

**Human Rights Council
Complaint Procedure Form**

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

Individual ☐

Group of individuals ☒

NGO ☒

Other ☐

AUTHOR:

Last name: LAHLALI

First name(s): ABDERRAHIM.....

Nationality: BELGIUM.....

Profession: Lawyer (councillor)

Address for correspondence on this complaint: as a representative (LAWYER) of the 9 parties (victims):

**Abderrahim LAHLALI
Kortrijksesteenweg 731
9000 GENT
BELGIUM**

Tel and fax: (please indicate country and area code):

TEL: 0032-92434107 & 0032-496112008

FAX: 0032-92434108

E-mail: **lawyers.lahlali@gmail.com**

Website:

Submitting the complaint:

On the author's own behalf: ☐

On behalf of other persons: the VICTIMS: ☒

- 1) **Association Marocaine des Droits Humains-Belgique (NGO)**, address: Rue du Miroir 7-bte3, 1000 Bruxelles – BELGIUM represented by **Mohamed AADEL**, secretary-general,
WEBSITE: <https://amdhibelgique.wordpress.com/>

- 2) **Mme Saloua EL MOUSSAOUI**, double nationality Belgium/Morocco, address: Driegaaienstraat 115 – 9100 Sint-Niklaas - Belgium
- 3) **Mr Yassine CHANNOUF**, double nationality Belgium/Morocco, address: Sint-Janstraat 42, 2140 Borgerhout, Belgium
- 4) **Mr Mohamed BEN HADDOU**, double nationality Belgium/Morocco, address: Oogststraat nr. 36 – 9032 Wondelgem, Belgium
- 5) **Mr Meki AHADDOUR**, double nationality Belgium/Morocco, address: Guillaume Fiersstraat 7 – 9160 Lokeren,
- 6) **Mme Rachida AZIZ**, double nationality Belgium/Morocco, address: 1 Emile Bockstaellaan 87, 1020 Brussel - Belgium
- 7) **Mr Mohamed EL-OMARI**, double nationality Belgium/Morocco, address: Einde Were 103 – 9000 GENT - Belgium
- 8) **Mr Zaid EL AAMIRI**, double nationality Belgium/Morocco, address: Kruisstraat 136 – 9600 RONSE – Belgium
- 9) **Mr Jan HERTOGEN**, nationality Belgium, address: Lange Schipstraat 95, 2800 Mechelen, Belgium
- 10) **Collectif Contre l'Islamophobie en Belgique asbl (CCIB)**
address: Rue Emile Wauters 140, 1020 Bruxelles – Belgium
- 11) **Assemblée Mondiale des Amazigh (AMA) (NGO)**, address Place de la Reine 35, 1030 Bruxelles – Belgium / Represented by Mohamed El Battiui, president, address: Avenu de l'Exposition 438 bte 15, 1090 Bruxelles – Belgium.

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): BELGIUM

Mr Bart DE WEVER:

- 1) President of the NV-A (Nieuw Vlaams Alliantie): the largest Political Party in Belgium and the largest coalition party in the Flemish and the Belgium GOUVERNEMENT
- 2) Mayor of the City of ANTWERP
- 3) Member of the Belgian Parliamant

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

.....
On the 23 of March 2015 at 20h00, mr. Bart DE WEVER the Mayor of Antwerp and the President of the largest political party (N-VA) in Belgium, has issued, in a program named TERZAKE on the public broadcaster (VRT) in Flanders, several statements and rulings with

regard to the so-called migration, integration, racism and radicalization problems. (<http://deredactie.be/cm/vrtnieuws/videozone/programmas/terzake/2.38146>).

Mr. Bart DE WEVER stated:

- 1) "If Liesbeth Homans (a member of the political party N-VA and current Minister of Diversity and Equal Rights) says that racism is relative, then I understand exactly what she means. It is also very easily used as an excuse for personal failure. It is absolutely deplorable but there are other examples as well. For example, I never met an Asian who says, "I am a victim of racism." I see that Asians doesn't appear in crime rates. There are, however, thousands of them. "
- 2) "I (Bart DE WEVER) say that there exist negative experiences that are related to specific populations. Especially when it comes to people of North African origin, especially the Moroccan community, especially Berber. And 80% of Moroccans in Antwerp are of Berber origin. And it's very difficult to organize in social mobility in that community, they are also very closed communities with distrust to the government, weakly organized Islam susceptible to the Salafi-ideology and thus also for radicalization. "

- 3) "Racism or rejection comes from somewhere. If people after four generations are still 'foreign' and calling themselves 'foreign' and are appointed as 'foreign', then that has to do with it. "

"Look who's in our prisons. Look at the crime rates. We have allowed a wrong kind of immigrants. "

"We've got a very big part of migrants who do not work."

