

WRITTEN QUESTION E-1414/04
by Koenraad Dillen (NI)
to the Council

Subject: Legal proceedings against a political party in a Member State

On 21 April 2004 the Vlaams Blok, an opposition party representing 18% of the electorate in Flanders, was convicted by Ghent Court of Appeal after a complaint had been lodged by the Centre for Equal Opportunities and Combating Racism, which had accused the party of systematically violating the Racism Act of 1981. The Centre is directly attached to the Prime Minister's office and is financed with public money.

In all its proposals, the Vlaams Blok has always stressed that nationality is the only acceptable criterion for discrimination in, for example, recognising political rights, but despite this the court ruled that discrimination was unlawful on grounds not only of race, colour of skin or ethnic origin but also of nationality.

1. Does this not constitute an unlawful and far-reaching violation of the principle of freedom of expression?
2. Does it not violate the principle of the democratic separation of powers for the executive (in this case the Prime Minister's office) to bring proceedings against an opposition party through the intermediary of a publicly subsidised state body (the Centre for Equal Opportunities) with the aim of de facto outlawing the party by means of a conviction barely two months before the European elections?
3. Does the Council agree with the point of view that nation states are no longer permitted to discriminate on grounds of nationality for the purpose of assigning political and social rights? Are arguments in favour of such discrimination 'racist'?