

**Judgment number: 45/96**

Genocide / Negationism / Revisionism

**Summary:**

Two private individuals requested that the Act of 23 March 1995, designed to make negation, minimisation, justification or approval of the genocide committed by the German national socialist regime during the Second World War an offence, be declared void. The petition of the first applicant, who was known to be revisionist and denounced the restriction of the right to freedom of expression, was held to be admissible. However, the petition of the second, who considered that the Act did not go far enough, was inadmissible. The applicant's disapproval of a law on the basis of a subjective, personal viewpoint or the feelings it evoked in him could not be accepted as evidence of the interest required by law.

With regard to the merits of the case, the Court concluded - after a thorough examination of the provisions of the Act at issue and the Court's travaux préparatoires, and in the light of Articles 10 and 17 ECHR and Article 19.3 of the International Covenant on Civil and Political Rights - that the applicant's claim that the Act comprised a discriminatory restriction of the right to freedom of expression in that its scope was too widely defined and that the consequences of the Act were disproportionate to the objectives pursued, could not be admitted. The grounds for the decision summarised here are particularly detailed.

Source: Constitutional Court of Belgium, <http://www.const-court.be/en/common/home.html>