

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
Belgium	2016	Belgium / Tribunal of First Instance of Brussels	http://unia.be/files/Documenten/Rechtspraak/2016_05_31_Corr_Bruxelles.pdf	Nationality	Tribunal of First Instance of Brussels (Tribunal de première instance de Bruxelles)	In 2016, the Tribunal of Brussels convicted a person for incitement to hatred and violence based on the victim's nationality. The accused had posted public messages on Facebook containing racist insults towards the Turkish victim and her son and calling for her murder. The Tribunal considered that mere insults do not constitute incitement to hatred; however, in this case, the call for murder demonstrated there was an intent to incite violence.	The accused is given a suspended six month prison sentence.	The Tribunal said that asking why a person is still in Belgium, is merely an insult; it does not constitute incitement to hatred, violence or discrimination. Considering that nationality is a protected ground and that asking why a person has not yet been put down, is likely to incite others to be violent towards that person, the accused was found to have had the intention to incite readers to violence and hatred towards the plaintiff and her son.	Incitement to discrimination, hatred or violence requires that the author encourages, exhorts or instigates others to adopt a different behaviour towards the victim and with the intention to incite to discrimination, hatred or violence. Without such intention, it would fall under freedom of expression. By posting a message on Facebook asking how has someone not yet been killed, the author shows that he considers that the person should already have been killed, showing his intention of wanting others to kill the person. There is an incitement to violence and the intention is clearly demonstrated.	"The content of the comment itself is sufficient to consider that it is inciting others to become violent towards the plaintiff and that this was the intention of the accused." 'Le contenu même du commentaire suffit à considérer qu'il était de nature à entraîner autrui à se montrer violent à l'égard de la plaignante et que telle était bien la volonté du prévenu.'

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