaams Blok itself support it. On the part of the French-speaking community, we observe a multitude of extreme-right parties and organisations in Brussels and in various cities of the Walloon regions (mainly in Charleroi, Namur and Liège). Some of these organisations disappear as quickly as they emerged. The French speaking extreme-right is clearly more shattered than the Flemish, which is more or less integrated in or related to the dominant Vlaams Blok. Other characteristics of extreme-right in the French community are the lack of financial means, the absence of a clear ideological identity and the fact that the media do not pay attention to them. The difference between extreme-right in the two communities is further elaborated in the context of the presentation of the *Nouvelle Tribune* issue on extreme-right.

Different studies on the attitudes of the Belgian population towards ethnic minorities or people with immigration background are discussed. The Eurobarometer Opinion Poll no 47.1 (1997) showed that the Belgian participants of this study presented very high scores of self-attributed racism in comparison to other European citizens. The Eurobarometer 2000 survey showed that the attitudes of Belgian participants towards minority groups are more negative than the EU average. 25% of the Belgian respondents were categorised as "intolerant", which indicates that they display strong negative emotions towards minority groups. This proportion is substantially higher than the EU average of 14%, as a matter of fact is the second highest proportion. Nevertheless, in comparison to 1997 more respondents in Belgium were found to concur with policies aimed at improving relationships between people of different races, religions and cultures.

When looking for other studies on the population's attitudes, we only found recent Flemish studies. The data of a survey by the Flemish government (VRIND 2002) show that one third of the Flemish citizens think that the government does more for migrants than for themselves. About 13% thinks that migrants are socially excluded on many or all domains, whereas about 42% thinks that migrants are not socially excluded at all. Meuleman and Billiet (2003) also studied the attitude of Flemish citizens towards migrants. Their analyses show that the attitudes towards 'old' and 'new' migrants do not

really differ: Both attitudes seem to be determined by one latent attitude, namely the attitude towards ethnic minorities in general or diffuse ethnocentrism.

Subsequently an overview is presented of the most relevant laws with respect to the fight against racism and discrimination: The anti-racism law, the general anti-discrimination law, and the law against the denial, minimising, justifying or approving of the genocide carried out by the German National Socialist regime during the second World War.

On 30 July 1981 the law penalising certain acts determined by racism and xenophobia, briefly known as the anti-racism law, was implemented. This law states that discrimination for specific reasons such as so-called race, colour of skin, descent, or national or ethnic origin is liable to punishment. As a consequence, the following grounds of discrimination fall outside the scope of the law: religious conviction, sexual orientation, language, birth, political conviction or gender. The anti-racism law penalises expressions or intentions as well as acts or deeds. As far as words and intentions are concerned, these are solely incitement to discrimination expressed publicly or attempts to publicise one's intention to discriminate expressed publicly. With regard to acts and deeds, this relates to, on the one hand, discrimination in supplying goods or services, at the workplace or in the exercising of the duties of a civil servant and, on the other hand, belonging to or extending support to a group or association practising or announcing discrimination or segregation on purpose and repeatedly in public.

The anti-racism law is a criminal law, which prescribes that one is innocent until proven guilty. Therefore the burden of proof is on the public prosecutor assisted in second instance by the victim, or the person who claims to be discriminated against. Evidently, it is very hard to actually provide hard evidence when it comes to complaints of racism. The weak spot of 'burden of proof' is overcome by the very recent general anti-discrimination law of 25 February 2003 (passed in the Senate on 12 December 2002, published in the official journal on 17 March 2003, effective on 27 March 2003). This law prohibits every form of direct and indirect discrimination (difference in treatment that is not objectively or rationally justified) on the basis of gender, a so-called race, skin colour, origin or national or ethnic origin, sexual orientation, civil status, birth, wealth, age, religion or philosophy of life, present or future state of health, disability or physical characteristic. As pointed out above, the key element of this law are the civil law provisions making it easier for a victim of discrimination to institute a rapid civil action. The President of the Court may order the cessation of the discrimination and may sentence the perpetrator to a penalty for default if the discrimination has not ceased. The quintessential issue in this respect is the shift of the burden of proof.

The denial of the genocide carried out by the German national-socialistic regime is not covered by the anti-racism law of 30 July 1981, unless it is associated with the instigation to discrimination or hatred. The law of 23 March 1995 against the denial, minimising, justifying or approving of the genocide carried out by the German National Socialist regime during the second World War fills in this gap. Article 1 determines that these opinions are only liable to punishment if they are publicly expressed. Article2 states that the term genocide is to be interpreted as is indicated by article 2 of the International Treaty of 9 December 1948 concerning the prevention and punishment of genocide.

An analysis of the available information on racial violence is discussed as well as the problems of obtaining systematic data on racial violence. The main problem can be

described as a problem of under-reporting: neither complaints that are filed by organisations as the CEOOR, nor the racial violence acts that are registered by the police provide a representative image of the real amount of racial violence. Despite this observation, it is recommended to elaborate the available registration methods as adequately as possible. In this context, the need for a systematic registration of racial violence is substantiated. In addition, the report presents different data sets on racial violence. The complaints registered by the CEOOR are analysed, as well as the data provided by the Ministry of Justice. Moreover, the relevant court cases are discussed.

The registration of complaints by the CEOOR allows us to compare the levels of complaints on racism and xenophobia over the years. In comparison to 2001 an increase in the number of complaints with 6% was observed. The general pattern of the complaints, however, remained the same. Evidently, it is very hard to draw firm conclusions on these statistics of complaints in terms of societal evolutions of the phenomenon of racism or in terms of the (lack of) impact of the anti-racism and anti-discrimination legislation. However, the figures do indicate that the problems of racism and xenophobia remain significantly present in Belgian society.

A report of the Ministry of Justice shows that the majority (2415 out of 3693, i.e. 65%) of the racism / xenophobia cases of the period 1998-2002 have, at the moment of the data analysis (i.e. February 2003), remained without consequences. Of these 2415 cases without consequences, 68,8% involved a technical dismissal, 29,7% were dismissed because of opportunist reasons and 1,6% because of another motive. In only 112 cases (i.e. 3%) at least one accused was summoned to appear in court. 93 of these 112 cases were sentenced: 69% of these sentences involved a conviction for racism. If the analysis is based on the final verdicts, i.e. not on the qualification allocated on the level of the public prosecutor, it is shown that 120 persons were convicted for racism during the period 1998-2002. This number of convictions can be interpreted as quite limited for a period of five years. Nevertheless, we need to point out that in comparison to the years before this number constitutes a considerable amelioration. The new anti-discrimination law is expected to increase the effective legal power in the current fight against discrimination and racism.

Due to the lack of systematic data on racial violence, it is very difficult to make an analysis of the personal characteristics of victims and perpetrators of racial violence. To this day we do not have the required information to perform such an analysis. Nevertheless, as an exploratory exercise we analysed the CEOOR database with respect to the personal characteristics of the victims of racial violence. This analysis shows that the registration of personal characteristics during the treat of complaints by the CEOOR is quite limited. In addition, the complaint registration forms show many missing values. Currently the CEOOR is testing new complaint forms that allow registering more elaborate data on the victims of racial violence. Special attention will be given to systematic registration by means of these forms in order to provide better insight in the profiles of the victims and perpetrators of racial violence. Nevertheless, one has to keep in mind that these registrations by the CEOOR will never present a completely representative image of the victims and perpetrators of racial violence. As a consequence, the development of a systematic registration procedure by the police and the judicial system is an absolute necessary.

TABLE OF CONTENTS

LIST OF TABLES

GLOSSARY / DEFINITION OF TERMS AND CONCEPTS USED

In our report we will use the terms as they are used in the official governmental publications.

The general anti-discrimination law 25 February 2003 differentiates direct and indirect discrimination.

- Art. 2. §1: 'One speaks of direct discrimination when a difference in treatment that is not objectively or rationally justified is directly based on gender, a so-called race, skin colour, origin or national or ethnic origin, sexual orientation, civil status, birth, wealth, age, religion or philosophy of life, present or future state of health, disability or physical characteristic.'

- Art. 2. §2: 'One speaks of indirect discrimination when an apparently neutral definition, criterion or behaviour has damaging repercussions on persons on which one of the discrimination grounds mentioned in §1 is applicable, unless this definition, criterion or behaviour is objectively or rationally justified.'

Since the Flemish and the French communities differ with respect to their policies towards people with immigration background, they also use different terms to refer to ethnic minorities or to people with immigration background.

THE FLEMISH COMMUNITY

In the Dutch-speaking part of Belgium, until recently, the term 'migrant' was used to refer to the non-EU migrants, mostly Moroccans and Turks. Since a few years the term 'migrant' has increasingly been usurped by the term of 'allochthonous people', denoting generally the same group of people. Since the Minorities Decree of 28 April 1998, the term 'ethnic-cultural minorities' is used in official documents, and also increasingly in the media and the general discourse. The Minorities Decree of the Flemish government defines the following relevant terms.[1]

Allochthonous persons: individuals who stay legally in Belgium, irrespective of their nationality, and who fulfil two conditions: 1. At least one of their parents or grandparents is born in another country than Belgium, 2. The persons find themselves in a position of deprivation because of their ethnic origin or their weak social-economic situation.

Refugees: individuals who are in Belgium fulfilling one of the following conditions: 1. Belgium recognises them as refugees on the basis of the International Geneva Convention 2. The individuals asked for asylum in Belgium and their request was not definitely refused.

[1] Minderhedendecreet Vlaamse Gemeenschap, 28 April 1998. Chapter 1: General definitions

Caravan dwellers: individuals with a nomadic lifestyle who are living or who lived in a caravan and who are legally in Belgium, special attention goes to autochthonous travellers and gypsies, and to those who live with them or are relatives in the first remove.

Ethnic-cultural minorities: the total group of allochthonous people, refugees and caravan dwellers and other foreigners who stay in Belgium without legal documents and who ask for assistance because of their emergency situation.

Newcomers are foreigners who join allochthonous persons in the Dutch-speaking Community (Flanders and Dutch-speaking Brussels) in the context of family reunion or family formation, or who enter Belgium as an asylum seeker. One can only be 'newcomer' during a limited period after one has migrated. Newcomers have to fulfil the following conditions: 1. Recent arrival, 2. Adult age, 3. They speak another language than the official languages of Belgium, 4. They are socially and economically in a disadvantaged position. Moreover, they have to belong to one of the following categories: 1. Those who arrive to form a family or for reunification purposes, 2. Recognised refugees, 3. Asylum seekers, whose request has been positively assessed, 4. People who obtained the right to stay in the country after a regularisation procedure.

THE FRENCH COMMUNITY (WALLONIA AND BRUSSELS)

In the French-speaking part of Belgium (Wallonia and Brussels) the term 'ethnic minorities' does not fit within the framework of the pursued general policy towards immigrants. The policy of the French-speaking Community does not constitute a specific policy towards immigrants. Instead of the term 'ethnic minorities', the term 'personnes issues de l'immigration' (people with immigration background) is preferred.

People of foreign descent (personnes d'origine étrangère): this term is used to denote people with a migration background. Yet they are not labelled allochthonous, as they are not a separate category in society, but rather members of the larger host society with a migration background.

The quite recent term 'primo-arrivant' refers to the same category of newcomers that is used in the Flemish Community.

Moreover, we used also a definition of racial violence as a kind of violence in which victims or targets are chosen because of their ethnic, racial, ethnic-religious, cultural or national origins. Violence is conceived as behaviour in which one person or party deliberately causes damage to another person or party, or threatens to do so, and in which this behaviour is mainly intended to physically damage objects and/or persons.

1. INTRODUCTION

The aim of this report is to give an overview of the major trends concerning racial violence in Belgium. By analogy with the conceptualisation by van Donselaer and Rodrigues (2002, Monitor 5, Netherlands), we define racial violence for the purpose of this report as a kind of violence in which victims or targets are chosen because of their ethnic, racial, ethnic-religious, cultural or national origins. Violence is defined as behaviour in which one person or party deliberately causes damage to another person / party, or threatens to do so.

It has to be pointed out that there are nearly no specific data on racial violence available in Belgium. As a consequence our report will mainly present analyses of data on the broader phenomena of racism and xenophobia. We realise that this is not an ideal situation, but rather a compromise to deal with the lack of specific data on racial violence.

Updated information on anti-Semitism is provided, , that is presented as an addendum to the current report (see Annex 3).

2. THE POLITICAL CLIMATE

2.1. XENOPHOBIC / RACIST PARTIES AND RIGHT WING EXTREMIST ORGANISATIONS AND THEIR RECENT ACTIVITIES.

In this paragraph we will present a short overview of xenophobic / racist parties and right wing extremist organisations in Belgium and their recent activities.

THE FLEMISH COMMUNITY

The **Vlaams Blok** (VB) is an extreme-right political party that was founded in 1978 as the result of a split within the Flemish nationalistic Volksunie. Main themes of this political party are: A harsh point of view on foreigners ('assimilate or get out'), a radical Flemish-nationalism ('own people first!'), focus on safety/security with a focus on hard repression of criminality and stressing the traditional family as a cornerstone of society (rejection of homosexual marriage, marriage between man and woman as the norm for a healthy society and a healthy education). During the last years, the Vlaams Blok tries to profile itself as a broad right-wing conservative party by cutting off the hard edges of its program. It is in this context that the decision of the party 'not to actualise' the notorious 70-points-plan (written by front man Filip Dewinter in 1992) should be considered. This plan presents a strategy of aggressive expulsion in order to create a mono-ethnic state. Filip Dewinter clarifies this evolution in the newspaper De Standaard (29/03/2000) as follows: "The focus will be rather on the necessity for foreigners to assimilate. But we stick with the idea that the ones that do not adapt themselves are sent back. Thus, certainly the criminals and the illegal persons. Evidently some points of the 70-points-plan will be recuperated, like the refusal of voting power for migrants or our demand to sent back migrants that are unemployed for longer than five or six months." In the last federal elections on 18 May 2003 the party got 11,4% of the votes for the Chamber of Deputies, making it the fifth largest political party in Belgium. In Flanders it obtained 18,4% of the votes, making it the fourth largest political party in Flanders. In the last municipal election, the party was the largest political party in the province of Antwerp (obtaining 24,1% of the votes).

As a consequence of the electoral success of this party, the other political parties signed an agreement that they would not co-operate in any possible way with the Vlaams Blok. This agreement is referred to as the 'cordon sanitaire'. Recently, a public debate on whether this 'cordon sanitaire' should be maintained has been initiated. To this day, however, all political parties, except for the Vlaams Blok itself support it.

During the last 10 years a number of radical organisations continued to exist at the fringes of the Vlaams Blok. Some of them are explicitly connected with the party, others keep a distance because of ideological or strategic differences. A whole range of organisations can be discerned in this context: organisations of ex-collaborators (Sint-Maartensfonds, Hertog Jan van Brabant), youth movements (Nationalistisch Jongstudenten Verbond, Nationalistisch Studenten Verbond, Vlaamse Jongeren Mechelen), Neo-Nazi-groups (Excalibur /Leibstandarte Adolf Hitler, Blood and Honour-Vlaanderen), nationalistic

action groups (Vlaams Nationale Groepering, Voorpost), a network of people denying the holocaust (Vrij Historisch Onderzoek) and even a competing extreme-right party (Volksnationalistische Partij).

The organisation Vrij Historisch Onderzoek[2], VHO (founded in 1985, stemming from extreme right organisations as the Vlaamse Militanten Orde, the Genootschap Hertog Jan and the Vlaams Blok) actively disseminates (both in Belgium and abroad, mainly the Netherlands) the negation of the war crimes and crimes against humanity during WWII, aided by different French speaking groups, among which the Neo-Nazi organisation l'Assaut. Recently the VHO has substantially reduced their activities. Several reasons can be found: the law of 23 March 1995 against the denial of the holocaust, complaints filed against the VHO, opening of a judicial investigation by the public prosecutor of Antwerp and the first conviction of a Vlaams Blok militant for dissemination of a newspaper in which nazi crimes are denied (Octobre 2000). Nevertheless, in 2002 a French speaking division of the VHO, named Vision Historique Objective, was founded. In §7 we will discuss a very recent and important court case with respect to the VHO.

THE FRENCH COMMUNITY

During the last ten years a multitude of extreme-right parties and organisations in Brussels and in various cities of the Walloon regions (mainly in Charleroi, Namur and Liège) emerged and some of them also disappeared quite quickly. The most important are: AGIR (1989-1996), Bloc Wallon (BW, 2000, since 2001, however, this organisation did not manifest itself anymore because of internal crises), Bruxelles-Identité-Sécurité (BIS, French speaking organisation that supported the Vlaams Blok, founded in 1994), the Belgian Front National (FN, 1985), Front Nouveau de Belgique (FNB, 1996), Front de la Nation Belge-Parti (FNB-P, 1997-2000), the movement Nation (1999), the movement Référendum (REF, 1995, stopped being active under that name after the appearance of the Bloc Wallon, in 2000). In this context we can also refer to a number of publications that represent the same range of ideas: Altaïr, Polémique-info, Devenir, Renaissance Européenne, Occident 2000, le Cri du Citoyen (not published anymore), etc.

Parti des Forces Nouvelles (PFN) was involved in the dissemination of the denial of the holocaust. In 1991 this party was fused with the FN, and several leaders of this organisation currently have positions in the French speaking section of the Vlaams Blok.

The French speaking extreme-right is clearly more shattered than the Flemish, which is more or less integrated in or related to the dominant Vlaams Blok. Other characteristics of extreme-right in the French community are the lack of financial means, the absence of a clear ideological identity and the fact that the media do not pay attention to them. This is also frequently mentioned as the reason why extreme-right is almost not politically represented in the French community.

[2] Translation: Free Historic Research.