"We import poverty by decades of lack of integration policy."

- 4) "If you do not integrate and that for decades than you get automatically apartheid (segregation) between migrants and the native Flemish."

"If one for decades do not want to integrate then you get racism from the native population; Indeed, a lot of negative perceptions creates a culture of mistrust. "

- 5) I say that racism and discrimination are a consequence of the non-integration of immigrants (in my city Antwerp the mainly closed Moroccan Berber population) "

- 6) "Interviewer: Is racism relative (referring to earlier ruling by mrs. Liesbeth Homans)?

Bart DE WEVER: All -ism's are relative. Racism exists, we should not deny that, and that is regrettable. Since 9/11 we didn't started a happier world therefore the distrust between the Muslim world and the Western world has grown and that translates in most major cities in Europe where the Apartheid perpetuated by very little contact and very few marriages under

different communities. "

"Addressing racism structural you can only do this by improving the socio-economic status of those populations. Racism is too often used as an excuse for personal failure. "

"80% of the North African community in Antwerp are Moroccan Berbers we find it very difficult to organize social mobility in that community. They are very closed communities, with distrust of the government, a weak organized Islam, which are susceptible to the Salafist Islam and therefore for radicalization. It also doesn't advertise that group as people set up the TV and almost day after day see beheadings (...) where we see groups here sympathize with or even to go there to Syria to participate. "

"Just saying that there is a problem of racism and that therefore everything is pardoned doesn't solve discrimination. We have failed to exploit talent in some communities. I'm not a racist and assume that every person and in every community is talent present. So I see that some communities and migrant groups are doing very well, others less well, and others downright bad. Look at who is in our prisons and to the employment figures. It shows that we have allowed the wrong migration."

By foregoing statements Mr. Bart WEVER targeted people who have one or more of the following personality traits:

- North Africans
- Moroccan
- Berber origin
- Migrants

The targeted personality traits are protected criteria outlined in section 3 of the Belgian anti-racism law of the date of 30 of July 1981 (viz. The fight against discrimination on grounds of nationality, a so-called race, color, descent or national or ethnic origin)

Particularly worrying is that mr. Bart De WEVER, being as Mayor, a Member of Parliament and being the President of the largest political party in Belgium, making statements which he apparently based on subjective interpretations to incite hatred against a particular group of people, especially towards the North African and Moroccan origin Berber population.

Above polarizes Mr. Bart DE WEVER and also threatens with images of fear .. He states in his interview, namely the following:

"80% of the North African community in Antwerp are Moroccan Berbers we find it very difficult to organize social mobility in that community. They are very closed communities, with distrust of the government, a weak organized Islam, which are susceptible to the Salafist Islam and therefore for radicalization. "

Thus mr. Bart DE WEVER makes a direct causal link between the Berber population and

extremist terrorists! And the Berber population have 'an almost genetic feud with the' government '(ed. Distrust in the government).

Also considers mr. Bart DE WEVER that the ethnicity of a particular population ("migrants" / "Berbers") is a criminogenic factor, considering there he makes a connection between the "crime rate" and the fact "we have allowed the wrong kind of immigrants."

Criminogenic factors are characteristics or conditions which may contribute to the commission of crimes. We can also describe criminogenic as risk factors that make repetition of criminal behavior more likely.

Stating that the ethnicity of a particular population group is a "criminogenic" risk factor can mean that targeted population will be treated by hatred..

Bart DE WEVER argues that racism is the fault of immigrants, the immigrants must to be blamed for racism, particularly from the Berber population who invariably refuses to 'integrate' in the Belgian society and therefore they are been treated with racism by the 'native' population. Also considers mr. DE WEVER concludes that Apartheid in large cities is caused because the targeted population (migrants / Berbers) didn't integrated for decades.

