

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	2018	Poland / Appellate Court in Szczecin / II AKa 166/18	http://orzeczenia.ms.gov.pl/content/SN/155500000001006_II_AKa_000166_2018_Uz_2018-10-04_001	Nationality, Migrant status, Racial or ethnic origin	Appellate Court in Szczecin	The defendant (P.D.) was accused of the public insult and the use of violence against a citizen of the United Kingdom because of his ethnicity and race. The insults used by the defendant undoubtedly pointed to the race of the victim by referring to the darker colour of his skin. The Regional Court in Szczecin found defendant guilty and sentenced him to 2 years of imprisonment and obliged him to pay 7.000 PLN to the victim as a compensation. In the appellate court's opinion, such penalty would be excessively harsh, given the circumstances of the case.	The defendant was convicted. The court of the I instance sentenced him to 2 years of imprisonment and obliged him to pay 7.000 PLN to the victim as a compensation. The court of the II instance upheld the verdict. The appellate court dismissed, however, the victim's appeal against the penalty, requesting that it be increased to 3 years because of the high level of blame caused by the racist motivation. In the appellate court's opinion, such penalty would be excessively harsh, given the circumstances of the case.	The Appellate Court stressed that although the violence used by the defendant was intense and aggressive, it caused only minor injuries to the victim. Besides, the victim did not understand the insults directed towards him, although he could have guessed them. The Appellate Court pointed out the defendant's act was violent, but short, and, although it was committed in the public sphere, there were not many onlookers. Thus, in the opinion of the Appellate Court, the sentence of imprisonment for 2 years was appropriate. The sentence took into account the preventive objective of the penalty, both in terms of general and specific prevention.	The racist motivation of the perpetrator of the violation of the personal rights of the victim falls under the scope of Art. 119 of the Penal Code (discrimination) and Art. 257 of the Penal Code (racist insult). As such, it is subject to gradation, but when it comes to the "severity" of the violation, the Appellate Court emphasized that the defendant's actions, although intense and aggressive, nevertheless had caused only slight injuries.	"Niewątpliwie oskarżony zaatakował pokrzywdzonego bez usprawiedliwionego powodu, ale też nie sposób dopatrywać się, oprócz motywów dyskryminacyjnych i rasistowskich, także pobudek narodowościowych. (...) Wypowiedzi kierowane przez oskarżonego do pokrzywdzonego wskazują na dyskryminację i zniewagę z powodu przynależności rasowej („Ty brudasie” kolor skóry ciemniejszy, żółty - rasa arabska), nie zaś ze względu na przynależność do innej narodowości." "Undoubtedly, the accused attacked the victim without any justified reason, but it is also impossible to see, apart from the discriminatory and racist motives, national motives as well. The insults used by the defendant undoubtedly referred to the victim's different skin colour ("dirty skin" darker yellow skin colour - Arabian race), not because of being a person of different nationality."

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 © 2026 European Union Agency for Fundamental Rights