2.2. MEASUREMENTS OF MAJORITY POPULATION'S ATTITUDES TOWARDS MIGRANTS AND MINORITIES.

The Eurobarometer Opinion Poll no 47.1 (1997) showed that the Belgian participants of this study presented very high scores of self-attributed racism in comparison to other European citizens. Up to 22% of these Belgian participants indicated that they were "very racist" and 33% stated that they were quite racist. About 82% agreed with the idea that "our country has reached its limits; if there were to be more people belonging to these minority groups we would have problems". On the other hand, about 56% agreed with the statement that "people from minority groups are discriminated against in the job market".

The Eurobarometer 2000 survey showed that the attitudes of Belgian participants towards minority groups are more negative than the EU average. 25% of the Belgian respondents were categorised as "intolerant", which indicates that they display strong negative emotions towards minority groups. This proportion is substantially higher than the EU average of 14%, as a matter of fact is the second highest proportion (only the Greek respondents have a higher proportion). Nevertheless, in comparison to 1997 more respondents in Belgium were found to concur with policies aimed at improving relationships between people of different races, religions and cultures.

The data of a survey by the Flemish government (VRIND 2002[3]) show that one third of the Flemish citizens thinks that the government does more for migrants than for themselves. About 13% thinks that migrants are socially excluded on many or all domains, whereas about 42% thinks that migrants are not socially excluded at all. The participants were also asked who they would prefer as a neighbour, eight alternatives were presented: young married couple, an elderly couple, a family with many children, a single woman with children, a lesbian or gay couple, a Moroccan or Turkish family, a family with OCMW support, a mentally handicapped couple. The first choice of 48% of the participants is a young married couple, followed by an elderly couple (31%). The Moroccan or Turkish family is the least preferred neighbour: 60,9% of the participants indicate this category as their last choice.

VRIND 2001, which presents data of 2000, shows more detailed information on the attitudes of the Flemish population towards migrants and minorities. Table 1 shows that the general attitude towards migrants is not very comforting. About half of the Flemish population considers the presence of different cultures as enrichment to society. About 35% think that migrants should be sent back to their country if the number of job positions decreases! At the same time about one third of the Flemish population is of the opinion that Muslims are a threat for the Flemish culture and customs. Finally, the large majority (83%) agrees with the statement "Foreigners that come to live here should adapt to the culture and the customs of our country". Moreover, Table 1 shows that the general attitude in 2000 tended to be more negative than in 1998. Although the report does not present specific data on age, the researchers indicate that there is a negative correlation between age and attitude towards migrants: the older the persons are, the more negative their attitude towards migrants. The researchers caution for the role of education in this respect: the older population category is constituted relatively more of persons with a lower education level.

[3] PUBBE0155.

Figure 1 shows that persons with a lower level of education tend to have more negative attitudes towards migrants than persons with a higher level of education (all differences are significant with $\alpha = .01$).

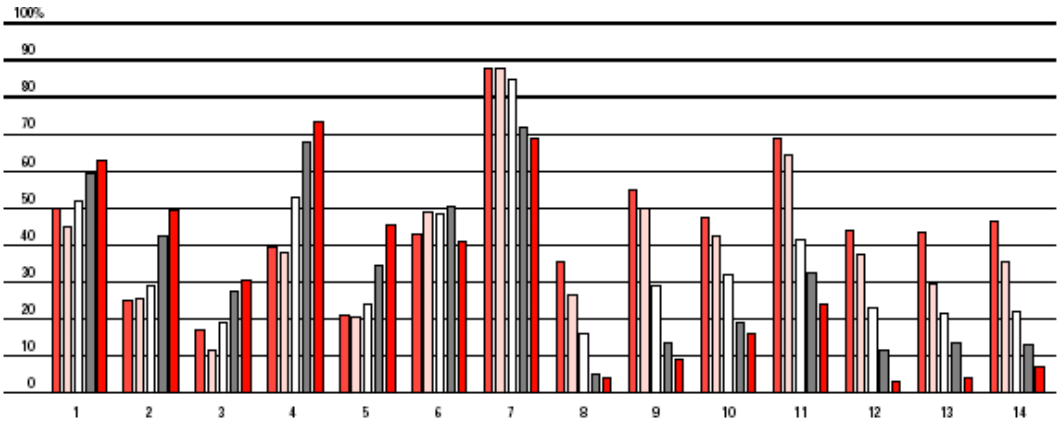
Table 1: Percentage of persons that agree or fully agree with statements concerning migrants for the years 1998 and 2000. (N=1363)

ITEM	1998	2000
If one learns to know Turks and Moroccans better, they generally turn out to be nice people.	41,8	52,1
Foreigners that have lived for more than five years in Belgium in a legal way should obtain municipal voting power.	-	31,4
We ought to warmly welcome foreigners that come to live in Belgium.	13,4	19,2
The presence of different culture is enrichment to our society.	43,8	51
Migrants contribute to the welfare of our country.	20,8	25,8
On the whole Muslim families are very hospitable.	37,6	46,7
Foreigners that come to live here should adapt to the culture and the customs of our country.	-	83
Ethnic minority members should marry among themselves.	17,7	20,3
If the number of available job positions decreases, one should send back migrants to their country of origin.	31	35,2
Muslims are a threat to our culture and customs.	30,2	33,8
Migrants come to profit from our social security.	49,9	50,5
Guest workers are a danger for the employment of Belgians.	35,4	27,5
On the whole migrants can not be trusted.	22,5	25,9
Belgium should have never admitted guest workers.	26,1	28,1

Source: VRIND 2001. The percentages indicated refer to the percentage of persons that agreed or agreed completely with the items presented. The other answer alternatives were 'neither agree, nor disagree', 'disagree' and 'completely disagree'.

Remark: The numbers refer to the numbers of the statements as presented in Table 1. The order of education levels as presented in the graph (from left to right): none or primary school, lower secondary school, higher secondary school, colleges of higher education, university.

Figure 1. Attitude towards migrants in Flanders by education level (2000) *Percentage of persons that agree or fully agree with statements concerning migrants. N=1363*



2.3. RESEARCH AND OTHER ANALYSES OF THE POLITICAL SITUATION

a. Meuleman and Billiet (2003)

Meuleman and Billiet (2003[4]) also studied the attitude of Flemish citizens towards migrants. They differentiate between 'old migrants' and 'new migrants'. The category of 'old migrants' refers to the first and second migration wave in Belgium (employment migration, family reunification) consisting mainly of migrants from the Mediterranean (South-Europe, Maghreb, Turkey). The category of 'new migrants' refers to the third migration wave (high executives, asylum seekers, illegal refugees) consisting of persons from all over the world. The analyses show that the attitudes towards 'old' and 'new' migrants do not really differ: Both attitudes seem to be determined by one latent attitude, namely the attitude towards ethnic minorities in general or diffuse ethnocentrism. The authors point out two alternative explanations for this result. On the one hand it could be that Flemish citizens indeed do not have differentiated attitudes towards different categories of migrants. On the other hand it could be that the used methodology (a questionnaire) does not tap more differentiated attitudes. Further research, with different methodologies, should be done in order to determine which explanation is more valid. The authors conclude their article with the recommendation for the government and the different media to provide more differentiated information with respect to the different categories of migrants in order to downplay stereotyping.

b. Special issue *Nouvelle Tribune*

In August 2003, the magazine Nouvelle Tribune published a special issue on extreme-right in Belgium. In a series of articles for a broad audience different authors analyse the situation with respect to political extreme-right in Belgium, the Netherlands, Austria and France. Special attention is given to organised forms of racism and the attitudes of the Belgian media towards extreme right.

Jean-Yves Camus (pp.34-38) points out that the European extreme-right electorate differs substantially from traditional fascism because it is driven by an ultra-liberal ideology that contests the central role of the state and intermediary bodies (like the trade-unions). Nevertheless, historical links with fascist organisations or nazis remain. This specially holds for the Vlaams Blok and the Front National. In addition, xenophobia and the myth of 'rootedness' is the cement that unifies the various forms of extreme-right.

Manuel Abramowicz (pp.40-48) shows that racism, xenophobia and anti-Semitism are typically characteristic for extreme-right, but they are also sensible - especially in periods of elections - in the democratic political parties, mainly in the right-wing but sometimes also in left-wing parties. The xenophobic ideas of the two dominant extreme-right parties (VB and FN) shift from a traditional theoretical racism to an ethno-cultural heritage 'differentialism' of a 'New Right-Wing' ideology.

Jean Faniel (pp. 50-55) and Pascal Delwit (pp.56-60) analyse the electoral results of the extreme-right political parties. In the last federal elections the Vlaams Blok continued to increase its number of electors and became the fourth party of Flanders (after the liberal

[4] PUBBE0170

VLD and the social-democratic SP.A and coming very close to the Christian-democratic CD&V). In the Brussels-Capital Region (where the political parties present unilingual lists) the Vlaams Blok became the largest Flemish party thanks to the French votes. Despite the Flemish nationalistic rhetoric, these French-speaking voters preferred the Vlaams Blok (VB) over the French extreme-right Front National (FN) because the FN is less structured and less active than the VB. The attractiveness of the VB is based on the fact that it plays on three registers: Flemish nationalism, the fight against insecurity and immigration, and the fight against the corruption of the traditional democratic parties. Moreover, it does not have any concurrence form other Flemish extreme-right parties. The only other opponents on the Flemish nationalism field are the different smaller parties (N-VA, Spirit) that originated from the split of the traditional nationalistic party, the Volksunie.

The French extreme-right, on the other hand, is very divided by personal quarrels and ideological disputes (Belgian nationalism versus regional nationalism, royalism versus republicanism, support for the Palestinian cause by anti-Semitism or Islamophobia, etc.). Nevertheless, the increase of votes for the Front National during the last federal elections yielded a seat in the Chamber of Deputies and a seat in the Senate which gives them access to public financing of its activities. A law proposition is being discussed in the Senate in order to deprive this financing from every political party whose ideology or actions are in contradiction with the European Convention of Human Rights.

The electors of the two parties (VB and FN) are quite diverse. Besides a core of ideological extremists one also finds individuals who come from vulnerable groups traditionally affiliated with social-democratic and Christian-democratic parties but also from prosperous circles traditionally affiliated with the conservative or liberal parties. Their vote is not really ideologically motivated, but rather a vote to protest against the perceived neglect (by public authorities) of the fight against different forms of social problems and urban insecurity.

Marc Lits (pp.62-66), Meriem Machrek (pp. 67-70) and Rajae Essefiani (pp. 70-71) explore the influence of the written and audio-visual press on how extreme-right political parties are perceived by a broad audience (i.e. the electorate). Since extreme-right has booked a continuous progress since 1991, the mass media are thinking about what they can do about it. Should one ignore the parliamentary extreme-right? Should one talk about without allowing to speak? Or should one treat it just as any other political party that is represented in Parliament?

The responses to these questions vary according to the language of the media. Since the beginning of the nineties, the French press chose to talk about extreme right and analyse its faults, but without letting them, in any way, speak for themselves. This policy, called the cordon sanitaire, is still being applied nowadays both in the public and in the private media. The Flemish press has chose for the opposite policy. The representatives of the parliamentary Flemish extreme-right (VB) are treated as the other politicians of democratic parties. They appear both in the quality press and in the popular press as normal interlocutors.

c. Report on the media representation of the AEL

A report by E.A. Tillema (PUBBE0171) analyses the media representation of the AEL in the Belgian and Dutch newspaper press. The Arabic European League (AEL) was founded in February 2000 in Belgium. It is only established in Flanders, not in the Walloon Region nor in the Brussels-Capital Region. Its front man is Dyab Abou Jahjah of Lebanese origin who obtained the Belgian nationality. The AEL describes its aims as defending and promoting the interests of the Arabic and Islamic immigrant communities in Europe and the interests of the Arabic and Islamic world. The organisation claims that it strives to strengthen Arabic and Islamic immigrant communities, and to have a positive interaction with others based upon mutual respect and tolerance. Nevertheless, during the last two years the AEL has been in the spotlight because of its controversial actions and has been reproached a conflict approach to societal problems. On 3 April 2002 the AEL participated in a pro-Palestinian manifestation in Antwerp that got out of hand. In September 2002 the AEL started civilian patrols controlling the police in Antwerp city, as a counterweight for the severe police controls against youth criminality, which is implicitly linked by common people and police forces with young Moroccans. The presence of Dyab Abou Jahjah in the riots following the murder of Mohammed Achrak in Antwerp (26 November 2002, see §8) was considered as a support and even a stimulation for the troublemakers. Others stated that JahJah actually tried to calm down the rioters. Jahjah was arrested on 28 November 2002 in connection with these riots. After 5 days he was released on the condition that he would not manifest in public until 1 March 2003. AEL formed a cartel (named "Resist") with the extreme leftwing PvdA in order to participate in the federal parliamentary elections of 18 May 2003. They did not obtain a seat in Federal Parliament.

3. LEGISLATION AND POLICIES CONCERNING RACIAL VIOLENCE AND RACIST CRIMES

We will focus on the three most relevant legal instruments to fight racism and discrimination:
The anti-racism law, the general anti-discrimination law, and the law against the denial, minimising, justifying or approving of the genocide carried out by the German National Socialist regime during the Second World War.

3.1. THE ANTI-RACISM LAW OF 30 JULY 1981

In 1960 a bill was submitted in the Chamber of Deputies to adopt a law for the prevention of incitement to racial hatred and anti-Semitism. Around the same time a bill was introduced in the Senate with a similar objective. It aimed to penalise expressions of racial hatred or religious intolerance in order to curb the rise of anti-Semitism and Neo-Nazis in Belgium. In 1966 a bill was submitted to penalise certain acts determined by racism or xenophobia. This Glinne bill did not only aspire to counter racism but also to integrate 'foreign workers'. However despite the multiple submissions in subsequent years, it was never approved due to political circumstances.

It was not until **30 July 1981** when finally the law penalising certain acts determined by racism and xenophobia, briefly known as the **anti-racism law**, was implemented. The first article of this law defines discrimination as any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life[5]. This definition is largely based on the UN Convention of 1966 relating to eliminating all forms of racial discrimination. The terms 'racism' and 'xenophobia' on the other hand are not defined by the law. This lack of definition clearly provides the court with large interpretation margins.

It needs to be stressed that this anti-racism law does not state that discrimination in itself is punishable. Instead it states that discrimination for specific reasons such as so-called race, colour of skin, descent, or national or ethnic origin is liable to punishment. As a consequence, the following grounds of discrimination fall outside the scope of the law: religious conviction, sexual orientation, language, birth, political conviction or gender.

The anti-racism law penalises expressions or intentions as well as acts or deeds. As far as **words and intentions** are concerned, these are solely incitement to discrimination expressed publicly or attempts to publicise one's intention to discriminate expressed publicly (Art. 1). The anti-racism law does not provide for any sanction against "racist insults". A mere insult against a person based on race is not punishable on the basis of the anti-racism law. A specific intention, i.e. the express the wish to incite third parties to commit racist or xenophobic acts, is required. The insult must be an incitement to hatred. In this respect, the final text differs from the original Glinne bill in which insults expressed against persons based on race and similar can be penalised. Insulting individuals is dealt with separately in the Penal Code (Article 561, paragraph 7), like libel and slander (Articles 443 et. seq. of the Penal Code). As a consequence, the anti-racism law is not meant to be used in cases of mere private insults. Rather it deals with the intentional public insults against a person or group on grounds of race aimed not only at the person in question but to provoke disdain by the general public.

With regard to **acts and deeds**, this relates to, on the one hand, discrimination in supplying goods or services, at the workplace or in the exercising the duties of a civil servant (Art. 2, 2bis, 4)) and on the other hand, belonging to or extending support to a group or association practising or announcing discrimination or segregation on purpose and repeatedly in public (Art. 3).

An illustrative example of discrimination in the supply of goods could be found in the domain of housing. The original version of article 2 of the law of 30 July 1981 merely aimed to guarantee free access to public places or to services for public like means of transport, hotels, discotheques, restaurants, pubs, etc. As a consequence, discriminatory refusal to let, pronounced in a private conversation between proprietor and candidate tenant was considered as not within the scope of this law. The only way to penalise this kind of discrimination was to demonstrate that the proprietor had publicly incited to discrimination by, for instance, hanging posters or putting discriminatory advertisements. This was changed by the law of 12 April 1994: This amendment did not only increase the

[5] The original 1981 law did not provide a definition of discrimination, the description of discrimination mentioned in the text was added by the 12 April 1994 amendment of the law.

penalty but it also explicitly made discrimination with respect to the use of a good punishable. Moreover, since this amendment abolished the requirement of publicity, a discriminatory refusal that was pronounced in a private place also became punishable. In this way the law provided an instrument to counter the frequent cases where letting is refused in the mere presence of the proprietor and the candidate tenant (by the phone, or after a visit of the house). The refusal to let is not illegal if it is based on a valid reason. For instance: the fact that a house cannot accommodate more than two persons is a valid reason to refuse letting to a large family (be it foreigners or not).