The statements of mr. Bart DE WEVER are not correct. In this way it affects knowingly the perception of public opinion to certain population in a highly stigmatizing and negative way. Prof. Christiane TIMMERMAN, anthropologist and director of the Centre for Migration and Intercultural Studies (CeMIS) at the University of Antwerp in Antwerp declared in the newspaper called "Gazet van Antwerpen" of March 25, 2015 that the statements from mr. Bart DE WEVER are not supported by scientific studies. She commented three statements from DE WEVER as follow:

1 "Especially in North Africans - mostly Moroccans, especially the Berbers - we have it very difficult to organize social mobility. They are also very closed communities with a great distrust of the government. "- Bart DE WEVER

Prof. Christiane TIMMERMAN: "The division between Moroccan and Berber is not made by the individuals themselves. If you ask the people of Moroccan descent, they have it very difficult to give an answer. It would be a very closed community, is not even consistent with scientific research. The scientific research shows that people of Moroccan origin participate more in non-profit organizations, NGO's and political parties, than for example people with Turkish roots. "

2 "I've never met an Asian immigrant who says he/she is victim of racism." - Bart DE WEVER

Prof. Christiane TIMMERMAN: "That statement is about a relatively small and diversified group in our society. Therefore there is less definite ideas. That Asians are not the victim of racism or discrimination, is a bridge too far. We investigated the school careers of young

people with Moroccan, Turkish, Chinese and Flemish roots. It showed that Chinese youth have feelings of being discriminated and experiencing prejudice. "

"Moreover, there are regional differences in how society thinks about other peoples. In the UK, for example, rather negatively about people from Eastern Europe. In Canada, there is a more positive attitude towards Islam. This also changes over time. Just look at the difference of how in the 30s and 40s on the Jewish community was thought and now. "

3 "We are now reaping the bitter fruits of the failed migration and open borders policy of the past." - Bart DE WEVER

Prof. Christiane TIMMERMAN: "DE WEVER combines the failed policies of the past to the high number of Syria-fighters that has left Antwerp. The biggest group Syria-fighters departs from Arab Muslim countries, countries with authoritarian forms of government. In addition, some protagonists are not young people from ethnic minorities, but natives. A connection between a failed migration and Syria-fighters is very short-sighted. The problem is much more complex."

Such gratuitous and baseless generalizations can incite hatred and violence against the ethnic cultural minorities.

Even more so when, according mr. Bart DE WEVER, the ethnicity of a particular population ("migrants" / "Berbers") is a criminogenic factor, because he makes a connection between the "crime rate" and the fact "we have allowed the wrong kind of immigrants." Thus the hatred and contempt for one particular population group (migrants / Berbers) fueled by the other majority population (natives).

Further mr. Bart DE WEVER said that Berber families have to deal with problematic parenting situations and domestic violence. He does this in an extremely oversimplified and generalized manner within a context of an interview where the Berbers as a group are depicted as a problem. This is evidenced by the following statement:

"We note that our deradicalization-teams often visits families. These are often families of Berber descent. My deradicalization-teams note that the radicalization jacket wearing youngster was just a cover for mass problems: an absent father figure or a father who only hit and abuse, and no more talk, a mother with also many problems , intra-family violence. ".

Mr. Bart DE WEVER also gives the impression that almost every migrant could / can establish in Belgium and getting the Belgian nationality. And that criminals and rapists are regularized, people with no legal documents getting a legal statue as simple as that.

Literally Bart De WEVER says: "Decades we have held an open border policy. We have the nationality hurled through the fast-Belgian law. We have massively regularized immigrants with no legal documents , collectively and individually. And not really selective. There are also hundreds of criminals, rapists regularized getting legal documents. We are now reaping

the bitter fruits of. And of course we have a very large part of our passive migrants who do not work. We are about the worst in the whole of Europe. Thus the import of deprivation actually. Lack of integration policy which actually results in Apartheid.”

These allegations can not be substantiated scientifically or statistically and again reinforce the negative perception that exists with regard to migrants. While an important politician must work properly binding between population and not stigmatizing and polarizing. Knowingly setting up groups facing each other by one of the most important political and power governor of this country who incite hatred and violence against the targeted minority group.

