

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	2020	Belgium / Court of First Instance Kortrijk / Openbaar Ministerie en Unia vs. C.J.W.A.	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/correctionele-rechtbank-kortrijk-3-juni-2020	Nationality	Court of First Instance (Rechtbank van eerste aanleg)	A man manages, under various pseudonyms, several platforms on social media on which discriminatory and stigmatising messages are posted against Jewish people, black people and Muslims. Fake news is also posted about a sheep allegedly tortured and killed near an asylum centre.	The Court found the defendant guilty of incitement to hatred or violence against a group, a community or its members because of their nationality, colour, descent or ethnic origin. The man is sentenced to 2 months imprisonment (suspended for 3 years) and a fine of €200.	The accused is prosecuted for inciting hatred or violence against persons on account of their nationality, race, skin colour, descent or ethnic origin. The Court recalls that 'inciting' does not require the defendant to make racist statements himself. It is sufficient that he consciously creates the circumstances that provoke or encourage these racist statements.	The accused is prosecuted for inciting hatred or violence against persons on account of their nationality, race, skin colour, descent or ethnic origin as referred to in Article 20 of the Racism Act of 30 July 1981.	"Welnu, door een facebook-account te beheren en eenzijdige berichtgeving te posten waarin vreemdeelingen of allochtonen in een slecht daglicht komen, de uitgesproken racistische reacties hierop niet te verwijderen, zelfs geen blijk van afkeuring of ontrading te geven en ondanks de aard van de reacties, verder de eenzijdige berichtgeving te posten zonder enige nuancerende of waarschuwing (wetende welke reacties zullen komen), meer nog, de reacties op te zwepen met een fakenews-bericht, werd een viraal forum gecreëerd en in stand gehouden waar ongeremd racistische commentaren worden gedeeld en deze praktijk ook wordt uitgelokt/aangemoedigd. Hierdoor heeft bekaaide wetens en willens aangezet tot haat of geweld jegens een groep, een gemeenschap of de leden ervan wegens hun nationaliteit, huidskleur, afkomst of etnische afstamming." "By managing a Facebook account and posting unilateral messages in which foreigners or immigrants are portrayed in a bad light, not removing the outspoken racist reactions, not even showing disapproval or disapproval, and despite the nature of the reactions, Furthermore, posting the unilateral messages without any nuance or warning (knowing what reactions will come), even more so, whipping up the reactions with a fake news message, a viral forum was created and maintained where unrestrained racist comments are shared and this practice is also provoked/inspired. As a result, the accused knowingly and intentionally incited hatred or violence against a group, a community or its members because of their nationality, colour, descent or ethnic origin."

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

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