Evidently, when there is a lack of material evidence (e.g. advertisements, posters), it is often very hard to actually prove that one was discriminated against because of invalid reasons, e.g. one's descent (burden of proof). This brings us to the problems of the actual implementation of the anti-racism law. Basically, three types of problems in applying the anti-racism law can be discerned:

- The initial filtering in the registration process by the police refers to many things such as, for instance,
- the difficulty on the part of the migrants to overcome their hesitation to take legal steps;
- complaints are sometimes not recorded in a report by the police or only partially recorded;
- complaints about racism are not always taken seriously
- the reversal of the victim-offender relationship

1. In the area of actions undertaken by the Public Prosecutor's Office, there is ample room for improvement.
    - frequent occurrence of dismissed cases
    - many complaints are unsuccessful in court as they are insufficiently substantiated by proof regarding the discriminatory intention of the alleged offender

2. Burden of proof
    - The anti-racism law ranks as criminal legislation, which prescribes that one is innocent until proven guilty. Therefore the burden of proof is on the public prosecutor assisted in second instance by the victim, or the person who claims to be discriminated against. Evidently, it is very hard to actually provide hard evidence when it comes to complaints of racism. This is certainly the case when 'intentions' are involved, but also when it comes to proving that e.g. a service was refused because of a racist motivation. This lack of civil law provisions (e.g. shift of burden of proof) constitute the major shortcoming in the 1981 antiracism law. This explains the very low number of cases where an actual judgement was passed. To be more precise when looking at the period 1981-1991 95.5 per cent of all the cases for which a judgement was passed ended up being dismissed. In paragraph 7 we will show that about 65% of the racism and/or xenophobia cases for the period 1998-2002 was without consequences.

3.2. THE GENERAL ANTI-DISCRIMINATION LAW OF 25 FEBRUARY 2003

On 14 July 1999 Senator Mahoux et al. introduced a bill to combat discrimination. The government made some amendments conforming to the two council directives of 2000, notably the directive implementing the principle of equal treatment between persons regardless their racial or ethnic origin of June 29 2000 and the directive establishing a general framework for equal treatment in employment and occupation of 27 November 2000. These amendments concerned the grounds of discrimination, the definition of discrimination, the scope of the law, criminal law provisions and civil law provisions.

Grounds of discrimination. The government proposed to include 'religion or philosophy of life' in the list of discrimination. In sum, the anti-discrimination law takes over all the grounds of discrimination provided for in the Article 13 of the Treaty of Amsterdam and the two Council Directives. However, the Belgian government adopts a narrow interpretation. This means that this particular ground covers only religious or philosophical convictions related to the existence or non-existence of a god, and therefore political or other convictions are excluded.

The definition of discrimination. Two forms of discrimination, direct and indirect, are differentiated. Art. 2. §1: 'One speaks of direct discrimination when a difference in treatment that is not objectively or rationally justified is directly based on gender, a so-called race, skin colour, origin or national or ethnic origin, sexual orientation, civil status, birth, wealth, age, religion or philosophy of life, present or future state of health, disability or physical characteristic.' Art. 2. §2: 'One speaks of indirect discrimination when an apparently neutral definition, criterion or behaviour has damaging repercussions on persons on which one of the discrimination grounds mentioned in §1 is applicable, unless this definition, criterion or behaviour is objectively or rationally justified.' In view of compliance with the two Council Directives §5 of Article 2 stipulates that in the area of labour relations as defined in the second and third clause of paragraph 4 the difference in treatment is based on an objective and reasonable justification if such a characteristic, due to the nature of the professional activity or context, within which it has to be carried out, constitutes an essential and prescribed part of the professional activity. The reason for including an 'objective ground of justification' has to do with the large scope of this law (see infra). Moreover, this law covers more discrimination grounds than those indicated in the directives, notably health condition of a person, physical characteristic and fortune. It is purposely opted for an open interpretation of direct discrimination instead of a closed definition, in which case an exhaustive list of all the exceptions to the rules needs to be established.

It is important to point out that - in opposition to the anti-racism law - it is no longer necessary to have the deliberate intention to discriminate in order to speak of discrimination. Obviously, unintentional discrimination still is discrimination. Since the anti-discrimination law files under Civil Law this form of unintentional discrimination is not penalised, but it can be stopped by the civil court.

For 'gender' as a ground of discrimination, the government specifies law of 7 May 1999 on the equal treatment of men and women with regard to the employment, access to employment and chances for promotion, access to self-employment and complimentary

social security schemes is and remains applicable with regard to discrimination in the area of employment. In addition, there is the collective agreement 38 in the domain of employment, which forbids discrimination on the grounds of ethnic background, gender, sexual orientation, handicap or political conviction at the recruitment. This collective agreement has been declared universally binding (CAO 38, 6 December 1983).

Important to note that the government also follows the directive when it proposes that 'harassment shall be deemed to be a form of discrimination when unwanted conduct relating to any of the above-mentioned discrimination grounds takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment'.

In terms of **scope**, every form of direct and indirect discrimination is prohibited in:

- supplying goods and services
- offering and processing vacancies
- entering and ending employment contracts
- appointing officials or designating officials for a particular department
- entry in an official document
- distributing, publishing, or publicly announcing a text, report, sign or any other carrier of discriminatory statements
- any other performance of an economic, social, cultural or political activity

On the whole, the scope of this Belgian anti-discrimination law largely corresponds with that of the first Council directive on racial and ethnic origin. Concerning the other grounds of discrimination, the government goes further than the second Council directive on equal treatment in employment and occupation, since this is confined to the two mentioned areas. Although housing is not explicitly stated, housing is easily categorised as a service rendered in the public sphere and is thus covered by this bill.

Criminal law provisions. As we pointed out, the general anti-discrimination law files under Civil Law, nevertheless the anti-discrimination law also penalises in a number of cases. In analogy with the anti-racism law, the general anti-discrimination law penalises expressions, which incite and/or give publicity to discrimination on the basis of one of the discrimination grounds. Moreover, a person in a public function, who commits discrimination on one of the non-racial grounds of discrimination, is also punishable by this law. Finally, the anti-discrimination law introduces "reprehensible motives as an aggravating circumstance". For certain articles of the Penal code such as murder, blows and injuries, indecent assault, fire-raising, destruction of somebody's property, the law provides aggravating circumstance if the criminal offence has been committed on the basis of one of the racial (a so-called race, skin colour, origin or national or ethnic origin) or non-racial grounds of discrimination (see above).

Civil law provisions. The key element of the bill on the fight against discrimination are the civil law provisions making it easier for a victim of discrimination to institute a rapid civil action before the Court of First Instance or, where appropriate, before the Commercial Court or Labour Court. The President of the Court may order the cessation of the discrimination and may sentence the perpetrator to a penalty for default if the discrimination has not ceased. The quintessential issue in this respect is the shift of the burden of proof. It is very difficult for a victim of discrimination to prove that s/he is discriminated against. In this perspective the Council Directives provide that the Member

States must in their national judicial systems take measures to make sure that victims of discrimination can before a court or other competent authority establish facts from which it may be presumed that there has been direct or indirect discrimination, and it is for the respondent to prove that there has been no breach of the principle of equal treatment. This is in itself sufficient reason for instituting civil procedures against discrimination as this shift in the burden of proof cannot be applied in criminal cases because of the criminal law principle of presumed innocence. In civil cases, however, the key point does not revolve around guilt or innocence but rather whether discrimination has taken place or not. Moreover, it should be noted that discrimination is not always the result of malicious intent.

The Belgian anti-discrimination law has been passed in the Senate on 12 December 2002 and published in the official journal, Belgisch Staatsblad - Moniteur Belge, on 17 March 2003. It became effective on 27 March 2003.

3.3. THE LAW AGAINST THE DENIAL, MINIMISING, JUSTIFYING OR APPROVING OF THE GENOCIDE CARRIED OUT BY THE GERMAN NATIONAL SOCIALIST REGIME DURING THE SECOND WORLD WAR

The denial of the genocide carried out by the German national-socialistic regime is not covered by the anti-racism law of 30 July 1981, unless it is associated with the instigation to discrimination or hatred. The law of 23 March 1995 against the denial, minimising, justifying or approving of the genocide carried out by the German National Socialist regime during the second World War fills in this gap within the anti-racism law. Article 1 determines that these opinions are only liable to punishment if they are publicly expressed. Article2 states that the term genocide is to be interpreted as is indicated by article 2 of the International Treaty of 9 December 1948 concerning the prevention and punishment of genocide.

The first verdict applying this law dates from 2000, concerning a bookstore disseminating and exposing an English book titled “Final conflict”, which minimises and justifies the holocaust. The depository of the book copies was sentenced to an imprisonment of six months with postponement, a penalty of BEF 2000 (€40.58) and the payment of BEF 2000 (€40.58) as a contribution to the Special Fund for helping victims of deliberate acts of violence. In addition, he was sentenced to publish, on his account, the complete verdict in the newspapers Le Soir and De Standaard.

3.4. WEARING OF NEO-NAZI SYMBOLS AND HATE-SPEECH

There is no Belgian law that explicitly penalises the wearing of neo-nazi symbols. Nevertheless, persons wearing these symbols could be accused of instigation to discrimination or racism (article 1of the anti-racism law) or of minimising or approving

of the genocide carried out by the German National Socialist regime during the Second World War. It will be clear that, for each case, the judge will have to make an interpretation of the extent to which the wearing of neo-nazi symbols actually is an instigation to discrimination/racism or a minimisation of the holocaust. Moreover, the anti-discrimination law introduces "reprehensible motives as an aggravating circumstance". Up to now, however the wearing of neo-nazi symbols has not been the basis of actual convictions in Belgium. Making a Hitler salute, on the other hand, has been penalised on the basis of the anti-racism law of 30 July 1987 (see paragraph 7).

It will be clear that hate speech, under the conditions of the anti-racism law discussed above, is liable to punishment.

3.5. INSTALMENT OF A SPECIALISED BODY

On 15 February 1993 the Centre for Equal Opportunities and Opposition to Racism (CEOOR) was set up as a specialised body fighting racism and xenophobia, replacing the Royal Commission on Migrant Policy. The CEOOR is an autonomous and public institution, linked to the Prime Minister's Office. As a federal institution it is competent for the entire country. Parallel to the instalment of the general anti-discrimination law in 2003, the competencies of the CEOOR were enlarged. More specifically, a meeting of the Council of Ministers of 17 March 2000 decided on the basis of Article 13 of the Treaty of Amsterdam to expand the competencies of the centre to non-racial discriminations. As a consequence, the CEOOR has the task to promote equal opportunities and to fight each form of distinction, exclusion, restriction or preference on the basis of a so-called race, skin colour, origin or national or ethnic origin but also on the basis of sexual orientation, civil status, birth, wealth, age, religion or philosophy of life, present or future state of health, disability or physical characteristic. Other Tasks of the CEOOR are: drawing up advice regarding immigration and integration, training and raising awareness in the wide areas of migration, integration and racism, fighting poverty, the fight against trafficking in human beings and migration monitoring.

4. DESCRIPTION AND ANALYSIS OF EXISTING DATA AND SOURCES ON RACIAL VIOLENCE AND RACIST CRIMES

4.1. DEFINITION OF RACIAL VIOLENCE

Although the Belgian anti-racism law of 30 July 1981 "penalises certain acts determined by racism and xenophobia", neither a definition of racism nor a definition of xenophobia is presented in this law. Only a definition of the concept of racial discrimination (which is formulated in accordance to the International Convention on the Elimination of All Forms of Racial Discrimination, New York, 7 March 1966)[6] is presented.

In its Declaration on Race and Racial Prejudice on 27 November 1978, the General Convention of UNESCO described racism as follows: "Any theory which involves the claim that racial or ethnic groups are inherently superior or inferior, thus implying that some would be entitled to dominate or eliminate others, presumed to be inferior, or which bases value judgements on racial differentiation, has no scientific foundation and is contrary to the moral and ethical principles of humanity. Racism includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalised practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable."

It will be clear that the concept of racism is very broad and comprehensive. **Racial violence,** in its turn, can be considered as an aspect (focusing on very specific acts rather than on ideologies and attitudes) of the phenomenon of racism. Racial violence is defined as a kind of violence in which victims or targets are chosen because of their ethnic, racial, ethnic-religious, cultural or national origins. Violence is conceived as behaviour in which one person or party deliberately causes damage to another person or party, or threatens to do so, and in which this behaviour is mainly intended to physically damage objects and/or persons. As a consequence all kinds of violent acts (e.g. threat, abuse, inscriptions and graffiti (plastering as Donselaer and Rodrigues said in 2000), vandalism, etc.) are considered as racial violence when the choice of the victim or target is motivated by its ethnic, racial, ethnic-religious, cultural or national origin. Donselaer and Rodrigues (2002) differentiate 8 categories of racial violence: (1) Plastering, (2) Threats, (3) Bomb alerts, (4) Confrontation, (6) Destruction, (7) Arson, (8) Assault, (9) Manslaughter.

---

[6] **Racial discrimination** is defined as: "Any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life."

4.2. PROBLEMS ASSOCIATED WITH THE REGISTRATION OF RACIAL VIOLENCE

The definition of racial violence itself (see §7.1.) reveals the problem associated with the registration of racial violence, for it is not always clear what exactly the motivation of a specific act of violence was. As a consequence, each registration of a violent act implies an interpretation of this act. Let us illustrate this problem with a case that was registered by the CEOOR. A young African woman filed a complaint because she was chased by a group of minors who were talking all kinds of racist nonsense. After a while the minors got hold of her and they beat her with a leash. There were no witnesses, so nobody could testify that the woman was attacked because of racist motives. This offence was registered by the police as assault and battery. After investigation, it was shown that the minors themselves had admitted the facts and, moreover, had admitted their racist utterances. On the basis of these findings the lawyer asked the Prosecution Council to re-qualify the case. The initial charge of "assault and battery" was changed in an "offence against article 1 of the anti-racism law". However, if the minors had not confessed their racist statements it would have been very difficult to prove the racist motives of the perpetrators.

Other cases reveal the same problem of the determination of the racist motive or intention. Think, for instance, of the case in which the property (e.g. a house) of a migrant is plastered. Is this act motivated by the ethnic origin of the victim or is it rather motivated by other reasons, like a trivial quarrel between neighbours. Or was it 'just' a case of undirected vandalism? It goes without saying that the interpretation can differ substantially according to the person or instance involved: the perpetrator, the victim, police agent, courts, etc. Moreover, in many cases of racial violence the perpetrators remain unknown, which, evidently, complicates the determination of the motive of the crime.

The consequences for reports on racial violence are evident. The way the case is registered depends on the interpretation and labelling of the crime. For instance, when an act is booked as assault and injury and possible racial motivations are not mentioned, the case can not be traced in terms of racial violence. As a consequence, data provided by jurisdictional institutions only give a partial view on the frequency and types of racist acts. Moreover, the Belgian police do not have systematic statistics on different forms of racial violence (as in the case of the Netherlands for instance)[7]: Relevant cases are merely coded in the general terms of racism (code 56A) or xenophobia (code 56B). As with all other criminal acts, an additional problem is the fact that many acts of racial violence are never reported and thus are never included in the statistics (problem of underreporting).

The considerations above pertain to actual charges registered by the police (and/or courts), but they are also relevant for the complaints as registered by the CEOOR. As a consequence, in analysing and reporting on racism and racial violence, we always have to take the general problem of underreporting into account.

---

[7] In order to remedy this situation, the CEOOR has recently taken the initiative to alert the key players about the importance of the registration of racial violence. These key players are the Federal Police, the college of public prosecutors, cabinet members of the Minister of Interior and the cabinet of the Minister of Justice. See §6.

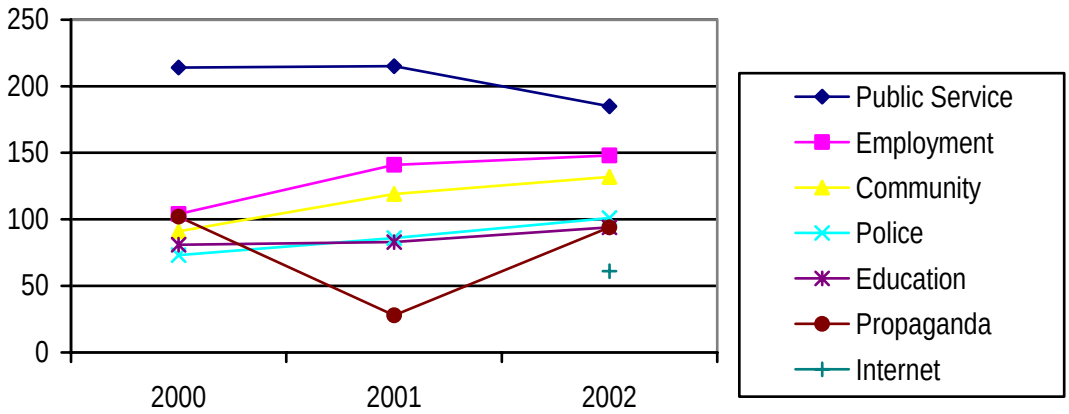
4.3. COMPLAINTS REGISTERED BY CEOOR

A number of trained lawyers and social scientists are working at the CEOOR, dealing directly with individual complaints about racism. In 2002 the CEOOR registered a total of 1316 complaints on racism. One out of four complaints was labelled as 'racism' by the CEOOR. More specifically these complaints concerned discriminatory treatment (10 %), instigation to racism (13%) and denial of the holocaust (2%). Slightly more than one out of four complaints is filed as 'unfounded' (12%) or 'incompetent' (15%, indicating that complaint does not pertain to issues within the competency of the CEOOR). Slightly less than one out of four complaints could be attributed to the quality of service (13%) and improper government (6%). The remaining 20% of the complaints are still being treated or could not be assessed due to lack of information.

As in previous years, the most important reasons to file complaints were harassment and arguments. Other common reasons were maltreatment, insult and leasing/letting. In 34% of the complaints 'origin' was indicated as the reason for discrimination. In addition, 10% of the complaints indicate nationality and 5% colour of skin as the main reason of discrimination. As a consequence, nearly 1 out of 2 complaints concerned reasons to which the anti-racism law applies. In 7,5% of the complaints religion was pointed out as the ground for discrimination. Mainly in education settings and with respect to Internet complaints explicit reference is made to Islam, e.g. the issue of wearing a headscarf. Finally, in 19% of the complaints the statute of residence was indicated as a ground for discrimination.