In the interview, Mr. Bart DE WEVER stated that racism is relative and is often used as an excuse for personal failure. Therefore this mean that racism in a society is tolerated and racism is not a crime because it's "relative". Given the fact that racism is a correctional punishable offense , it can never be relative in nature. Mr. Bart De WEVER influences and plays in a very careless way the public opinion that racism is not really a crime.

Mr. Bart DE WEVER also said that:

"Socially speaking, we failed to present the talent to operate adequately in every community. I assume that every person in every community has talent. I see that it is going very well for some communities and migrant groups. For others persist well and others that are downright bad. Look who's in our prisons. Look at the activity figures. That has to do with the wrong type of migration. We have the wrong kinds of immigrants allowed massively. Especially passive migration. "

Giving the fact that he makes a distinction between passive and active immigrants is discriminatory in nature. In addition, he indicates that passive migration is a wrong kind of migration. By this he means that passive migrants by definition never make an active contribution to our society. It is so that people who come to Belgium via family reunification after having established themselves seek to enter the labor market and thus actively contribute to our society.

As for the low employment rate of migrants this has to do mainly with the lack of specific measures for this group. For example, the OESO (February 2015) and the European Commission (country recommendation 2014) urged Belgium to work on specific measures to reduce the distance to the labor market. Unfortunately we see that Flanders who have the lowest employment rate in Europe provided no specific target group policy. Thereby providing the federal anti-discrimination legislation that the government should allow positive action to include people with a migration background. However, eight years later, there is still no KB which allows to take positive action for the employment for people with a migration background. These elements indicate that the low activity is not the result of poor work attitudes and poor migration but rather the lack of much-needed government measures.

Finally, it seems by his statements that mr. Bart DE WEVER wants to create a hierarchy between different levels of groups of ethnic minority groups, with the Berber population 'the least integrated and over-represented in crime statistics. In comparison with other minorities such as the population of Asian origin:

Bart DE WEVER: "I've never met an Asian immigrant in Antwerp who told me that he was a victim of racism. I see that Asian people hardly occur in the crime rate even though they are with thousands. "

The above statement would constitute a violation of Article 21 of the Belgium anti-racism law:

Art. 21. imprisonment from one month to one year and a fine ranging from fifty to one thousand euros or one of these penalties is punished only he who in the circumstances referred to in Article 444 of the Penal Code, ideas based on racial superiority or spreads racial hatred.

In summary it can be stated that dhr. Bart DE WEVER characterizes a community as a whole as "problematic".

In particular, the statement that wrong 'migrants' entered Belgium is discriminatory, racist and could incite hatred and violence.

Mr. Bart DE WEVER suggests that one ethnic group is more criminal than others to judge at the same time that that can only be blamed to the 'population' himself. The above statement is neither scientific nor demonstrated through statistics and can incite hatred towards the targeted population (North African "Berbers").

Legislation

Given the international human rights instruments which prohibit discrimination, in particular the UN Convention on the Elimination of All Forms of Racial Discrimination (UNCERD)

- Having regard to the European Convention on Human Rights, and in particular Article 14 thereof, which contains a prohibition on "discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status ", and Protocol no. 12 amending that Convention on the general prohibition of discrimination, and the relevant case law of the European Court of Human Rights ,
- Having regard to Article 21 of the Charter of Fundamental Rights, which prohibits "any discrimination on grounds of sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation "as well as on grounds of nationality,
- Having regard to Article 2 of the Treaty on European Union (TEU), which states that the Union "is based [on the values of] respect for human dignity, freedom, democracy, equality,

the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men "

- Having regard to Article 10 of the Treaty on the Functioning of the European Union (TFEU), which states that "[the Union] in defining and implementing its policies and activities aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation "

- Having regard to Article 19 TFEU, which gives the EU a political mandate to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation,

- Having regard to Article 67 TFEU, which states that "the Union [...] forward [seeks] to ensure a high level of security through measures to prevent and combat [...] racism and xenophobia"

- Having regard to **the Belgian Law** of 30 JULI 1981 - Law criminalizing certain by racism or xenophobia acts motivated,

