



NEWS REPORT

Date:	3 May 2010
Expert:	Emmanuelle Bribosia
Title:	Complaint against the newspaper “ <i>Le Soir</i> ” for incitement to racial hate
Country:	Belgium
<u>Context</u>	
Issue at stake:	Complaint against the newspaper “ <i>Le Soir</i> ” for incitement to racial hate launched by Bart de Wever, the President of a Flemish right wings party.
Ground of discrimination:	Origin/language
Source:	Press
Field:	Written press
Legislative provisions:	Art. 20 of the Racial Equality Federal Act of 10 May 2007 (public incitement to racial hate or violence)

Content

Case: A huge debate arose in the Flemish region of Belgium following the publication of a Jean-Paul Marthoz column in the French-speaking newspaper “*Le Soir*” (Jean-Paul Marthoz is a columnist at “*Le Soir*” and has been the European Press Director of Human Rights Watch for 11 years). Published mid March, the column was titled “The *Wooncode* and the *Talion Rule*”. It was illustrated by a photo of a collective burial of hundreds of Christians in Nigeria.

The *Wooncode* (the Flemish housing code) contains a section titled ‘*wonen in eigen streek*’ (to live in his/her own region), which imposes to the potential purchaser of a building lot located in one of the 69 specified municipalities of the Flemish region, to prove that s/he has strong ties with the municipality. Three criteria are available in this respect: (1) to have lived for 6 years in the municipality or in the near neighbourhood, (2) to work part-time in the municipality, (3) or to have built for a substantial amount of time important professional, social, family, or economic tie with the municipality.

Referring to the *Talion Rule*, best known as “an eye for an eye and a tooth for a tooth”, Jean-Paul Marthoz began his column by criticising the perpetual human desire of revenge. Giving some examples of this, he referred, among others, to the killing of hundreds Christians by Muslims in Nigeria, in reprisals of the killing of Muslims. He then affirmed that in ‘democratic States’, governed by the rule of law, this desire of revenge is, hopefully, canalised by legal rules. He carried on mentioning that some French-speaking people wanted to react to the *Wooncode* in line with the *Talion Rule*, which means to apply, to the Flemish-speaking people wanting to buy a house in the Walloon region, the same criteria applied in the Flemish region.

Jean-Paul Marthoz then referred to the abovementioned *Wooncode* section (“*wonen in eigen streek*”) to criticise liberal States showing illiberal practices, such as Italy violently expulsing immigrants, the United-States practising torture, *etc*, and ... the Flemish region imposing discriminatory criteria for purchasing a building lot. He concluded that, even in front of such illiberal practices, true democratic States must not apply the *Talion Rule*. True democratic States have to respond to such illiberal practises by liberal means, reaffirming their commitment to the values of equality, openness and modernity.

Many reactions arose in the Flemish region following the publication of this column. Editors of well-known Flemish newspapers react recalling the journalists' freedom of speech, but deploring the column in the sense that it puts on the same level the *Wooncode* and the torture practiced by the United-States. But the most virulent reaction was a complaint for incitement to racial hate lodged against the newspaper “*Le Soir*” by Bart De Wever before the Centre for Equal Opportunity and fight against racism, the president of a nationalist Flemish right wing political party, the N-VA. Following those reactions, Jean-Paul Marthoz and the “*Le Soir*” editor published another column explaining the misinterpretation of the opinion at stake.

Internet link source and additional information:

http://archives.lesoir.be/enjeux-le-wooncode-et-la-loi-du-talion_t-20100316-00UDMV.html?query=wooncode&firstHit=0&by=10&sort=datedesc&when=1&queryor=wooncode&pos=2&all=109&nav=1
http://www.radio1.be/files/images/r1_och1_leWooncode.jpg