There were no substantial changes with respect to the origin of the persons who filed a complaint in comparison to previous years. There was a slight increase of the proportion (+ 4%) of complaints from persons with Belgian nationality (53%). This pattern could be attributed to the steady increase of naturalisations of allochthonous persons, see chapter 2. The majority of the non-Belgian persons that filed a complaint at the CEOOR had African origins (North-Africa 12% and Black Africa, 17%).

Figure 2. Number of complaints by domain for 2000-2002.



In comparison to 2001 a general increase in the number of complaints with 6% (1316 versus 1246) was observed. The general pattern of the complaints, however, remained the same. As in 2001, most of the complaints concerned public services (17% of all complaints registered in 2002 versus 21% in 2001), employment (13 % versus 14%), problems in the community (12% versus 11%), police (9% versus 8%) and education (8% versus 8%). Together these five domains take 59% of all the complaints into account.

As in previous years, complaints concerning public services ranked number one in the list. Nevertheless, it needs to be pointed out that there was a decrease of complaints in this domain (185) compared to 2001 (215) and 2000 (214). Moreover, one has to take into account that the majority of these complaints pertain to complaints of status of residence. Taking this into account, one could say that the domain of employment yields in fact the most frequent complaints on racism and discrimination. With respect to the domains of employment, community, police and education, the trend of increasing complaints as observed in 2001 is continued. The number of complaints regarding employment increased with 5% in comparison to 2001(148 versus 141), regarding community with 11% (132 versus 119), regarding police with 17% (101 versus 86) and regarding education with 11% (94 versus 83).

Two other trends are also worth mentioning. First of all, a substantial increase in complaints on racist propaganda was observed (72 in 2002 versus 28 in 2001), mainly on the French-speaking part (44 of the 72 files pertain to French-speaking propaganda). As can be seen in Figure 1, there was a peak in complaints regarding propaganda in 2000, which can be attributed to the municipal elections that took place in that year. Secondly, an extra category of complaints was added to the categorisation system. For the first time, complaints concerning racism on the Internet (websites, forum, e-mails) were filed separately: Previously the complaints were filed as “media’-complaints. These complaints made up 6% of the total amount of complaints, and this proportion increases weekly. On the whole, racist statements in the media occurred quite frequently (5% of the complaints).

66% (869 out of 1316) of the complaints could be localised to a specific city/town. The other complaints were situated on federal level or on the local, regional or provincial level. Considering these localisable complaints reveals that the majority (i.e., 60%) originates from Brussels (41%) and the province of Antwerp (19%). This dominance of the cities of Brussels and Antwerp in the topographical distribution of complaints was also reported in 2001.

The analyses above are the analyses as they are presented in the CEOOR's annual report of 2003. In order to narrow down the complaints of the CEOOR to the topic of racial violence, we re-analysed the CEOOR-database for the period January 2002 till 15 September 2003 (N= 1710). The following categories of the CEOOR-complaints can be filed under racial violence : insult, ill-treatment/abuse and harassment/quarrel. Using this operational definition, the category of racial violence complaints constitutes about 18% of the total number of complaints in the period from January 2002 till 15 September 2003. 53% of the victims are male, 29% are female (in 18% of the cases the gender is not registered). Most of the complaints on racial violence pertain to problems of living together (29%), problems with the police (25%), education (11%) and employment (9%). Most complaints of racial violence refer to problems with private persons and, to a lesser extent, with local police.

It will be clear that one should be careful in interpreting the patterns in these complaints as reliable and valid indicators for racism and discrimination in the Belgian society. First of all, it can be assumed that the complaints that are registered by the CEOOR are only a minimal reflection of the problems of racism and discrimination. Not every criminal act results in a complaint. Evidently, the same goes for racism and discrimination: not every incident is reported to the CEOOR. Secondly, it can well be that the reporting behaviour (i.e. the act of filing a complaint) is 'domain specific'. Recent sensitising campaigns or specific court cases that get strong media coverage can facilitate reporting behaviour in specific domains. Nevertheless, the systematic data on complaints registered by the CEOOR remain a very relevant source of information to tap trends (within these yearly data sets) and to indicate the presence of the phenomenon in Belgian society.

4.4. COURT CASES

In 2002 there were a number of important court cases with respect to instigation to discrimination, hate and violence (7), structured racism (3) and holocaust denial (1).

a) Instigation to discrimination, hate and violence

- There were three juridical verdicts regarding making a Hitler salute. Two persons were sentenced, one person was found not guilty because he had made the salute during a heated argument with a policeman and the act was not proven to be intentional. The two convictions conformed with the judgement of the Cor-rectional Court of Brussels of 15 July 1996 stating that "the Hitler salute is in-disputably linked with a fascist regime that, on the basis of an alleged supremacy of one race over another, committed all kinds of crimes among which genocide. Making a Hitler salute can not but be interpreted as reference to these practices and, as such, this act instigates to discrimination, hate, violence and segregation of a group on the basis of race, colour of skin, descent or nationality ".
- The Court of Appeal of Antwerp confirmed on 20 June 2002 the judgement of the Correctional Court of Antwerp of 26 March 2001, sentencing a person for making a Hitler salute towards the council of Antwerp. The court judged that the penalty (BEF 20.000 - €495.79) was in accordance to the consequences that were intended by making the Hitler salute, namely instigation to intolerance towards others and the provocation of violence making neighbourhoods uninhabitable and damaging the essence of society.
- The Correctional Court of Antwerp also sentenced an elected person of the Vlaams Blok party because he had made a Hitler salute while taking the oath for the council. The accused was convicted to 3 months imprisonment with postponement and to a penalty of 991 €.
- A DJ was sentenced because he had played the song "Makkakkendans" which instigates to hatred towards, violence against and discrimination of Turkish people. The correctional Court of Mechelen was of the opinion that it was an intentional act because the DJ knew the lyrics of the song and had deliberately included the song in his set-list.
- On 24 December 2002 the Correctional Court of Dendermonde sentenced a Chief of Police to an imprisonment of 9 months with three years postponement for the instigation of police force members to violence against

migrants, and for the act of discrimination in his function of Chief of Police (art. 4). The statements of numerous force members and employees showed that the suspect put forward his racist ideas in a rude manner: "you have to squeeze the shit out of their bodies until you drop dead yourself" and "you have to beat them until you drop dead yourself, otherwise you haven't done your job properly". The judge was of the opinion that it was intolerable that a Chief of Police instigated his subordinates to beat up migrants. Even the fact that a small group of migrant youngsters caused trouble in the community could not justify the punishable behaviour of the defendant.

- On 12 November 2002 the Correctional Court of Veurne sentenced 5 extreme-right persons who had beaten up an Egyptian because of his nationality. The court sentenced each of the accused to a fine of 1000 € and an imprisonment of one year (partly with postponement) because "a severe punishment is necessary to make the defendants realize that the committed offences are very serious, and to keep them from recidiving in similar criminality and to protect society from their dangerous racist criminal attitude". Three minor perpetrators participated in this scuffle, one of these was the son of the first defendant.
- On 19 February 2002 the Correctional Court of Tournai sentenced a man for slander and instigation to racism because he had publicly shouted at a policeman: "that they should better do their job on Algerians rather than bothering him" and "that authorities should take their responsibilities concerning those strangers". The allochthonous person he quarrelled was confronted with the words "dirty Arab, *bougnoul*, return to your country".

b) Structured racism

- On 23 April 2002 the Magistrate's Court of Brugge sentenced members of "Civil Initiative Oostende" to a penalty of 495,79 € because of the distribution of racist pamphlets which criminalised habitants of a transit centre by stating that foreigners retrained themselves to be criminals, drug dealers and prostitutes.
- The accused were cleared of infringements on article 3 of the anti-racism law (making the organised dissemination of racism and discrimination punishable) because the judge was of the opinion that, at the moment of the facts, "Civil Initiative Oostende" was not an organisation in the sense of the law because of a lack of a certain permanence and minimal structure to realise its goals.
- On 28 January 2002 the Magistrate's Court of Liege convicted an extreme right leader to 4 months effective imprisonment and a fine of 4.957 €. It was the second time he was sentenced for incitement to hatred. Moreover, he was also sentenced to membership of two organisations that promote segregation and racial hatred, REF and Bloc Wallon (art. 3).
- The CEOOR, the Liga voor Mensenrechten (League for Human Rights) and the Public Ministry accused three non-profit organisations of the Vlaams Blok party (Vlaamse concentratie, Nationalistisch Vormingsinstituut en Nationalistische Omroep Stichting) of infringement of the anti-racism law of 30 July 1981. These three non-profit organisations are the basis of the political party Vlaams Blok. On 29 June 2001 the Correctional Court of Brussels declared itself incompetent in the case because it considered it as a political case: A political crime is to be judged by an Assize Court.

- Both the CEOOR, the League and the Public Ministry have lodged an appeal against this verdict. In its arrest of 26 February 2003 the Court of Appeal in Brussels has confirmed the first verdict by declaring itself incompetent on the basis of the political nature of the crime. Again, this arrest is in contradiction with the advice of the Sollicitor General. Until this day the court has not made a judgement on the core of the case. The CEOOR, the League and the Public Ministry have decided to appeal to the court of cassation against the arrest of 26 February 2003: They are of the opinion that the term 'political crime' is interpreted in a way that is incompatible with the constant jurisdiction of the Court of Cassation. In 18 November 2003, the Court of Cassation said that the CEOOR, the League and the Public Ministry are right. The case is reported at the Court of Appeals of Ghent.
- On 2 December 2003, a French-speaking leader of an extreme right party was convicted to 5 months effective imprisonment and a fine of €990 by the Correctional Court of Liège.

Evidently, the 'example function' of these cases on organised forms of racism is not to be neglected. The effective conviction of racist organisation will constitute an important sensitising factor for both the general public and the magistrates. For this reason, it is deplorable that the cases of convictions for organised forms of racism have been rather rare up till now.

c) Holocaust denial

- On 15 January 2002 the Correctional Court of Brussels sentenced a person that had disseminated between December 1997 and February 1999 racist and negationist texts via the internet. After his neglect of repeated warnings, the provider filed a complaint. The judge sentenced the accused in absentia to one year of imprisonment because of infringements against the anti-racism law and the law on the denial of the holocaust.
- On 9 September 2003, the correctional court of Antwerp sentenced Siegfied and Herbert Verbeke to one year suspended imprisonment and a penalty of 2500 € for offences against the 23 March 1995 law against the denial of the holocaust and the anti-racism law of 30 July 1981. They are also deprived of their civil rights for 10 years. The CEOOR and the Auschwitz Foundation who lodged a liability complaint received a compensation for damages. The brothers Verbeke were prosecuted because of their activities denying the genocide and the war crimes committed against Jewish people by the Nazis in WWII. They run the organisation VHO (with its own homepage) that disseminates pamphlets and books of the most significant Belgian and international persons denying the holocaust. This sentence is the final result of an investigation that started in 1997.

4.5. RACISM FILES IN JURISDICTION: REPORT OF STATISTICAL ANALYSTS OF THE MINISTRY OF JUSTICE

In this paragraph, we will briefly present an analysis by the statistical analysts of the Ministry of Justice (College of Procurators-Generals) on the number of racism-cases in jurisdiction [8].

The data obtained stem from two phases in the judicial/criminal procedure. In general, four phases are differentiated in the judicial/criminal procedure: the phase of police investigation, the phase of the location and persecution by the public prosecutor, the phase of trial in front of the courts and, finally, the phase of the punishment. Evidently, not every person who is guilty of a criminal act passes through all of these phases: not all criminal acts are registered by the police, not all criminal acts are transferred from the police to the public prosecutor, the public prosecutor does not transfer all cases to the courts and not every adjudged person ends is penalised. The report that is presented focuses on the way in which the public prosecutor and the correctional courts function with respect to racism.

The identification of racism files is done in two phases, related to two clearly differentiated phases in the judicial/criminal procedure.

- At the beginning of the judicial procedure, at the level of the public prosecutors, the charge determines the selection of the racism files. For every case / file the public prosecutor assigns one principal charge. Most of the time, the public prosecutor confirms and specifies the charge that was indicated as the most important by the booking authority. At this stage, each case gets **an identification number** (‘notitienummer’ / 'numéro de notice').
- At the end of the judicial procedure, the qualification of the criminal act according to the verdict of the judge determines whether a person is convicted for racism or discharged. Again, on the basis of the verdict **a registry number** (‘griffienummer’ / 'numéro de greffe') is assigned.

As a consequence, each case has an identification number but does not necessarily have a registry number, because not every case results in a summoning or a sentence. On the other hand, a single registry number can be associated with several identification numbers since a person can be summoned and sentenced for several files at the same time. These facts have consequences for the reporting of the judicial data: the data are presented by case before the summoning, whereas they are presented by person in the phase of the sentence.

As explained above, the office of the public prosecutor puts together a case or a file on the basis of every charge or every complaint that has been introduced to them. To each file a principal charge is attributed (e.g. 56A for ‘racism’ or 56B for ‘xenophobia’). Additional crimes are often not registered on this level. This implies that cases in which racism or xenophobia are considered as secondary charges, could not always be included

[8] This report can be found as an annex to the publication “1993-2003. 10 jaar CGKR. Van integratie naar diversiteit.” - "1993-2003. 10 ans CECLR. Vers l'égalité" of the CEOOR.

in the analyses. According to the college of prosecutors-generals, the fact that additional charges are not registered results in a slight underestimation of the total number of racism and/or xenophobia cases.

Over the last five years, 3693 files were registered because of charges of racism and/or xenophobia. About 41% of these charges are to be situated in the jurisdiction of Brussels. In 2002 729 racism and/or xenophobia cases were registered. This number reveals a sharp contrast with the increasing trend that was observed since 1998: 653 cases in 1998, 690 in 1999, 792 in 2000 and 829 in 2001. About 44% of the cases in 2001 were registered in the jurisdiction of Brussels, and about 20% were registered in Antwerp.

Table 2. Number of cases of racism and/or xenophobia (by district) between 1998 and 2002.

	1998 N - *AP- RP*	1999 N-AP-RP	2000 N-AP-RP	2001 N-AP-RP	2002 N-AP-RP	TOTAL	
Antwerp	138 - *19 - 21*	133-*19- 19*	136-*19- 17*	169 - *24 - 20*	138- *19 -19*	714	19%
Brussels	296 - *19 - 45*	268-*17.5- 39*	321-*21- 45*	363 - *24 - 44*	281-*18- 38.5*	1529	41%
Ghent	75- *12.5 - 11*	126-*21-18*	158-*26-20*	127-*21-15*	113-*19- 15.5*	599	16%
Liege	81- *16-12*	76-15-11	109-*22-14*	108-22-13	122-*24.5- 17*	496	13%
Mons	63 – *18 - 10*	87-24.5-13	68 -19-8.5	62 – *17* - 7.5	75 – *21 -10*	355	9%
BE	653	690	792	829	729	3693	100%

Source: Report of statistical analysts of the Ministry of Justice/Own computing
AP = Annual Part/Total of complaints between 1998 and 2002 in a city (in percent and in rounded form)
RP = Regional Part (Part of a city/Whole Belgium in percent and in rounded form)

As was indicated above, a number of public prosecutors registered a secondary charge besides the principal charge. The database used in the report included 208 files (i.e. 6%) with codes that did not pertain to racism for the period 1998-2002 (see Table 3). It will be clear that the number of these secondary charges is minimal. Nevertheless, it is interesting to point out that the majority of secondary charges accompanying the charges of racism/xenophobia involve threats, deliberate strokes and wounding and slander.

Table 3. Secondary charges in addition to charges of racism and/or xenophobia in 1998-2002.

Charge	Number	%
Threats	38	18,27
Deliberate strokes and wounding	37	17,79
Slander	23	11,06
Damaging – destruction	17	8,17
Recalcitrance towards the government or persons with a public function	14	6,73
Insults	12	5,77
Other	67	32,21
TOTAL	208	100

Table 4 presents an overview of the state of advancement of the 3693 different racism / xenophobia files of the last five years (1998-2002) on the moment of analysis (February 2003). When different decisions were made with respect to one case (e.g. for the different persons involved) the most serious decision (i.e. the one which is the most decisive with respect to the criminal prosecution) was taken as an indicator.

Table 4. Most recent state of advancement of racism / xenophobia files of 1998-2002 by district.

	Antw. N-PSaC- PCSa	Bruss. N-PSaC- PCSa	Ghent N-PSaC- PCSa	Liege N-PSaC- PCSa	Mons N-PSaC- PCSa	TOTAL	
Without consequences	484 68 20	931 61 38.5	420 70 7	320 64.5 13	260 73 11	2415	65,4%
Criminal investigation	87 12 30	121 8 17	22 3.5 7.5	47 9 6.5	14 4 5	291	7,9%
Joining	61 8.5 13	267 17 57.5	58 10 12.5	54 11 12	23 6.5 5	463	12,5%
Put at the disposal of another Belgian court	31 4 10	130 8.5 42	52 8.5 17	41 8 5	53 15 17	307	8,3%
Friendly arrangement	6 1 18	17 1 50	7 1 20.5	4 1 12	-	34	0,9%
Mediation in criminal cases	6 1 50	2 0.1 16.5	-	4 1 33	-	12	0,3%
Summons, court session, verdict, arrest	29 4 3.5	36 2 32	28 4.5 25	16 3 14	3 1 2.5	112	3%
Investigation, court sitting in chambers or the chamber of indictment	10 1 17	25 1.5 42	12 2 20	10 2 17	2 0.5 22	59	1,6%
All decisions	714	1529	599	496	355	3693	100%

PSaC = Part of each state of advancement by city (in percent and in round form)
PCSa = Part of each city by state of advancement (in percent and in round form)

The table above clearly shows that the majority (2415 out of 3693, i.e. 65%) of the racism / xenophobia cases have, at the moment of the data analysis (i.e. February 2003), remained without consequences. Of these 2415 cases without consequences, 68,8% involved a technical dismissal[9], 29,7% were dismissed because of opportunist reasons[10] and 1,6% because of another motive. In only 112 cases (i.e. 3%) at least one accused was

[9] Examples of technical dismissals are: the facts are not punishable, a lack of evidence, the criminal proceedings are expired (e.g. the preclusion of criminal proceedings by reason of lapse of time, perpetrator deceased, …) or not permissible (e.g. immunity, exemption, …) or the perpetrator remained unknown.