- Having regard to **the Belgian Law** of 10 May 2007 - Law amending the Law of 30 July 1981 to suppress certain acts motivated by racism or xenophobia,

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies– please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions¹, the claims made, at which times, and what the outcome was:

- a) On behalf of the victims mentioned on the first page I, the undersigned, have filed a complaint at the Office of the Prosecutor in ANTWERP (BELGIUM). The claim is made on the 31 of March 2015. The outcome will be for the near future. The complaint concerns the facts and the violations of the legislation mentioned above under number III.
- b) On Wednesday, March 25th, 2015 at 6:30 PM, a group of about 300 people held a peaceful sit-in at the Antwerp Town Square, next to the city hall where Mr. Bart DE WEVER has his office as mayor. The sit-in was intended as a peaceful protest against the statements of Mr. Bart DE WEVER. The protesters asked very peacefully to Mr. Bart DE WEVER to apology for his statements. If he would refuse this, they asked him to take his resignation as mayor because he could not remain a mayor with those statements.

¹ National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

Rather than allowing the demonstrators to speak and to listen to their aspirations, mayor Bart DE WEVER surrounded the protesters by an abnormally large police force. The demonstrators were urged by the police to leave the square. All the demonstrators had to identify themselves, and the police said they would receive a financial penalty (a GAS-penalty). The protesters who refused to leave the square because they referred to their freedom of association, were arrested by the police and detained until about 11 PM in the evening. They will also get a financial penalty (a GAS-penalty) of the city council.

- c) The victims have also complained at the Belgian attorney. They are waiting for a response to this complaint. Because they want a fully independent inquiry, they report at the same time their complaint at your services.

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

In Belgium, the Interfederal Centre for Equal Opportunities (<http://www.diversitybelgium.be/>) is authorized to receive and investigate complaints about racism.

However, Jozef De Witte, Director of the Interfederal Centre for Equal Opportunities, has already expressed several times his opinion about the statements of Mr. Bart DE WEVER in the media. According to Mr. De Witte, the statements of Bart DE WEVER do not violate the antiracism laws. For instance, this is his answer to a question about these statements in the newspaper De Standaard of March 28, 2015:

“It is not because something is reprehensible, it also is illegal. (...) I have never called anyone a racist. How do you hence? The deeds count, not the intentions.”

Mr. De Witte made these statements without any examination of the file. Given these statements, a complaint at the Interfederal Centre for Equal Opportunities has become impossible.

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

/...NO.....

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

/.....NO.....

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (Please tick as appropriate): Yes ☐

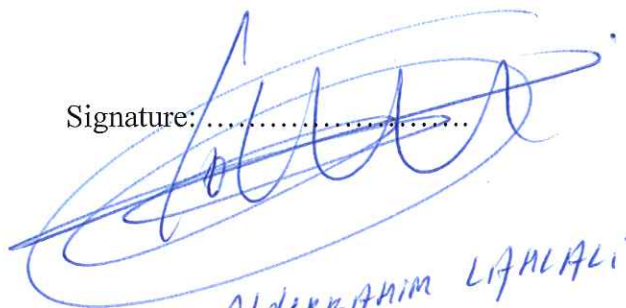
No ☒

Please indicate which information you would like to be kept confidential

Date: 31/03/2015


ADVOCATEN
A-LAHALALI
KORTRIJKSESTEENWEG 731
B - 9000 GENT

Signature:


ABDERRAHIM LAHALALI

N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful): ☐
- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure): ☐
- Any other evidence or supporting documents deemed necessary:

Supporting documents

- 1) *Chambre Des Représentants De Belgique Compte Rendu Analytique (Séance Plénière) jeudi 26-03-2015*
- 2) *Press articles*
- 3) **Belgian Law** of 30 JULI 1981 - *Law criminalizing certain by racism or xenophobia acts motivated*
- 4) **Belgian Law** of 10 May 2007 - *Law amending the Law of 30 July 1981 to suppress certain acts motivated by racism or xenophobia*
- 5) *Association Marocaine des Droits Humains-Belgique (NGO), statutes*

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights

Human Rights Council Branch-Complaint Procedure Unit
OHCHR- Palais Wilson

United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland

Fax: (+41 22) 917 90 11

E-mail: CP@ohchr.org

Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>