



Belgian ‘municipal fines’ cause growing dissent

Kees Hudig

Fines have been issued for an array of bizarre “offences” and have been used to target individuals involved in organising political protests.

Tens of thousands of people, predominantly youths, have been issued with ‘municipal administrative sanctions’ (Gemeentelijke Administratieve Sancties, GAS, or SAC in Wallonia) over the last few years. These fines are issued by local municipal functionaries, so called GAS-ambtenaren often from rubbish or park maintenance units, against people they deem to be causing a “public nuisance.” The definition of what constitutes a public nuisance is decided by the municipality itself, as is the size of the fine, which can vary from 50 to a few hundred euros. The sanction, which was introduced as an administrative efficiency measure, is increasingly being arbitrarily applied to everyday activities and to political protest. This has led to growing public dissent over its use.

The municipal fines system was launched in 1999 to alleviate the overburdened lower court of justice (parket). It enabled local authorities to issue (and collect) fines for minor infractions that are defined by municipal bylaws. Initially the fines were only applied to adults, but in 2004 the age range was lowered to 16 years (albeit with a maximum upper limit of up to 120 euros when applied to under-18s).

On 13 December 2012 the federal government lowered the age range further to 14 and increased the size of the fines. [1]

The original 1999 law has been gradually amended to broaden law enforcement remits and their application. Initially, only local police officers and those with law enforcement powers could issue administrative sanctions, but since 2005 the municipalities have had the power to decide which officials can issue fines. Many municipalities created special ‘GAS officers’ who roam the streets to identify and fine people who are ‘causing a nuisance.’ The city of Antwerp, for instance, issues around 1,000 fines each month and has 30 ‘GAS civil servants,’ mostly former rubbish collectors.

Until recently, those fined generally accepted the sanction and there was little organised protest. In 2012, however, it became known that the sanctions were being used not only to punish minor acts, but as instruments of political repression. This caused a public outcry.

It is possible to appeal against a fine, but there is no independent complaints body and the authority that issued the fine is responsible for assessing the appeal against it. The authority’s decision can be appealed

at a local second instance court, but this is seldom done because the procedure is cumbersome and carries the risk of incurring court costs if unsuccessful.

The theatre of the absurd: fined for eating a sandwich

Every municipality has its own bylaws which list acts that are prohibited and subject to sanction by the city council. This has led to a wide array of behaviours being outlawed. The online journal *PIDmagazine* published a special issue on the most bizarre GAS fines issued. [2] It includes fines for feeding birds in a park, throwing paper on the ground, imitating a police siren, honking and waving to a friend and not sitting in the right position on a public bench. Jef Coulommier, an 18-year old student, was arrested for eating a sandwich on the stairs of a church in Mechelen in October 2012 and was threatened with a fine of 100 euros. This caused a public outcry and led to 100 people gathering to eat sandwiches in the same spot three weeks later. [3]

Local municipal rules further prohibit, among other things: leaving ice hanging from your roof (Dendermonde), picking up confetti during carnival and throwing it again (Deinze) and scaring people (Lokeren). In Hasselt it is forbidden to mix cement in graveyards “unless using a bucket” and in Mortsel it is forbidden to repair your car on the side of the road.

Political nuisance fines

Municipal fines are now being used to target people involved in organising political protests. Two people identified as “leaders of Occupy Antwerp” were each issued with triple fines [4] after being accused of involvement in organising actions by their local group in September 2012. The evidence against them was that they had been observed attending meetings, carrying pencils (which could be used to write slogans) and assisting in a clean up after a gathering. They appealed against their 150 euro fines but they were not overturned, merely halved. One of the fines with which the two were issued was a pre-emptive fine for “planning to organise a protest on Astrid Square.” They were arrested an hour before the protest was to take place, identified, photographed and detained for more than an hour. Another case of ‘political GASfining’ was made against members of the leftist PvdA party in Antwerp in winter 2011. They were demanding flu vaccinations for all elderly people, but having been denied a permit to hold a demonstration in the town square they moved the action to a café. For this they received a fine.

The architect of the GAS fine system

Former minister, Luc van den Bossche, created the GAS-fine system in 1999. When confronted on the arbitrary application of fines, van den Bossche admitted that the law was being broadly interpreted by the municipalities and that oversight was lacking. In an interview with the website *DeWereldMorgen* [5] he conceded that the 2005 amendment, which bestows responsibility for evaluating complaints on the same authority that issued the fine, had been a mistake.

One organisation campaigning against the arbitrary issuing of GAS-fines in Belgium is the Chiro movement (www.chiro.be). Although this traditional youth organisation from Flanders is similar to a Scout group, many of its members were fined for organising street events. “Even climbing in a tree is being criminalised now” said the organisation’s spokesperson Matti Vandemaele. The Chiro movement, along with dozens of other organisations such as the Human Rights League (Liga voor Mensenrechten) and youth organisations, are now demanding reform of the GAS/SAC policy. They staged a protest against the current practice of GAS-fines [6] in November 2012 together with some 25 Belgian organisations involved in youth issues, arguing that they were “criminalising the youth.” More than a hundred demonstrators gathered in Elsene, a suburb of Brussels which holds the Belgian record for the number of fines with 6,000 having been issued. [7] Two days before the Elsene demonstration, students in Gent had protested against the fines. While trying to address the city council they were evicted from the town hall by the police. [8]

One of those warning against the growth of GAS fines is Jan Nolf, a former judge. In an interview, Nolf pointed to the lack of a legal base for issuing the fines and also highlighted the political-economic dimension: the economic crisis, he argued, will force more young people to roam the streets and they will be constantly confronted with “absurd GAS-penalties.” [9]

Endnotes

[1] De Standaard 3.10.12 Gas Boetes Omhoog

http://www.standaard.be/artikel/detail.aspx?artikelid=DMF20121003_00320633

and http://www.standaard.be/artikel/detail.aspx?artikelid=DMF20121213_00401027

[2] Online magazine on GAS-fines <http://www.stampmedia.be/pidmag/>

[3] Nieuwsblad 31.10.12 Acties tegen Boete voor Broodjeseter

http://www.nieuwsblad.be/article/detail.aspx?articleid=DMF20121030_00353631

See pictures and report at:

<http://www.dewereldmorgen.be/foto/2012/11/13/broodje-smeren-tegen-gas>

[4] DewereldMorgen 20.9.12:

<http://www.dewereldmorgen.be/artikels/2012/09/20/occupy-antwerpen-en-pvda-betwisten-gas-boetes-van>

[5] Interview with Luc Van den Bossche 19.11.12

<http://www.dewereldmorgen.be/artikels/2012/11/19/luc-van-den-bossche-vader-van-de-gas-boete-herkent-zijn-kind-niet-meer>

[6] Report on demonstration on website mensenrechten.be

http://www.mensenrechten.be/index.php/site/nieuwsberichten/verslag_protectactie_gas_nee_be_dankt

[7] See video of the demonstration here:

http://www.nieuwsblad.be/article/detail.aspx?articleid=BLSME_20121130_001

[8] Knack 26.11.12 Studenten protesteren tegen GAS-boetes

<http://www.knack.be/nieuws/belgie/studenten-protesteren-tegen-gas-boetes/article-4000213917157.htm>

[9] Interview by stampmedia on website DeWereldMorgen 5.12.12

<http://www.dewereldmorgen.be/artikels/2012/12/05/drie-wijzen-over-gas-boetes>

Wikipedia:

http://nl.wikipedia.org/wiki/Gemeentelijke_administratieve_sanctie

Official police information on the GAS fines:

<http://www.lokalepolitie.be/5418/gas.html>

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