[10] Examples of dismissals because of opportunist reasons are: the facts have limited social repercussions, the perpetrator has no police record or is very young or has compensated the victim, a lack of capacity for investigation or more important priorities.

summoned to appear in court[11]. 93 of these 112 cases were sentenced: 64 (i.e. 57%) of these sentences resulted in a conviction for racism (codes 56.01, z56.01, z56.02).

In 7,9% the criminal investigation was still running. Friendly arrangements and mediation in criminal cases are two decisions that extinguish criminal proceedings, but apparently they are rarely used in racism files. A substantial proportion of racism cases (12,5%) is joined with another file making it a daughter file of a mother file with another charge. 8,3% of the racism files were put at the disposal of another Belgian court. The current database does not allow extracting the decisions that were made in these files from then on. 59 files were still in the hands of the examining magistrate or someone on the level of the court sitting in chambers or the chamber of indictment.

It is possible that a file is not taken in as a racism file, but that the final sentence does label it as a racism file: The initial charge does not have to be the same as the final verdict. The report of the analysts of the Ministry of Justice concludes with an analysis of the persons involved in cases that resulted in a verdict with racism qualification codes (codes 56.01, z56.01, z56.02). If the racism qualification of one sentence pertained to two or more (n) persons, than the sentence is taken into account several (n) times.

Table 5. Persons that were sentenced for racism: contents of the verdict (1998-2002).

	Number	Percentage
Conviction	64	32,7
Discharge	34	17,3
Conviction + postponement	56	28,6
Normal postponement of the sentence	18	9,2
Other	24	12,2
TOTAL	196	100

Table 5 shows that the majority (120 persons) of the 196 accused for racism (in the phase of the final verdict) were actually convicted. The convictions and the convictions with postponement constitute more than 60%. 17% of the persons that were charged of racism (in the phase of the final verdict) during the period 1998-2002 were discharged. It is interesting to point out that about 43% of the persons that were sentenced for racism / xenophobia was initially involved in a file without any charge of racism / xenophobia at the level of the public prosecutor.

The number of 120 persons convicted for racism or discrimination during the period 1998-2002 (based on the final verdicts), nuances the figure of 64 (see above), that was based on cases that were labelled as racism files at the level of the public prosecutor. Nevertheless, 120 convictions for racism and discrimination on a period of five years still can be interpreted as quite limited. Taking into account the recent history of the judicial fight against racism, this apparently 'limited' number of convictions in the last five years is rather impressive.

[11] It needs to be pointed out that this number reflects the situation on the moment of analysis (i.e. February 2003). It is quite likely that a number of the cases in the categories 'criminal investigation', 'joining', 'put at the disposal of another Belgian court' and 'investigation, court sitting in chambers or the chamber of indictment' will be added to the category of 'Summons, court session, verdict, arrest' in the future.

Since the report of the statistical analysts of the Ministry of Justice does not present statistical data of the years before 1998, we will base our argumentation on the court cases involving the anti-racism law of 30 July 1981 as they are reported on the CEOOR-homepage. On this homepage the CEOOR reports all the cases that they have knowledge off, which is less than the number of cases that is presented in the report of the statistical analysts of the Ministry of Justice. Due to this lack of exhaustive information and the fact that the units of analysis by the CEOOR are court cases (instead of individual persons), we will not compare these data with the data from the report of the statistical analysts of the Ministry of Justice. We will only use the data provided on the CEOOR homepage to make a period-relative analysis.

For the period 1982-1997 the CEOOR reports 40 court cases pertaining to the anti-racism law of 30 July 1981: in 23 (i.e. in 58%) of these cases a conviction for the infringement upon at least one of the articles of the anti-racism was obtained in the period of 16 years. For the period 1998-2002 the CEOOR reports 46 court cases pertaining to the anti-racism law of 30 July 1981 in 37 (i.e. in 80%) of these cases a conviction for the infringement upon at least one of the articles of the anti-racism was obtained in this period of five years. These figures show a spectacular increase of the number of court cases pertaining to the anti-racism law in the last five years. Moreover, the proportion of convictions for racism and discrimination also increased substantially. As a consequence, we can conclude that a substantial progress in the judicial fight of racism was made during the last five years. It goes without saying that it would be very interesting to complement this analysis with an analysis on the exhaustive data set of the Ministry of Justice. To this day, however, these data are not available.

4.6. INITIATIVES TAKEN BY THE CEOOR CONCERNING REGISTRATION OF HATE CRIMES AND DENIAL OF THE HOLOCAUST

The CEOOR has taken several initiatives to alert the concerned instances on the importance of the registration of racial violence.

On May 22 2002 the Centre has organised a meeting with representatives of the Federal Police, the College of the Public Prosecutors, the Cabinet of the Minister of the Interior and the Cabinet of the Minister of Justice. The topics of discussion of this meeting include the lack of statistical data concerning racial violence as acts of racial violence are not registered as such.

It is argued that there are 3 key moments: 1) the moment of the registration of complaint at the police station; 2) when civil action is lodged and 3) the moment of the court decision.

It was agreed that statistical data of racial violence is urgent and indispensable. Within the department of Justice and the Federal Police new statistical data should be produced.

The Inter-ministerial Conference for Migrant Policy of July 17 2002 ratified the proposal on the statistical registration of hate crime. A specific working group was set up to draw the specifics of this proposal. Despite the good intentions, the creation of such a system

will certainly take time and, as a consequence, we can assume that an adequate registration of hate crimes will not be available in the immediate future. Nonetheless in order to mend this lack of statistical data, it is suggested that all court decisions concerning acts violating the anti-racism law, the law of the denial of the Holocaust and the future general anti-discrimination law should be transmitted to the CEOOR for monitoring purposes.

5. ANALYSIS OF RACIAL VIOLENCE AND RACIST CRIMES

The issue of racial crimes is a very delicate societal topic. As pointed out above, the aspect of 'interpretation' (namely: "was this criminal act racially motivated or not?") makes things even more complex. Needless to say, that the interpretation is always embedded in a social context and, at the same time, can have serious consequences in terms of societal tensions. We will illustrate this by a case that was recently in the spotlight in Belgium.

On 26 November 2002 the Islam-teacher Mohammed Achrak was killed by a 66-year-old Belgian man, who suffered from paranoid schizophrenia. Many members of the migrant community in Borgerhout (district of Antwerp) immediately interpreted the murder as a racially motivated crime. A number of riots with young persons of the migrant community occurred. Unintentionally, the mayor of Antwerp increased the tensions by declaring, before the start of judicial investigation, that it was not a racist murder. Characterising for the tense atmosphere was the fact that the day after the event two migrant umbrella organisations declared: "the murder is racist until the opposite is proved".

The court sitting in chambers judged that the perpetrator was mentally ill and should be interned. The lawyer of the family Achrak agreed with this decision of the court. The CEOOR had started a liability action for this case. This sentence demanded by the prosecution was rejected because the court judged there were no racist motives involved. This case clearly shows that violent crimes can easily be interpreted as racially motivated, even when there is no racist motive involved. The events evoked a public debate on the failure of integration policies in Belgian society.

Due to the lack of systematic data on racial violence, it is very difficult to make an analysis of the personal characteristics of victims and perpetrators of racial violence. To this day we do not have the required information to perform such an analysis. Nevertheless, as an **exploratory exercise** we analysed the CEOOR database with respect to the personal characteristics of the victims of racial violence. As a consequence, we would like to stress that the subsequent analysis should be merely considered as exploratory since this database can clearly not be considered as a representative indicator of all incidences of racial violence in Belgium. Moreover, as will be clear in the presentation below this database has a lot of 'missing values'.

As indicated above, we restricted our analysis to the most recent complaints in the CEOOR database, i.e. from January 2002 till 15 September 2003 (N= 1710). All the

complaints that are entered in the database are categorised on the basis of contents in a number of different categories. The following categories of the CEOOR-complaints can be filed under racial violence: insult, ill-treatment/abuse, and harassment/quarrel. Using this operational definition, the category of racial violence complaints constitutes about 18% of the total number of complaints in the period from January 2002 till 15 September 2003. 53% of the victims are male, 29% are female (in 18% of the cases the gender is not registered). Most of the victims of racial violence who filed complaints in the CEOOR spoke French (i.e. 40%).

With respect to the current nationality of the victims, Table 6 shows that most of the victims (45%) have the Belgian nationality[12]. In 37% of the cases the current nationality was not registered. 22% of the 311 persons who filed a racial violence complaint had the Belgian nationality by birth, 14% had the Moroccan nationality by birth. Again, in 40% of the case the nationality by birth was not registered. The problem of missing values also appears in the registration of the socio-economic status.

[12] Table 6 only shows the numbers for the nationalities which 'yielded' more than 2 complaints.

Table 6. Overview of personal characteristics of victims who filed complaints in the CEOOR in the period 01/01/2002 - 15/09/2003.

	Insult	Assault	Harassment, quarrel	Total	
Total	63	95	153	311	18%
Gender					
Men	30	53	81	164	53%
Women	14	23	53	90	29%
Not registered	19	19	19	57	18%
Age					
0 - 18 years	0	10	10	20	6%
19 - 65 years	36	60	114	210	68%
+ 65 years	2	0	3	5	2%
Not registered	25	25	26	76	23%
Language spoken					
English	1	3	4	8	3%
French	20	42	61	123	40%
Dutch	19	19	50	88	28%
Other language	5	3	13	21	7%
Not registered	18	28	50	71	23%
Current nationality					
Belgium	22	31	88	141	45%
Democratic Republic of Congo	2	1	5	8	3%
Morocco	2	5	6	13	4%
Nigeria	0	2	2	4	1%
Not registered	35	39	40	114	37%
Nationality by birth					
Algeria	0	3	3	6	2%
Belgium	19	10	38	67	22%
Democratic Republic of Congo	2	1	7	10	3%
Morocco	3	14	25	42	14%
Nigeria	0	3	3	6	2%
Rwanda	0	3	0	3	1%
Tunisia	1	2	2	5	2%
Turkey	2	3	5	10	3%
Not registered	34	43	47	124	40%
Socio-economic status					
Retired	2	0	4	6	2%
Wage-earning	11	13	45	69	22%
Not working	0	0	1	1	0%
On welfare	0	5	3	8	3%
Student	1	10	14	25	8%
Unemployed	0	2	4	6	2%
Independent profession	3	2	5	10	3%
Not known / not registered	46	63	77	186	60%

It will be clear that the registration of personal characteristics during the treat of complaints by the CEOOR is quite limited. In addition, the complaint registration forms show many missing values. Moreover, there was no systematic registration of characteristics of the perpetrators. Currently the CEOOR is testing new complaint forms that allow registering more elaborate data on the victims of racial violence. Special attention will be given to systematic registration by means of these forms in order to provide better insight in the profiles of the victims and perpetrators of racial violence. Nevertheless, one has to keep in mind that these registrations by the CEOOR will never present a completely representative image of the victims and perpetrators of racial violence. As we outlined above the complaints that reach the CEOOR should rather be seen as an under-estimation of the real amount of racial violence incidents. As a consequence, the development of a systematic registration procedure by the police and the judicial system is absolutely necessary.

6. STRATEGIES, INITIATIVES AND GOOD PRACTICES FOR REDUCING RACIAL VIOLENCE AND CRIMES[13]

6.1. PILOT PROJECT ON THE REGISTRATION OF RACIAL VIOLENCE

In a number of crimes special motives can be discerned: hatred or despise towards the victim because of his origin, handicap, religion, sexual orientation etc. At this moment, we don't have statistics on such hate crimes in Belgium, because there is no specific coding for this kind of crimes. The offences against the anti-racism law are also not adequately registered. One crime can involve several offences against criminal laws, e.g.: blows and injuries can go together with racist instigation to hate. Most of the time the first crime label (e.g. blows and injuries) covers or 'absorbs' the offence against the anti-racism law, which explains why it is not (additionally) registered under code 56. The result will be clear: no reliable statistics on the registration of racist crimes.

A discussion between the CEOOR, the cabinet of the Minister of the Interior, the cabinet of the Minister of Justice, the College of Procurator-General and the Federal Police reveals that the problem of registration of hate crimes is situated in a general lack of a statistical instrument. The parties involved are working on such an instrument (Phenix-project), but this is to be considered as a long-term project.

A pilot project on the registration of racial violence is being experimented in two medium-sized police zones with a significant presence of ethnic-cultural minorities. This pilot project will be limited to the registration of racial discrimination and hate crimes.

[13] Considering the logical flow of our report, we included these recent legislative developments in our presentation of the relevant legislation (see §6). The data on successful court cases was presented in § 7. For these reasons, the chapters 6 and 7 are a bit longer and this chapter (§9) is a bit shorter.

This means that hate crimes on the basis of sexual orientation, handicap etc. will not be included in this first registration project. On the other hand, hate crimes on the basis of religion will be included, because of the rousing of public sentiments towards specific religious groups after 11 September 2001. Since certain religious communities tend to be easily recognisable (e.g. the Muslim community and the Jewish community), the boundary between discrimination on the basis of religion or origin is sometimes very small.

The monitoring in these pilot zones will not be limited to racial violence but will involve a general registration of racial discrimination, including racial violence. More specifically the following crimes will be registered:

a) Acts that are punishable by the anti-racism law of 30 July 1981 (code 56):

- instigation to hate, discrimination, segregation or violence
- the publicly expressed intention to discrimination, segregation, hate or violence
- discrimination in supplying or enjoying of goods or services
- discrimination at the workplace
- 'organised' discrimination, i.e. belonging to or extending support to a group or an organisation that publicly and repeatedly commits or disseminates discrimination or segregation.
- discrimination by a person exercising the duties of a civil servant

b) Aggravating circumstances for the following categories of a crimes:

- indecent assault and rape
- manslaughter and different types of manslaughter
- blows and injuries
- guilty default
- assault on the personal freedom and on the indefeasibility of the house
- menace
- assault on the honour of persons
- arson
- destruction or damage to personal property
- bomb scares and bomb attacks
- plastering (graffiti)

An open category will be added in the registration forms.

The CEOOR has elaborated a registration form that will be disseminated among both police services and migrants organisations and other organisations / services that are suitable as a secondary source. They are asked to fill out these forms each time they are confronted with a complaint concerning racial discrimination / racial violence. Once a month an employee of the CEOOR will pick up the forms that are filled out. After a period of about 6 months the data are analysed. The partners of the project get a copy of the end report of the project.

At the moment of this report, the practical implementation of this project was still being discussed with the different parties involved.

6.2. CAMPAIGN "EXPERIENCE THE DIFFERENCES" ("VIVRE LES DIFFÉRENCES")

From 15 till 30 March 2002 an anti-racist advertising spot, realised with the support of the CEOOR, has been projected on a giant screen in the context of the festival for the fantastic film.

6.3. WORLD CUP FOOTBALL - SPOTS ON TELEVISION

During the World Cup (May - June 2002, Japan, South-Korea) an anti-racist television spot (realised with the support of the CEOOR) has been broadcast on the public Belgian French-speaking television (RTBF). This spot shows images of the national Belgian team, The Red Devils, and ends with the slogan: "Belgium - Racism: 1 -0". This initiative was strongly supported by the Belgian Football Union and the players of the national football team.

6.4. CAMPAIGN "FOR MUTUAL RESPECT" ("POUR LE RESPECT MUTUEL")

On the CEOOR's initiative a "Call for Mutual Respect" has been signed by the chairmen of all the Belgian democratic parties, after the first days of the attacks on 11 September 2001. The international events in direct relation to the situation in the USA and the Middle-East have created a climate of tension and insecurity, which has fuelled feelings of xenophobia, anti-Semitism and Islamophobia in Belgium (see above).

In addition, on the demand of the federal government the CEOOR has been mandated to propose a plan on specific actions that can be done in order to promote the dialogue between the different communities. The plan is developed in co-operation with the public powers and the associations, and in partnership with the involved communities.

A common declaration to promote the dialogue was signed by the different religions and the non-confessional philosophies, the federal government, the representatives of the civil society and the CEOOR. Initiatives promoting the dialogue and the mutual knowledge and understanding have been organised on both a local and a national level in co-operation with religions and philosophical convictions. On this occasion, the CEOOR has organised de-centralised meetings in different Belgian cities.

6.5. INTERNET SITE WWW.AGENDA-RESPECT.BE

In September 2002, the CEOOR has launched a new Internet site (http://www.agenda-respect.be). This site (which is updated on a regular basis) offers direct access to

information on local initiatives and (governmental and non-governmental) organisations with respect to the fight against racism and the promotion of good inter-cultural relations. Moreover, it provides a number of pedagogical instruments and texts that present methods of dealing with prejudice and stereotypes. In sum, this Internet site strives to be a reflection of everything that moves in Belgium with respect to these issues, whether it concerns initiatives of citizens, employees, NGO's or public authorities.

