DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Poland	2014	Poland / I instance: District Court in O. / Ref. no. II K 237/12 / II instance: Appellate Court in Bialystok / Ref. no. II AKa 221/14		Racial or ethnic origin	I instance: District Court in O., II instance: Appellate Court in Bialystok	On June 29, 2012 four Polish citizens attacked on the street a group of foreigners from the Republic of South Africa. They were hitting their victims with hands, beating, kicking and pushing them, which posed a threat to the victims' health. Moreover, perpetrators were using insulting words related to victims' nationality and race. Foreigners reported the incident to the police.	One of the accused was acquitted while the rest of them were fined and obliged to pay compensation to the victims.	The District Court established that an attack was motivated by victims' nationality and race and it should be particularly condemned because the reason of the violence was trivial - different nationality and race of the victims. The defence lodged an appeal to the Appellate Court arguing that the reason of committing an offense should not be classified as “trivial” since it was committed due to the serious reasons namely the victims' nationality and race which should result in the reduction of the penalty. The Appellate Court did not agree with that and upheld the ruling in the main part, acquitting just one of the accused who was clearly trying to prevent the attack.	If the reason of committing an offence is trivial it is classified as a "hooliganism" and the penalty is more severe. The Appellate Court did not agree with the defender who was arguing that victim's race or nationality is a serious reason of committing a crime. The Court found instead that victim's nationality or race is in fact "trivial reason" or "no reason at all" to attack a person. Therefore, it should be considered "hooliganism".	"Zdaniem bowiem obrońcy, jeżeli objęte aktem oskarżenia zajście miało tło rasistowskie, to oskarżeni działali z „poważnego powodu”. (...). [Taki pogląd] może (...) liczyć jedynie na akceptację skrajnie nacjonalistycznych i szowinistycznych środowisk, (...). Bić kogoś tylko z tego powodu, że ma inny kolor skóry lub jest innej narodowości, to to samo, co bić z tej tylko przyczyny, że ktoś ma inną fryzurę, kolor oczu lub duży nos. Wszystkie te powody są równie oczywiście błahe, (...)" “According to the defendant, if the incident occurred due to the racist reasons, it means that the accused acted due to a "serious reason". (...). [Such view] can (...) only be supported by extreme nationalist and chauvinistic circles, (...). To beat someone just because they have a different skin colour or a different nationality, is the same thing as to beat someone because of their different hairstyle, eye colour or big nose. All these reasons are equally trivial, (...).”

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