[BE] Court Finds that Political Party Incited to Discrimination, Hatred and Xenophobia

IRIS 2005-1:1/13

Dirk Voorhoof
Human Rights Centre, Ghent University and Legal Human Academy

On 9 November 2004, the Hof van Cassatie/Court de Cassation (the Belgian Supreme Court) confirmed the judgment of the Court of Appeal of Gent of 21 April 2004 convicting three organisations of the political party Vlaams Blok (Flemish Block). In application of the antiracism law of 30 July 1981 the organisations were convicted for giving assistance to a political party that has manifestly and repeatedly incited to discrimination and xenophobia, especially towards citizens of Moroccan and Turkish origin. The Court referred to different kinds of publications of the Flemish Block, each of them propagating hatred and xenophobia. The three organisations are sentenced to pay a fine, apart from an award of damages to the Centre for Equality of Opportunities and Opposition to Racism and the League for Human Rights, both of which organisations initiated the procedure 5 years ago. As this conviction can have additional negative consequences for the Flemish Block, e.g. the risk of having their public funding suspended, the party has now renamed itself as Vlaams Belang (Flemish Interest) and has announced, in an ambiguous way however, that it will distance itself from earlier discriminatory proposals and racist speech and will transform itself from a racist to a conservative-right party. Newspapers, magazines and broadcasting channels are now confronted with the question of how to party that has been considered by a final court decision as manifestly and systematically inciting to racism and xenophobia. The answer to that question is complicated by the fact that the party has changed its name and has announced that it will reformulate some parts of its programme and distance itself from earlier publications that were considered as inciting to discrimination and hatred. Some publishing groups have already decided no longer to refuse political advertising by Flemish Interest. Some newspapers have also abandoned their reluctantance to interview politicians from Flemish Interest and have announced that from a journalistic perspective they will consider Flemish Interest just as any other political party. The confirmation of the judgment of the Court of Appeal of Gent by the Supreme Court also forces the VRT, the public broadcasting organisation of the Flemish Community in Belgium, to revise its attitude toward Flemish Block/Flemish Interest. According to the Flemish Broadcasting Act the VRT's programmes should contribute to a democratic and tolerant society (Art. 8 § 3). The Executive Agreement between the VRT and the Flemish Government of 7 November 2001 (see IRIS 2001-9:7) stipulates that the VRT has to contribute to mutual understanding, increase tolerance and stimulate community relations in a multi-ethnic and multicultural society. It is obvious that the opinions and

© European Audiovisual Observatory (Council of Europe) 2026

statements expressed by Flemish Block/Flemish Interest politicians do not contribute to mutual understanding and do not at all encourage tolerance within a multicultural society, quite apart from the court finding that in the past the Flemish Block has systematically incited to discrimination and xenophobia. Is this a sufficient reason to ban Flemish Interest politicians from interviews or political debate on the VRT -channels? Another question is whether the political party Flemish Block/ Flemish Interest can still be represented on the board of governors of the VRT, as the right to be represented in a cultural organisation like the VRT cannot be enforced if a political party does not respect basic democratic principles (Art. 3 para. 1 and 18-19 of the Law of 16 July 1973). The VRT will also have to decide whether or not Flemish Interest will have access to political broadcasting time during election campaigns in application of Art. 27 of the Broadcasting Act.

Belgian Supreme Court, decision of 9 November 2004

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026