6.6. VIDEO "PROVIDED THAT WE TALK TO EACH OTHER" ('POURVU QUE L'ON SE PARLE")

On 22 May 2003 the CEOOR and the GSARA (Groupe Socialiste d'Action et de Réflexion sur l'Audiovisuel) organised a debate with the title "Juifs, Maghrébins, Musulmans, Palestiniens, Israéliens … à Bruxelles ou ailleurs: "Pourvu que l'on se parle"[14]. The occasion for this debate was the première of the movie "Pourvu que l'on se parle". The initiators state that 11 September 2001 led to an upsurge in both anti-Semitic and Islamophobic incidents in Belgium. Both Jews and Maghrebians are the victims of stereotypes, pre-conceptions and disinformation. Despite the growing tensions, the initiators point out that both communities have a lot in common (e.g. a history of migration). In Belgium as well, Jews, Maghrebians and Palestines live together and make friends with each other. The movie "Pourvu que l'on se parle" demonstrates this in a pedagogical and humorous fashion. It shows that the expectations and the hopes of the different communities are very similar. As such it is a interesting response to racism and anti-Semitism that can be used by teachers, educators and workers in socio-cultural training.

6.7. CAMPAIGN "I SAY NO TO HATRED" ("LA HAINE, JE DIS NON")

The organisation MRAX launched in 2001-2002 a campaign "La Haine, je dis non" addressing mainly children and youths. This campaign relies on a pedagogical suitcase that contains the material for games focusing on stereotypes and their effects, on the role of the media, and on different culinary habits.

6.8. CAMPAIGN "EXTREME-RIGHT? NO THANKS! FOR A LIVEABLE BRUSSELS"[15]

The campaign (with the participation) of many NGO's "Extrême droite, non merci ! Pour que vive Bruxelles" has published a brochure that aims to contribute to the elaboration of a strategy for the fight against extreme right parties and ideas. It constitutes a practical instrument to counter the rise of the extreme-right ideology. It presents the objectives, the

[14] Jews, Maghrebians, Muslims, Palestines, Israelis .. in Brussels or somewhere else: "Provided that we talk to each other".

[15] Translation of "Extrême droite, non merci! Pour que vive Bruxelles" or "Extreem rechts? Neen, bedankt! Voor een leefbaar Brussel".

principles and the actions that were undertaken in the context of this campaign. At the same time it presents a critical analysis of the scope (in terms of possible outcomes and limits) of these actions.

6.9. PUBLICATION "VANQUISH INDIFFERENCE" ("VAINCRE L'INDIFFÉRENCE")

A French-speaking publisher has realised in co-operation with the CEOOR several school booklets for children of 5 till 8 years, 8 till 10 years and 10 till 12 years. This pedagogical publications aim to sensitise children of the unique value of every human being, i.e. of the child itself and of every other child. As such, these booklets help the children (in a way that is adapted to their age) to live together and are instruments to fight against racism, xenophobia and anti-Semitism.

7. SUMMARY AND CONCLUSION

On 30 July 1981 the law penalising certain acts determined by racism and xenophobia was implemented. Although, this was a very important first step, initially this anti-racism law seemed to be lacking real judicial power. The first years after the implementation resulted in a very limited number of court cases with respect to racism. Evidently, this could also be attributed to the fact that this law was very new, and that it took some time for the judicial system to actually make use of it. The last years, however, we find that the anti-racism law is much more frequently applied. For the period 1982-1997 the CEOOR reports 40 court cases pertaining to the anti-racism law: in 58% of these cases a conviction for the infringement upon at least one of the articles of the anti-racism was obtained in the period of 16 years. For the period 1998-2002 the CEOOR reports 46 court cases pertaining to the anti-racism law: in 80% of these cases a conviction was obtained in this period of five years. These figures show a substantial increase of the number of court cases pertaining to the anti-racism law in the last five years. Moreover, the proportion of convictions for racism and discrimination also increased substantially. As a consequence, we can conclude that a significant progress in the judicial fight against racism and discrimination was made during the last years.

This progress is also reflected in the recent implementation of the general anti-discrimination law of 25 February 2003. It prohibits every form of direct and indirect discrimination (difference in treatment that is not objectively or rationally justified) on the basis of gender, a so-called race, skin colour, origin or national or ethnic origin, sexual orientation, civil status, birth, wealth, age, religion or philosophy of life, present or future state of health, disability or physical characteristic. Moreover, this law counters the weak spot of the anti-racism law (burden of proof) by providing a shift of the burden of proof.

Very recently the second conviction on the basis of the law against the denial of the holocaust (23 March 1995) was obtained. The court clearly stated that the right to

freedom of speech is not unlimited. This sentence is an important precedent and instigation to effectively deal with other persons denying the holocaust.

The main recommendation remains the urgent need for the development of a representative and systematic monitoring system for racial violence. As in other European countries, the lack of statistical data on racial violence is blatant in Belgium. The CEOOR has started two initiatives to start countering the lack of information on racial violence:

As far as the complaints filed at the CEOOR are concerned, a more elaborate registration of the profiles of victims and perpetrators of racial violence is being developed (see §8).

The development of a pilot project for the registration of racial violence in two Belgian police zones (see §9.1).

Both initiatives are still in the phase of development and can, therefore, not yet be evaluated. However, it will be clear that this situation will have to be dealt with in a structural manner and on a federal level.

8. ANNEX 1: THE FEDERAL STRUCTURE OF THE STATE BELGIUM

During the last decade, Belgium was restructured as a federal state by four reforms (1970, 1980, 1988-89 en 1993). The power over the state is now spread over different partners that have their own competencies. The reorganisation of competencies was performed by two major principles. The first principle pertains to language, and more broadly to culture resulting in three communities: Flemish-, French- and German-speaking Communities. The second principle of the state reform was historically inspired by economic interests. The Regions that strive for more economic autonomy express these interests. As a consequence three Regions were differentiated: Flanders, Wallonia and the Brussels Capital Region.

Broadly speaking, the powers of **the Federal State** cover everything connected with the general interest of all Belgians: public finances, the army, the state police, the judicial system, social security (unemployment, pensions, child benefit, health insurance), foreign affairs and development aid as well as substantial parts of public health and home affairs.

Communities have powers for culture (theatre, libraries, audio-visual media, etc.), education, the use of languages and matters relating to the individual which concern on the one hand health policy (curative and preventive medicine) and on the other hand assistance to individuals (protection of youth, social welfare, aid to families, immigrant assistance services, etc.).

Regions have powers in fields that are connected with their region or territory: economy, employment, agriculture, water policy, housing, public works, energy, transport (except Belgian Railways), the environment, town and country planning, modernisation of agriculture, nature conservation, credit, foreign trade, supervision of the provinces, communes and inter-communal utility companies.

9. ANNEX 2: ANALYSIS OF THE LACK OF ADEQUATE STATISTICS IN BELGIUM

On 10 September 2003 the Flemish newspaper *De Standaard* published an interesting analysis on the situation of statistics in Belgium. In this annex we present a short synopsis of this analysis, followed by the original article (in Dutch).

In 1991 The Economist stated that, in terms of statistical reporting, Belgium had degraded to the level of a developing country. According to *De Standaard* the situation has not ameliorated since that moment. Recently severe discussion was raised with respect to the reliability of the local crime statistics of Antwerp. Last year, an inspection commission on police services pointed out that the federal statistics on criminality were unreliable. The drastic reorganisation of the police structures in 1998 introduced a new registration system of district 'intersection data banks', but, to this day, this registration system does not work adequately.

There is a general lack of adequate and recent statistics in Belgium. Some examples: The most recent data on the number of traffic casualties date from 2001. The youngest data of the National Institute for Statistics (NIS) on the average gross monthly wages of full-time employees are from 1999. This summer, the ministry of national health had to inform the public on the number of heat casualties on the basis of random check in the hospitals because adequate statistics do not exist.

The complex federal structure of Belgium certainly contributes to this lack of systematic and regularly updated statistics. Competencies are often spread over different authorities. National health, for instance, is both a federal and community competency. A second reason can be found in the fact that the authorities have neglected the NIS for years and years. The NIS was often the first victim of savings. Even when the European Commission threatened in 1994 to summon Belgium before the European Court because the country did not spend enough money to statistics, the NIS did not receive more funds.

Original Article by Filip Verhoest, in Dutch (De Standaard 10/09/2003)

Waarom België geen deugdelijke statistieken heeft Van modelstaat tot ontwikkelingsland

België was ooit een modelstaat als het op statistieken aankwam. Die stevige reputatie hadden we te danken aan Adolphe Quetelet, die in 1846 de eerste volkstelling op het getouw zette. Maar dat is alweer een tijd geleden. In 1991 concludeerde het gezaghebbende tijdschrift The Economist dat België inzake statistische rapportering was vervallen tot een ontwikkelingsland. Het ene vernietigende rapport over de Belgische statistieken volgde het andere op. En er is weinig verbetering merkbaar.

In Antwerpen is er voor de zoveelste keer discussie ontstaan over de betrouwbaarheid van de plaatselijke misdaadcijfers. Al dan niet bewust is de registratieperiode vervroegd afgesloten, waardoor de cijfers over de criminaliteit in de metropool rooskleuriger zijn dan de werkelijkheid.

Het is -- laat het de Antwerpenaren een troost zijn -- geen typisch lokaal probleem. Niemand minder dan premier Guy Verhofstadt zwaaide eind vorige jaar in het parlement met cijfers, waaruit moest blijken dat de criminaliteit er onder zijn bewind flink op achteruit was gegaan. Uit een onderzoek van het toezichtcomité op de politiediensten bleek achteraf dat de inzameling van die cijfers door de politie onbetrouwbaar was verricht.

De conclusie van het comité-P echode tot in het buitenland na. Onze reputatie kreeg opnieuw een knauw. Maar in eigen land ontlokte het incident hooguit wat meewarig gelach. De Belg is het gewend geraakt te horen dat de statistieken in zijn land niet deugen.

Bij de politie bijvoorbeeld is de rapportering van de misdaadfenomenen met de politiehervorming in 1998 over boord gezet. Er kwam een nieuw registratiesysteem met de arrondissementele kruispuntbanken. Maar de architect van de politiehervorming, Brice De Ruyver, erkende vorige week ootmoedig dat "sommige van die kruispuntbanken goed werken, andere niet".

De federale politie pakte dit weekeinde uit met cijfers over het dalend aantal hold-ups. Meteen kreeg ze vragen over de betrouwbaarheid van die gegevens. Omdat ook de banken en verzekeringsmaatschappijen statistieken bijhouden over ramkraken en hold-ups, durft de politie met een gerust hart met die cijfers uit te pakken. Sinds de blamage van het comité-P passen ze daar op hun tellen.

Ook de minister van Justitie, Laurette Onkelinx, heeft recentelijk in deze krant toegegeven dat er geen statistieken bestaan over de gerechtelijke achterstand. Haar ministerie had weliswaar op het Internet gegevens bekendgemaakt over de binnenkomende en uitgaande rechtszaken per rechtbank, maar die cijfers bewezen volgens haar niet dat de achterstand bij sommige rechtbanken dramatisch toenam. Waarom die cijfers dan worden bijgehouden, is een raadsel. Voor de spectaculaire toename van het aantal lopende zaken de jongste drie jaar kwam er geen verklaring.

Het wordt een treurige opsomming. De meest recente cijfers over het aantal verkeersdoden dateert van 2001. De jongste gegevens van het Nationaal Instituut voor de Statistiek (NIS) over de gemiddelde bruto-maandlonen voor voltijdse werknemers zijn van 1999. En er vielen deze zomer in België hooguit 150 hittedoden te betreuren, leidde de minister van Volksgezondheid Rudy Demotte af uit een steekproef die hij liet uitvoeren bij ziekenhuizen. Want "er bestaan geen echte statistieken".

Hoe komt het dat België zijn voorsprong in het domein van de statistische rapportering heeft verspeeld? De complexiteit van ons gefederaliseerd landje speelt zeker een rol. Bevoegdheden zitten vaak verspreid. Volksgezondheid bijvoorbeeld zit zowel in federale als Vlaamse bewindshanden (Demotte en Byttebier). Die versnippering maakt de zaken er niet eenvoudiger op.

Daarenboven heeft de overheid de statistiek decennialang stiefmoederlijk behandeld. Net als de federale administraties en het gerecht is het Instituut voor de Statistiek decennialang verwaarloosd. Als er bespaard moest worden, waren zij de eerste slachtoffers. De informatieverzameling takelde zienderogen af.

Pas toen de Europese Commissie ermee dreigde ons land voor het Europees Hof te dagen omdat het "veel te weinig geld besteedde aan statistiek", trad in 1994 de toenmalige regering op.

Niet door het NIS te versterken, wel door een ander instituut in het leven te roepen: het Instituut voor de Nationale Rekeningen. Het NIS moest verder roeien met de te korte riempjes die het had.

Onvermijdelijk rijst hierbij de vraag of die verwaarlozing niet bewust is uitgelokt. Objectieve gegevens zijn vaak vervelend voor het beleid: ze laten zich niet gemakkelijk manipuleren.

Kenschetsend in dit verband is de reactie van Nederlandse en Belgische politici als cijfers bekendraken die voor het beleid vervelend zijn. In Nederland vloeken de politici binnensmonds en zeggen dat ze dit of dat zullen doen om het probleem te verhelpen. In België betwisten de politici de juistheid van de gegevens. En er is niemand die hen kan tegenspreken, bij gebrek aan deugdelijke statistieken.

10. ANNEX 3 : THE BELGIAN IMMIGRATION AND INTEGRATION POLICIES

Due to the reform of the Belgian state (8 August 1980) all the matters concerning the lives of individual persons and their relations with the public authorities – are attributed to the Flemish and French communities. As such, since 1980 the French and the Flemish communities are responsible for the reception and integration of migrants, for the territory of the Walloon Region, the Flemish Region and the Brussels Capital Region. As a consequence, from then on, the communities developed their own policies concerning the reception and integration of migrants. The matter of migration, however, remains a federal competency implying that the communities are not competent with respect to the admittance policy, the judicial residence position and the expulsion of foreigners from the Belgian territory. The matter of attribution of voting power to foreigners also remains a federal competency. At the end of 1980s, the development of a policy against racism is also explicitly considered as a responsibility for the federal government.

10.1. FEDERAL POLICY: FROM MIGRANTS TO EQUAL CHANCES POLICY

Until the eighties, migrants were mainly considered as temporary guest-workers, that would, in time, return to their home countries. As a matter of fact, in 1984 the government even launched an active return policy of immigrants as the country was facing an unprecedented high rate of unemployment. The royal decree of July 17 1985 provides for a re-instalment fee for those immigrants of non-EU countries and who were out of a job for three years. The voluntary return program, however, did not prove to be successful as a very low number of immigrants chose to return. This can be attributed to the relatively low re-instalment fee, which hardly covered all the return expenses. Moreover, there were no job perspectives in the country of origin. Contrary to the recommendation by the Council of Europe, there were no co-operation programs between the host society and the country of origin. As a consequence, the official return policy was abandoned in 1991.

It is only in the second half of the eighties that one started to realise that these migrants had become integral parts of the Belgian population. Moreover, in the mid-1980s family formation (by a non-Belgian spouse) and reunification (consisting of minor children and relatives) constituted a new migration source. In 1989, the Royal Commission on Migrant Policy (CRPI-KCM) was established which outlined the general policy on migrants – conceptualised as an integration policy. This integration policy can be briefly summarised as:

- With respect to public order, migrants have to assimilate.
- Migrants were to be stimulated to adapt to the social principles of the Belgian society, referring to modern western concepts of modernity, emancipation and pluralism.
- Both autochthonous persons and migrants should respect cultural diversity as mutual enrichment.

The Royal Commission on Migrant Policy clearly stated that a policy should be pursued that structurally involved minorities in the activities and objectives of the government. The Commission issued various recommendations aiming to remedy the weak position of migrants as well as to fight discriminatory practices hindering their integration.

The parliamentary elections of 24 November 1991 resulting in an overwhelming electoral triumph of the extreme right political party Vlaams Blok – also referred to as 'Black Sunday' – make the migrant issue and especially the themes of racism and xenophobia even more important for the political agenda. In 1993 the Centre for Equal Opportunities and Opposition to Racism (CEOOR) is established in order to replace the Royal Commission on Migrant Policy.

10.2. FLEMISH POLICY: FROM INTEGRATION OVER FOCUS ON THE UNDERPRIVILEGED TO MINORITIES POLICY

Since the Flemish community gained competence over the reception and integration of migrants in 1980, a shift was made from employment guidance for guest-workers to care for integration of migrants and their families by means of a group specific (labelled as 'categorial') welfare policy. The instances that were responsible for the reception of 'guest-workers' were changed into services guiding migrants in their integration process, serving as an intermediary between migrants and the established welfare, health, education and housing services.

In the 1980s this integration policy was mainly based on specific actions (like language lessons and individual assistance) initiated by private organisations. The effects of these actions were rather limited due to insufficient financial means and a general lack of substantial response of the government. At the end of the eighties (partly due to the growing electoral success of extreme-right), the issue of migrants, which had 'merely' been a welfare issue, became a priority in the policy of the Flemish government[16]. The first policy document '*Migrant Policy*' of the Flemish government (1989) stipulates the establishment of an Interdepartmental Commission of Migrant Policy (ICM). At a Federal level, the Royal Commission on Migrant Policy (KCM-CRPI) outlined the general policy on migrants – conceptualised as an integration policy (see above). Evidently, this policy also determined the elaboration of the migrant policies in the communities.

In 1990 the regulation on integration centres for migrants was approved by the Flemish Executive. Private and public organisations that were already dealing with integration before 1990 were, from then on, confirmed in their functioning. This regulation was an important step in the development of the 'migrant sector'. On the level of the community a Flemish Centre for the Integration of Migrants (VCIM) was established, 8 different regional integration centres (RIC) and, at the bottom of the organisational hierarchy, 43 local integration centres (LIC) were recognised. The disadvantaged position and the

[16] The Flemish community and the Flemish Region have one Flemish Government and one Flemish Parliament. The Flemish Government consists of 7 departments, among which the Department of Welfare, Health and Cultural Affairs. As such, this department is also responsible for the welfare and equal opportunities and societal integration of special groups like youth, elders, sick, persons with a handicap, ethnic-cultural minorities and the underprivileged.

discrimination of immigrants were issues to be addressed in the integration sector. In reality this sector had evolved into a service, which mostly deal with welfare issues in the form of individual assistance in employment projects and the organisation of language lessons. Until the mid 1990s the migrant policy of the Flemish Government was limited to providing funding for private initiatives of the categorial sector.

