

concerned are not explicitly set out in domestic law. A court may only apply provisions of national law if they are compatible or consistent with those of international law.

In addition to the courts, there are a number of institutions in Belgium with responsibility for overseeing the implementation of human rights. These include social welfare centres, legal aid bureaux and other organizations such as family planning centres and associations for the integration of immigrant as well as a wide range of non-governmental organizations.

Economic, Social and Cultural Rights

Signed: 10 December 1968; ratified: 21 April 1983.

Belgium's second periodic report was due 30 June 1995.

Reservations and Declarations: Paragraphs 2 and 3 of article 2.

Civil and Political Rights

Signed: 10 December 1968; ratified: 21 April 1983.

Belgium's third periodic report (CCPR/C/94/Add.3) has been submitted but is not yet scheduled for consideration by the Committee; the fourth periodic report is due 20 July 1999.

Reservations and Declarations: Articles 2, 3, and 25; paragraphs 2 (a) and 3 of article 10; paragraphs 1 and 5 of article 14; articles 19, 20, 21 and 22; paragraph 2 of article 23; declaration under article 41.

Optional Protocol: Acceded: 17 May 1994.

Second Optional Protocol: Signed: 12 July 1990.

Racial Discrimination

Signed: 17 August 1967; ratified: 7 August 1975.

Belgium's 11th periodic report was due 6 September 1996.

Reservations and Declarations: Article 4.

Belgium's ninth and 10th periodic reports were submitted as one document (CERD/C/260/Add.2) which was considered by the Committee at its March 1997 session. With respect to articles 2, 3, 5, 6 and 7, the report prepared by the government contains information on: amendments to the Constitution; internal legislation on racism and xenophobia; the Centre for Equal Opportunity and Action to Combat Racism; the return of certain aliens; refugees and requests for asylum; provisions for displaced persons; marriages of convenience; expulsion; illegal workers' networks; nationality; political rights; international traffic in persons; education and training and schools and associations; information and the press; and the government's integration policy (education, housing, employment, culture).

The Committee's concluding observations and comments (CERD/C/304/Add.26) noted that the government has taken steps towards permitting Belgium to make a declaration under paragraph 2 of article 14 relating to the complaints procedure. Other measures welcomed by the Committee included amendments to various laws, such as that which led to the establishment in 1993 of the Centre for Equal Opportunity and Action to Combat Racism. The Centre is mandated to consider complaints of acts of racial discrimination and, if necessary, institute court proceedings, as well to set up training courses for the police, the gendarmerie and the judicial police, and to organize information campaigns for foreigners and campaigns to enhance public awareness of action to combat racism. Also noted were changes in law which broadened

the scope of penalties for public expressions of intent to practise racial discrimination, for discrimination in the provision of goods or services, and discrimination in employment. On the latter point, the Committee noted provisions granting workers' and employers' organizations the right to institute proceedings.

Taking note of the entry into force of the Act of 23 March 1995 which prohibits the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War, the Committee nonetheless expressed concern that the scope of this Act, which does not refer to all types of genocide, is too restricted. Concern was also expressed about: (1) case law which interprets any material containing a criminal expression, which is printed, reproduced and distributed, as a press offence rather than applying severer sanctions to acts inspired by racism and xenophobia under other laws; (2) the government's declaration on the provisions of article 4 of the Convention (see above) and the failure to take legislative measures to declare illegal and prohibit organizations which incite to racial discrimination; and, (3) the existence of a political party, in the Flemish community, with an extremist and xenophobic ideology.

The Committee expressed regret that Belgium's report did not include any information concerning the economic, social and cultural situation of Belgian citizens of foreign origin — Moroccans, Turks, Italians or others — or of foreigners resident in Belgium but not citizens. Concern was expressed at the allegation that the Public Prosecutor's Department and the police are less zealous in prosecuting offences in cases where the victim is not of European origin and at permissible limitations under law on the temporary or permanent residence of foreigners in certain communes. The Committee regretted the lack of detailed information on complaints of racist and xenophobic acts received by the Centre for Equal Opportunity and Action to Combat Racism and noted that it had requested further information, which was also not provided, on the number of complaints of racial discrimination taken to court, the nature of such complaints and how they were handled.

The Committee recommended that the government:

- ▶ take steps to ensure that the Convention can be invoked before the courts;
- ▶ ensure greater consistency in formulating new laws and, in particular, that adjustments are made to the Constitution and the laws to permit more effective criminal prosecution of racist, negatory or discriminatory writings as such;
- ▶ broaden the scope of the Act of 23 March 1995 which prohibits the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War to cover the different types of genocide;
- ▶ bearing in mind the replacement in the Act of 12 April 1994 of the concept of "national or ethnic origin" by the concepts of "origin" or "nationality", consider amendments to the Act to make it consistent with the concepts contained in paragraph 1 of article 1 of the Convention, viz. "national or ethnic origin";