

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
United Kingdom	2016	United Kingdom / Attorney General's Reference (Nos 143 and 144 of 2015) EWCA Crim 21		Religion	England and Wales Court of Appeal	Two offenders pleaded guilty to offences of religiously aggravated intentional harassment, alarm or distress and received suspended sentences with rehabilitation activity requirements. Whilst intoxicated in a park the offenders had verbally abused a Muslim family whilst they prayed with statements such as, "If those Muslim c*nts start to pray, I'm going to p*ss in front of them. They better face north or they're not real Muslims." They then proceeded to urinate within two metres of the family and continued to verbally abuse them.	Whilst acknowledging the conduct of the offenders was offensive and disgusting and was based on race and religion with the intention of causing maximum offence, the Court of Appeal held the sentencing judge had a discretion whether or not to impose a custodial sentence. He noted that a sentencing judge is entitled to take into account mitigated factors when making their decision.	The Attorney General referred to the Court of Appeal that the sentences were unduly lenient sentences. In his opinion, only an immediate custodial sentence would suffice owing to the serious nature of the elements of religious and racial hostility present in the case.	Imprisonment is a matter of judicial discretion in such cases.	"The recorder perhaps took a merciful decision. He had ... been very critical of this offending. But in deciding to suspend the sentence it plainly is to be seen that the recorder had given weight to the [offenders] personal circumstances ... The recorder was entitled to give weight to these matters. It may be that some judges ... may have decided to impose an immediate custodial sentence ... But it does not follow at all that this recorder was obliged to do so ... Perhaps these sentences were merciful ... the fact that a judge exercises mercy is not in any way ... to be equated with the outcome being unduly lenient."

DISCLAIMER The information presented here is collected under contract by the FRA's research network FRANET. The information and views contained do not necessarily reflect the views or the official position of the FRA.

<http://fra.europa.eu/en/databases/anti-muslim-hatred/>

Copyright © 2025 European Union Agency for Fundamental Rights