Halfway the nineties the scope of the Flemish migrant policy was substantially broadened in order to include other groups that are often confronted with social exclusion and discrimination because of their ethnic or cultural background: refugees and caravan dwellers. The interdepartmental commission for migrants (installed in 1990, and renamed in 1996 as The Interdepartmental Commission Ethnic-Cultural Minorities, ICEM) elaborated a strategic plan for the Flemish policy concerning ethnic-cultural minorities. This strategic plan can be considered as the first step to an elaborated policy for minorities. Basically, the Flemish government put forward three policy objectives.

- The central objective was defined as the **emancipation policy**, striving for a full-fledged participation of ethnic minorities to the Flemish community.
- A new policy objective was constituted by the **reception or welcome policy** ('*onthaalbeleid*'), which focuses on 'newcomers' that arrive in the context of family construction or reunion or as refugees. The objective is to familiarise these persons as quickly as possible in the Flemish society in order to stimulate autonomous functioning. By means of a insertion program the government stimulates social, educational and professional autonomy of newcomers. This is organised by the new insertion decree that was proposed in 2002 to the Flemish Parliament.
- The **reception or relief policy** ('*opvangbeleid*') focuses on foreigners without legal documents who require help and assistance because of their precarious position. This policy is strictly complementary to the federal policy, since the final responsibility in this matter is situated at the federal level.

This strategic plan aimed to prevent and fight discrimination systematically and to ameliorate communication between autochthonous persons and persons of foreign descent. This policy concerning minorities was now formally defined as inclusive and co-ordinated. The main idea is to embed projects concerning ethnic-cultural minorities in the existing structures. 'Inclusive' refers to the fact that the policy towards minorities concerns the entire Flemish government. The different sectors involved in the minorities policy (education, housing, employment, welfare, health care, culture,…) are explicitly given the final responsibility for the realisation of the policy objectives within their own competencies. This inclusive approach evidently implies adequate co-ordination in order to maintain a coherent policy and to avoid overlaps and contradictions.

The decree of 28 April 1998 concerning the Flemish policy towards ethnic-cultural minorities, also referred to as the Minorities Decree, constituted an important second step in the development of the minorities policy. This decree provided the objectives outlined in the strategic plan, the co-ordination of the policy, the organisation of the inclusive policy, the involvement of the target groups in the policy and the categorial sector with a decretal basis. As such, the three pillars of minorities policy – the Flemish government, the categorial sector and the target groups – got a legal basis. The **Flemish government** is responsible for the preparation, realisation and evaluation of the policy concerning

minorities. The **categorial sector**[17] is now seen as partner of the Flemish government in the realisation of the minorities policy and is attributed – contrary to before – a policy supporting role. The **target groups** are actively involved through three channels: involvement in the inclusive minorities policy, involvement in the decision-making of existing advisory bodies and recognition of a forum of organisations of ethnic-cultural minorities as a discussion partner[18].

The Minorities Decree (fully implemented in January 2000) outlines a reorganisation of the integration sector. The decree recognises one centre on the Flemish level to support the categorial sector: The Flemish Minorities Centre (VMC). This centre was recognised on 1 May 1999 along with three support centres that are part of the VMC: the Support Centre for Allochthons (OCA), the Consultative centre for the Integration of Refugees (OCIV) and the Flemish Centre WOONWAGENWERK (VCW). The objective of the VMC is to elaborate and guard the coherence and integration of the activities of the support centres. Moreover, the VMC should, in co-operation with the support centres and members of the target groups and their organisations, support the sector ethnic-cultural minorities in order to allow them to realise the objectives of the minorities policy.

In total 8 integration centres were recognised: Five provincial (West-Vlaanderen, Oost-Vlaanderen, Vlaams-Brabant, Limburg, Antwerp), one regional (in Brussels) and 2 local (in Antwerp and Ghent). The integration centres can also develop local offices in municipalities or quarters in the big cities. Most of the time these are transformations of the former local integration centres. Besides integration centres, integration services associated with municipal OCMW can be distinguished (to date 14 integration services are registered).

Currently ICEM is working on a new strategic plan, which further refines the existing strategic plan. Moreover the minorities policy is currently being evaluated by researchers of the Catholic University of Leuven.

---

17 The term 'categorial sector' refers to the network of centres and services that are financially supported by the Flemish government in order to realise the policy towards minorities in the field.

18 The 'integration sector' was seriously criticised by many leaders of migrant organisations, pointing out that the traditional integration centres work for them and not with them. The inclusion and participation of immigrants in the integration sector was considered to be too weak. In 1993 the Intercultural Centre for Migrant (ICCM) was set up as an umbrella organisation supporting local organisations set up and run by immigrants. In the period 1993-1995 280 local (mostly migrant, few refugee) organisations were supported. After three years of experiment the structure was consolidated in 1996 with the establishment of supra-local federations, which are regrouped in the umbrella organisation 'Forum of ethnic and cultural minorities'. In 1995 8 national federations were recognised. Ever since the number has increased with one organisation in 1996, 1998 and 1999. At the beginning of 2002 there were in total 14 recognised national federations, of which 3 are Turkish federations, 2 Moroccan federations, 2 Italian federations, 2 intercultural federations and 2 African national associations, one national organisation of Muslim associations and one national women organisation and one national Latin American federation.
Moreover in 2002 the working of the ICCM was stopped because of the idea that cultural diversity should be developed by all Flemish cultural centres ('*steunpunten'*). Since 1 May 2002 SoCiuS – the centre for social cultural work – was assigned to assume the different tasks of the ICCM and to integrate them in the actions of the centre.

Since 2000, the Flemish government has an experimental insertion ('*inburgering'*) policy for newcomers. The Decree of 28 February 2003 concerning the Flemish insertion policy formalises this policy in a legal document. The insertion policy consists of an individual trajectory including three areas, namely language learning, community orientation and support to find a job in the labour market. Newcomers who qualify for such a policy are those who have resided in Flanders less than one year. Secondly s/he has the status of family formers, family reunificators, asylum seekers who are declared receivable, recognised refugees, regularised people and others. The rationale for organising these trajectories is to facilitate the insertion of these people in the Flemish society.

With respect to the Flemish minorities policy in the Brussels Capital Region, the Flemish Community Commission (VGC) assumes a number of tasks that are assigned to local authorities in the Flemish Region. Moreover, the VGC pursues a proper minorities policy (elaborated in co-operation with the regional integration centre Foyer) which is complementary to the Flemish policy.

10.3. THE FRENCH-SPEAKING POLICY

On 1 January 1994, the French Community transferred (mainly because of financial reasons) the competency over issues concerning support to individuals to the Walloon Region and to the French Community Commission of the Region of Brussels-Capital.

1. The French Community

Before 1980, the French community subsidised organisations that focused on cultural activities for migrants. In opposition to the situation in Flanders, these cultural activities were hardly co-ordinated since they were realised by non-specific organisations stemming from socialist or Christian circles or by migrant organisations themselves. After the reform of the institutions in 1980, the French Community exerted the competencies that were previously assigned to the Regions, with the exception of work permits and the application of the regulation concerning employment of foreign employees, which remained Regional competencies.

In 1981 an Advisory body for migrants in the French Community (Conseil consultatif des immigrés auprès de la Communauté Française, CCIF) was created. This advisory body insisted on the structural character of migration in Belgium. The French Community favoured a migrant policy focusing on two dimensions: the societal insertion in the host community in order to facilitate equal chances and the recognition of cultural identities.

In 1986 the CCIF was renamed as the Advisory body for population groups of foreign origin of the French Community (Conseil consultatif des populations d'origine étrangère de de la Communauté Française, CCPOE). The switch from 'migrants' to 'population groups of foreign origin' indicated a change in the perspective of the French Community concerning migration. The idea of a temporary labour presence was replaced by the acceptance that population groups stemming from migration were settling for a long time on the Belgian territory. At that time, four regional centres were created to deal with the questions and the needs of the population groups of foreign origin. The CCPOE continued what CCIF had initiated by proposing to develop categorial policy lines for integration of the population groups stemming from migration. In 1989 the CCPOE

addressed a memorandum to the Royal Commission on Migrant Policy in which it deplored the fact that the French Community had not developed a global policy nor created an institutional framework in order to adequately deal with matters of integration.

In 1991 a number of riots involving young persons of foreign origin gave cause to a shift in public opinion on migrants: in stead of integration and intercultural exchange the attention was focused on processes of social exclusion, which could be controlled by a more general societal policy. From then on, the CCPOE focused on a policy social work and societal actions towards the underprivileged and victims of social exclusion.

The CCPOE disappeared from the institutional horizon when the French Community transferred the competency over issues concerning support to individuals to the Walloon Region and to the French community Commission of the Region of Brussels-Capital. With respect to education the French Community maintained its policy towards the population groups stemming from migration. For instance, in 1998 the decree on positive discrimination in schools was enacted. This decree aimed at promoting equal chances of pupils in primary and secondary education. The French Community also developed a school program to teach the language and the culture of the country of origin.

2. The policy of the Walloon Region

As explained above, the insertion policy of population groups stemming form migration in the Walloon Region were for a long time limited to cultural actions aimed at these population groups. Subsequently, the policy was focused on general social actions towards the underprivileged. In 1996 the Walloon Region that had become competent in this respect created a regulative instrument that can be defined as a categorial policy. The decree of 4 July 1996 on the integration of people with a foreign nationality and those of foreign descent can be considered as the result of the considerations initiated by the CCPOE of the French Community and subsequently adopted by the Royal Commission on Migrant Policy. The Advisory Body had recommended not to neglect the national and cultural specificity of migrants, a specificity that differentiates them from the autochthonous underprivileged. As such, contrary to the French Community Commission (Cocof) in the Brussels Capital Region (see below), the Walloon government has a specific policy against social exclusion and a reception and integration policy towards people with a foreign nationality and those of foreign descent.

The decree takes into account the diversity of population groups in Wallonia and instructs the regional integration centres (Charleroi, La Louvière, Liege, Mons, Namur, Verviers and Tubize) to organise, in co-operation with the local authorities and organisations, the necessary actions for a harmonious insertion in the Walloon society. The relevant domains are outlined: social-professional insertion, housing, health, education, collection of data and determination of indicators, dissemination of information, support of persons, evaluation of local initiatives, participation of persons to the societal and cultural life, promotion or intercultural exchange and the respect for differences. The decree is focused on regional centres, local authorities and the organisations in the field, it promotes categorial actions towards migrants and it recognises positive discrimination as an important instrument to foster integration.

10.4. BRUSSELS POLICY

The Brussels Capital Region is undoubtedly the most diverse city in Belgium. It consists of the city of Brussels and the 18 municipalities. It is the meeting point of at least two majority groups and cultures, foreigners and persons with immigration background, languages, religions and daily practices. It has a bilingual policy structure, notably French- and Dutch-speaking policy structures. It is different from Flanders and Wallonia in that it has a bilingual policy structure, a multicultural demographic composition and metropolitan functions. Different governments rule the Brussels Capital Region : the Brussels Capital Region (Council or Parliament and Government), the Common Community Commission (CCC-GGC), the French Community Commission (COCOF) and the Flemish Community Commission (VGC).

1. Brussels Capital Region

Two aspects can be differentiated in the integration policy of the Brussels Capital Region: the general aspect of the regional policy concerning employment, revaluation of quarters and public places, housing on the one hand, and the categorial policy concerning insertion-cohabitation of the French Community Commission on the other hand.

The first general policy lines are contracts of quarters (1994) aiming at the development of four-yearly programs and partnerships for the renovation of buildings and the revaluation of housing in seriously damaged quarters in which the inhabitants cumulate different social handicaps. Security and prevention contracts (1992) aim to prevent delinquency. Contracts are made to promote the opening of shops in old quarters of the Region (1998). Initiatives are created with respect to socio-professional insertion and discrimination in employment.

In 1992 the Regional Government created the Regional Inter-ministry Delegation for Urban Solidarity (DRISU) in order to support local projects on socio-professional insertion and social development of the city. DRISU was replaced by the Regional Secretary for Urban Development (SRDU) in 2001.

2. The French Community Commission (COCOF)

The French Community Commission (COCOF), has the power to issue decrees and is competent in matters relating to French-speaking education and French-speaking cultural and person-specific matters. Within this legal framework it also promotes through the integration policy the social integration of 'problematic' neighbourhoods. Starting from 1997 it aims to improve impoverished neighbourhoods. The principle of this integration policy is double: on the one hand it attempts to fight exclusion of certain neighbourhoods and on the other hand it aims to make municipalities more responsible for these areas through a common co-financing scheme.

The action of the Cocof towards the organisations prefers a more general policy of social inclusion without explicitly referring to one's nationality or one's ethnic origin. In practice this action provides support to associations, active in the area of social inclusion. In order to reach this objective the internal coherence of the different programmes and the co-operation between the different projects, established by the associations within the

framework of the 'co-habitation' project. Furthermore, the actions of the COCOF support organisations, which respond to the needs of foreigners and those of foreign origin.

In the areas of labour, training and social-cultural activities aiming to insert foreigners and those of foreign descent in the labour market is signed between two organisations, namely ORBEM-BGDA and Bruxelles-Formation (Brussels Training) on the one hand and the local neighbourhood shops and associations on the other hand. ORBEM-BGDA or the Brussels Regional Service for Labour Negotiation is a bilingual public institution of placement and training in the Brussels Capital Region. Its mission is twofold. It helps job seekers finding a job in the labour market. Secondly, it supports employment in the management of HRM. Given the precarious social and economic position of most immigrants and second and third generation, they often make use of these services.

3. The Flemish community commission (VGC)

The Flemish Community Commission (VGC) aims to foster the ties with Flanders and the Flemish Minority Policy in the Brussels Capital region. The Flemish Community recognised one regional integration centre and several local integration centres in Brussels (see above). The Dutch speaking Brussels organisations of ethnic minorities are financially supported, because they are considered as emancipatory and stimulating integration. But the Flemish Community Commission also subsidises self-organisations and other 'community initiatives'. Explicit attention and means are attributed to language courses Dutch.

Despite the fact that the VGC is not directly responsible for employment, it is concerned with the training matters improving the labour market conditions of immigrants. Within this policy objective 'training for work' different projects targeting 'job seekers at risk'. These are people, who due to their low schooling and/or professional ability or from social need are unemployed and consequently find themselves in a subordination position or are vulnerable to such a position. A significant part of this group consists of immigrant youngsters. The main points for this policy objective 'training for work' are:

- promotion of the Dutch-speaking job offers/facilitation of this group to Dutch-speaking partners
- promoting language training/support of Dutch as a second language or NT2
- 'training the trainers' or improving the expertise of the teachers, assistants and entrepreneurs
- promoting and supporting professional initiatives
- promoting the learning and working experience.

One specific project is worthwhile mentioning, notably *Tracé*. It is an information and promotion service, assisting job seekers in finding the right training and job. Tracé co-operates closely with ORBEM-BGDA, the Employment Service of the Brussels Region and VDAB. The VDAB is the counterpart in Flanders of ORBEM-BGDA. Among the clients of *Tracé* there is a considerable number of immigrants.

11. ANNEX 4 : UPDATED INFORMATION ON ANTI-SEMITISM

Belgian NFP - November 2003

We will start this addendum with a short presentation of the legislation with respect to anti-Semitism. Subsequently, we will briefly describe the Belgian situation with respect to anti-Semitism in 2002, since this period has been the subject of previous reports to the EUMC. Finally we will present the situation with respect to anti-Semitism in 2003 according to the categories and the scheme that has been requested by the EUMC.

We would like to underline that the reported number of anti-Semitic acts vary according to the organisation that provides the data. To this day, no systematic, scientifically controlled monitoring system exists that provides reliable and valid registrations of anti-Semitic acts. This makes it very hard to establish an objective estimation of the extent of anti-Semitism in Belgium, and as a consequence it will be very hard to provide a reliable comparison with the situation in other EU members states.

§1. Legislation with respect to anti-Semitism

Within the Belgian legal framework there are two laws dealing with the fight against anti-Semitism, notably the general anti-racism law of 1981 and the law of the denial of the Holocaust of March 1995. As a consequence, the definition of anti-Semitism and the complaints, as mentioned below, are based on these two laws.

The anti-racism law provides the punishment of those, who incite to hatred, violence and/or discrimination, both at the verbal and behavioural level. Discrimination under this law refers to any kind of distinction, exclusion, limitation or preference, which aims at, or which results into, or potentially results into annulling, harming or limiting the recognition, enjoyment or exercising of the human rights and the fundamental freedom at the political, economic, social or cultural level or at other levels of community life. S/he, who incites publicly to discrimination, hatred or violence towards a person or a group (or who makes it public) because of race, skin colour, descent or national or ethnic descent is liable to punishment.

According to the law of the denial of the Holocaust s/he who denies, grossly minimises, agrees with or attempts to justify the genocide committed by the German nationalist-socialist regime is punishable.

§2. Anti-Semitism in 2002

As we pointed out in the Raxen 3 report on Racial Violence, the last years saw an upsurge in anti-Semitism that could mainly be attributed to international events as the second Intifada (October 2000) and the attacks in the USA of 11 September 2001. This new type of anti-Semitism is dominantly manifested as isolated acts against members of the Jewish community. Examples of such acts are the plastering of suitcases of a flight to Tel Aviv with anti-Semitic slogans or the assault on the principal rabbi of Brussels in December 2001. In addition, it needs to be pointed out that there is still a substantial circulation of

anti-Semitic texts in many political and religious circles. On the whole, anti-Semitism is mainly to be situated in the context of political minorities or political-religious integrist movements, who also spread it among groups of youngsters with Arabic-Islamic origins. Extreme right organisations are seen to exploit the tensions between Israel and the Palestinian authority in order to set both parties against each other in Belgium as well. In September 2001, for instance, pamphlets (inciting to kill Jews) were spread in different districts of Brussels: These pamphlets were initially attributed to an integrist Islamic organisation, however, analyses showed that they were fake.

In its annual report of 2003 the Centre for Equal Opportunities and Opposition to Racism (CEOOR) points out that the number of anti-Semitic acts has been increasing since 2000. The CEOOR received 14 complaints on anti-Semitism in 2002: 3 Internet complaints, 3 anti-Semitic letters, 3 anti-Semitic articles, 3 anti-Semitic graffiti[19], 1 anti-Semitic poster (categorised as 'unfounded' by the CEOOR), and exposition of anti-Semitic puppets ('unfounded'). In 2002 several institutions and persons of the Jewish community were the victims of anti-Semitic violence. On 1 April 2002, five firebombs are thrown against a synagogue in the rue de la Clinique in Brussels (*extreme violence*). On 3 April 2002 Molotov cocktails are thrown against a synagogue in the Bouwmeesterstraat in Antwerp, which is the oldest synagogue in the city (*extreme violence*). On 15 April 2002 a family of Jewish traders in Molenbeek is again the victim of vandalism. Since the beginning of the month youths of the neighbourhood harass this family on a regular basis. Their car has been severely damaged and swastikas were painted on the bodywork. There was an attempt to commit arson (*extreme violence & damage and desecration of property*). On 20-21 April 2002 unidentified persons machine-gun the synagogue in Charleroi (*extreme violence*). On 3 May 2002 Molotov cocktails are thrown against the Sephardic synagogue in Schae(a)rbeek (*extreme violence*). In 2002, the CEOOR started a liability action with respect to five of these anti-Semitic acts. These cases are still being treated.

On 19 November 2002 a member of the Jewish community in Brussels who is a teacher in a school of the French-speaking Community was the victim of insults and threats by a number of pupils. The ministry of Secondary Education was informed and the pupils involved were sanctioned. The teacher has left the school and is psychologically counselled.

The CEOOR also deplores the presence of anti-Semitic banners and the chanting of anti-Semitic slogans during several manifestations sympathising with the Palestine people or protesting against the war in Iraq (e.g. in April and November 2002). The CEOOR points out that the association between the repression of the Israeli army in the occupied territories with genocide is not correct and very dangerous. This kind of confusion of concepts stimulates the ideas of holocaust denial and might incite to racial discrimination. At the same time, the CEOOR disapproves the occurrence of extreme and xenophobic discourses that come from some members of the Jewish community and that are disseminated via the Internet.

On 15 January 2002 the Correctional Court of Brussels sentenced a person that had disseminated (between December 1997 and February 1999) racist and texts denying the holocaust via the Internet. After his neglect of repeated warnings, the provider filed a complaint. The judge sentenced the accused in absentia to one year of imprisonment

[19] One of these cases pertains to damaging cars and painting swastikas on the carriage work of cars of members of the Jewish community in Brussels.

because of infringements against the anti-racism law and the law on the denial of the holocaust.

The Internet site www.antisemitisme.be offers an interesting overview of anti-Semitic acts in Belgium. However, since no reference whatsoever is made to the organisation behind this site nor to the methodology of registration used, the reliability and the validity of the information on this site can not be checked. We report the information but we would like to stress that it should be interpreted with these restrictions in mind! On the site www.antisemitisme.be 62 hostile acts towards the Jewish Community were registered in 2002. Table 1 shows that in April the registration of anti-Semitic acts. This period corresponds with the beginning of the construction of the barrier wall by Israel. The registered acts are mainly to be situated in Brussels (45) and to a lesser extent in Liège (8), Antwerp (6) and Charleroi (2). 39 anti-Semitic acts were targeted on individuals and 23 on buildings of the Jewish community.

Table 1: Number of anti-Semitic acts for 2001-2002 registered by www.antisemitisme.be.

	2000	2001	2002
January	4	1	2
February	1	2	1
March	2	0	2
April	1	1	25
May	2	0	11
June	1	2	0
July	1	0	0
August	5	1	1
September	4	2	7
October	13	7	9
November	2	5	3
December	0	9	1
Total	36	30	62

§3. Categories of anti-Semitic acts for 2003

Many of the incidents described below are reported by the Internet site www.antisemitisme.be. We have underlined above that questions with respect to the organisation behind this site and the used methodology remained unanswered. Hence, nor the reliability neither the validity of this information is guaranteed.

1. Extreme Violence: Any attack potentially causing loss of life.

- **13 June 2003.** Attempt to detonate a bomb in front of the synagogue in the rue de la Boucheterre in Charleroi. The explosion did not actually happen because of the rapid intervention of the fire brigade. (Source: www.antisemitisme.be)

2. Assault: Any physical attack directed against people, which is not a threat to life.

- **10 June 2003.** Aggression towards a member of the Jewish community in Saint-Gilles. An orthodox Jew was aggressed and insulted by a group of young North-Africans (ca. 25 years old). (Source: www.antisemitisme.be)
- **17 March 2003.** At lunchtime, a Jewish child (a pupil of the school Yavnè in Antwerp) was aggressed and insulted by three youngsters of Maghreb origin. The security personnel of the school had to intervene and also had to take a few blows. The aggressors succeeded in getting away. (Source: www.antisemitisme.be)
- **10 March 2003.** Several Jewish children of 14 years were aggressed in a subway station by a group of thirty youngsters throwing stones at them. One of the children was restrained from getting into the tram and was thrown on the ground, insulted as "dirty Jew" and beaten. (Source: www.antisemitisme.be) When two of the other children who had entered the subway train came to help him, they also had to take blows. (Source: www.antisemitisme.be)
- **22 February 2003.** A young Jew (15 years) was aggressed and while he was on his way to the youth movement Bné Akiva. Both he himself and the rabbi of the Jewish community in Uccle and Forest have filed a complaint. The aggression was inflicted by two youngsters of the neighbourhood, who frequented a gang of youths who have repeatedly insulted persons going to the synagogue or to the supermarket. (Source: www.antisemitisme.be)
- **31 January 2003.** An executive of the European Rabbi Centre was aggressed in subway station Porte de Halle. A group has insulted him with the words "dirty Jew" and knocked him down. The subway security service had to intervene. (Source: www.antisemitisme.be)

3. Damage and Desecration of Property: Any physical attack against Jewish property, which is not life threatening.

- **9 July 2003.** Damage to the premises of the day-care centre Gan Hai in Uccle. The premises were turned upside down during the night and excrements were thrown against the windows and against Hebrew posters. (Source: www.antisemitisme.be)
- **19 March 2003.** Profanation of Jewish graves on the cemetery of Dilbeek (Brussels). (Source: www.antisemitisme.be)
- **18 February 2003.** Concrete posts in front of the synagogue Rogier have been damaged during the night. Pieces of concrete have been thrown against the entrance of the synagogue, causing material damage. (Source: www.antisemitisme.be)
- **7 February 2003.** Attempt to break into a synagogue by a man with a knife. The police took the man to the police office for questioning. (Source: www.antisemitisme.be)

4. Threats: Includes only clear threats, whether verbal or written.

- **12 May 2003.** An executive of the Jewish community in Brussels has received several death threats on his mobile phone. (Source: www.antisemitisme.be)

- **30 March 2003.** A group of Maghreb origin has insulted a young man ("dirty Jew") in front of a shop in Uccle. (Source: www.antisemitisme.be)

5. Abusive behaviour: Face-to-face, telephone and targeted abusive/anti-Semitic letters (i.e. those aimed at and sent to a specific individual) as opposed to a mail shot of anti-Semitic literature, which will be included under Category 4. Anti-Semitic graffiti on non-Jewish property is also included in this category.

- **16 June 2003.** Insults during a Jewish funeral procession in Brussels. During the carrying of the mother of a personality of the community out to burial, Maghreb children (of the school that is situated on the other side of the street), observing the David star on the hearse, yelled insults at the corpse ('dirty Jew', 'death to the Jews', etc). (Source: www.antisemitisme.be)
- **March 2003.** Anti-Semitic graffiti ("death to the Jews") in the subway station Clemenceau in Brussels. This station is very close to the synagogue in the rue de la Clinique in Anderlecht (Brussels) . (Source: www.antisemitisme.be)
- **14 February 2003.** A member of the Jewish community in Brussels was threatened by two young persons of North-African origin saying: "dirty Jew, we will get your skin", mimicking cutting his throat. (Source: www.antisemitisme.be)
- **2 January 2003.** The car of the (non-Jewish) caretaker of the synagogue of the rue de la Clinique has been vandalised. The windscreen was busted and the words "Jew" and "to death" were written on the car. (Source: www.antisemitisme.be)
- The CEOOR received a complaint against an optician in Brussels who refused to serve Jewish persons. This complaint, however, was not confirmed.

6. Literature: Includes distribution of anti-Semitic literature, based on the following criteria:

a. the content must be anti-Semitic (except see (d) below)
b. the recipient may be either Jewish or non-Jewish
c. the literature must be part of a mass distribution, as opposed to the directed at a specific individual
d. Racist literature that is not anti-Semitic is included when it is clear that Jews are being deliberated targeted for recipient because they are Jews (implying an anti-Semitic motive behind the distribution)
e. It should be noted that the statistics for this category give no indication of the extent of distribution. Mass mailings of propaganda are only counted as one incident, although anti-Semitic leaflets have been circulated to hundreds and possibly thousands of Jewish and non-Jewish individuals and organisations.

In **May 2003** the CEOOR received several complaints about racist and anti-Semitic statements in a schoolbook for teaching Dutch in secondary education. Examples are the use of words like "negertje" ("little Negro"), "neger" ("Negro"), "stamhoofd van een negerstam" ("chief of a Negro tribe") or phrases like "Do you also think Germans are such unpleasant people?" and "When a Palestine child in Jerusalem saw a Jewish soldier coming, it winced with fear". The publisher of the book stressed that theses statements were not intended as racist nor as anti-Semitic, but it agreed that the terms and phrases could be interpreted as negative. For this reason the publisher immediately destroyed the

existing stock of the handbook and printed an adapted version. For the other handbooks that were already in use by schools, stickers were printed to correct the paragraphs involved.

15 May 2003, Court of Antwerp. Via paranormal fairs in Belgium, a Dutch publisher disseminates books of an allegedly medium from the previous century, stating that Jews should thank Hitler for the holocaust and that black people are inferior. The CEOOR filed a complaint on grounds of infringements against the anti-racism law of 30 July 1981 and demanded to cease the sale of these books on a fair in Antwerp. The judge agreed with the CEOOR and judged that this ideology is insulting and hurting for a group of persons because of their race, religion or conviction of life, and incites to discrimination and violence, and is, as a consequence, in breach of the legislation against racism and discrimination. In addition, the judge was of the opinion that any dissemination of racist and discriminatory ideas can not be allowed in a society in which mutual tolerance has more fundamental value than unbounded expression of opinions.

On **9 September 2003**, the correctional court of Antwerp sentenced Siegfied and Herbert Verbeke to one year suspended imprisonment and a penalty of 2500 € for offences against the 23 March 1995 law against the denial of the holocaust and the anti-racism law of 30 July 1981. They are also deprived of their civil rights for 10 years. The CEOOR and the Auschwitz Foundation who lodged a liability complaint received a compensation for damages. The brothers Verbeke were prosecuted because of their activities denying the genocide and the war crimes committed against Jewish people by the Nazis in WWII. They run the organisation VHO (with its own homepage) that disseminates pamphlets and books of the most significant Belgian and international persons denying the holocaust. This sentence is the final result of an investigation that started in 1997.

The CEOOR received in 2003 (till the date of this report, November 2003) three additional complaints on anti-Semitic elements in texts (email, local newspapers), and three complaints on anti-Semitic texts on Internet sites.

7. Changes in the attitude of the EU population towards Jews, their communities, organisations or their property (cemeteries, synagogues, other religious and cultural symbols etc): Are there studies or other reports dealing with changes in anti-Semitic sentiments? What are the results? Are there any other changes in attitudes linked to the increase in anti-Semitism?

To our knowledge there are no recent studies or opinion polls on the topic of anti-Semitic sentiments.

8. Research Studies reporting anti-Semitic violence or Opinion Polls on changed attitudes towards Jews: Are there any new or recent reports done on anti-Semitic aggression or attitudes?

To our knowledge there are no recent studies or opinion polls on the topic of anti-Semitic sentiments.

On 18 and 19 January 2003 a conference was organised on the theme of "The new Judeophobia. The return to anti-Semitism?" ("La nouvelle judéophobie. Le retour à l'antisémitisme?"). The initiators were the European Centre for studies of the Shoah, anti-

Semitism and genocide (Centre européen d'études sur la Shoah, l'antisémitisme et le génocide; CEESAG) of the Free University of Brussels (Université Libre de Bruxelles, ULB), the collective Dialogue et Partage, le Centre communautaire laïc juif (CCLJ) et de l'Union des étudiants juifs de Belgique (UEJB).

9. Good practices for reducing prejudice, violence and aggression by NGO's: Can you report of any good practice that has been successful in avoiding the increase of prejudice and violence towards Jewish people and other groups?

The representative body of Muslims in Belgium and its Jewish counterpart, the Consistoire Israélite de Belgique, issued a joint appeal condemning violence and anti-Semitism.

Anti-Arab/Muslim remarks made by some members of the Jewish community were severely criticised by other members.

On 22 May 2003 (Brussels) and 21 October 2003 (Charleroi) the CEOOR and the GSARA (Groupe Socialiste d'Action et de Réflexion sur l'Audiovisuel) organised a debate with the title "Juifs, Maghrébins, Musulmans, Palestiniens, Israéliens … à Bruxelles/Charleroi ou ailleurs: "Pourvu que l'on se parle"[20]. The occasion for this debate was the première of the movie "Pourvu que l'on se parle". The initiators state that 11 September 2001 led to an upsurge in both anti-Semitic and Islamophobic incidents in Belgium. Both Jews and Maghrebians are the victims of stereotypes, pre-conceptions and disinformation. Despite the growing tensions, the initiators point out that both communities have a lot in common (e.g. a history of migration). In Belgium as well, Jews, Maghrebians and Palestines live together and make friends with each other. The movie "Pourvu que l'on se parle" demonstrates this in a pedagogical and humorous fashion. It shows that the expectations and the hopes of the different communities are very similar. As such it is a powerful response to racism and anti-Semitism that can be used by teachers, educators and workers in socio-cultural training.

10. Reactions by politicians and other opinion leaders including initiatives to reduce polarisation and counteract negative national trends: How has the government reacted to increased anti-Semitic violence? What have been the reactions of the politicians and other opinion leaders? Are there any institutionalised proposals and implementations to be observed?

A number of initiatives were taken as a response to the new upsurge of anti-Semitic violence.

A common declaration to promote the dialogue was signed by the different religions and the non-confessional philosophies, the federal government, the representatives of the civil society and the CEOOR. Initiatives promoting the dialogue and the mutual knowledge and understanding have been organised on both a local and a national level in co-operation with religions and philosophical convictions. On this occasion, the CEOOR has organised de-centralised meetings in different Belgian cities.

---

[20] Jews, Maghrebians, Muslims, Palestines, Israelis .. in Brussels or somewhere else: "Provided that we talk to each other". Jews, Maghrebians, Muslims, Palestines, Israelis .. in Charleroi or somewhere else: "Provided that we talk to each other".

On the CEOOR's initiative a "Call for Mutual Respect" has been signed by the chairmen of all the Belgian democratic parties, after the first days of the attacks on 11 September 2001. The international events in direct relation to the situation in the USA and the Middle-East have created a climate of tension and insecurity, which has fuelled feelings of xenophobia, anti-Semitism and Islamophobia in Belgium (see above).
On 5 April 2002 a round table conference was held following the initiative of the Belgian government regrouping representatives of the social partners, the Jewish and the Muslim communities, the League of Human Rights and the Centre for Equal Opportunities and Opposition to Racism. The Round Table conference was requested by the different communities following the attacks on a few synagogues in Antwerp and Brussels. A common declaration was signed and commitments were made by the different actors to take concrete measures in the near future.

As a result of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, the federal government mandated the CEOOR to propose a plan on specific actions that can be undertaken in order to promote the dialogue between the different communities. In September 2003, the CEOOR finished a proposition for a National Action Plan against Racism. This proposition includes suggestions for specific national programs aimed to guarantee access to social services, such as education, health care, decent housing, and means for protection of victims. On the basis of this document an inter-ministerial working group is to be created to study the proposition of the action program. Subsequently an elaborate consulting round needs to be organised among NGO's, trade unions, other social partners concerned, target groups, youth sector, local authorities, relevant governmental institutions, specialised national bodies and other relevant statutory bodies. After these phases the national action program can be finalised with respect to both contents and budget. This finalised action program needs to be accepted by the federal, regional and community parliaments, and approved by the government before it can be published and disseminated. A final phase is the creation of a body that is charged with the follow-up of the realisation of the national action program. This body needs to be constituted by representatives of the competent ministries, the social partners and the target groups.

SOURCES

Complaints registered by the CEOOR

The annual reports of the CEOOR. Published on www.diversiteit.be or www.diversite.be

The file on anti-Semitism by the Internet magazine RésistanceS
(http://www.resistances.be/antisem01.html)

www.antisemitisme.be