

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	2021	Belgium / Tribunal correctionnel Bruxelles / Trib. corr. Bxl. 29-06-2021	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/correctie-rechtbank-brussel-29-juni-2021	Religion	Brussels Criminal Court (Tribunal correctionnel Bruxelles)	The case concerns a woman who posted and shared multiple hate messages targeting the Muslim community, including calling for the eradication of Islam.	In view of the defendant's expressed regret and understanding of the wrongfulness of her acts, the Court ordered the suspension of her conviction for two years. According to the Court, this will allow the defendant to remain integrated in society while checking her suitability for life in society during a trial period.	The Criminal Court notes that while criticism against a certain religion is not a punishable act, incitement to violence is. In this regard, calling for the eradication of Islam, as the defendant did, cannot be considered protected speech under freedom of expression. The Court further notes that considering the explicit reference to Islam, this act needs to be considered as an act based on religion and not racism.	While the Court recognises that freedom of expression allows people to express negative thoughts and criticism against religions, speech inciting violence is not allowed. Thus, while some of the messages the defendant posted criticising Islam cannot be criminally punished, the fact that she asked for the eradication of Islam undoubtedly shows that she incited violence.	"la prévenue avait le droit d'exprimer son opinion, même négative [sur l'Islam] (...). A contrario, en écrivant qu'il faut éradiquer l'Islam comme le nazisme et en faisant référence à la Nouvelle-Zélande et en appliquant l'adage « oeil pour oeil, dent pour dent », il ne fait aucun doute que la prévenue a incité à la violence à l'égard de l'Islam." "the defendant had the right to express her opinion, even a negative one [on Islam] (...). Conversely, by writing that Islam must be eradicated like Nazism and by referring to New Zealand and by applying the adage "an eye for an eye, a tooth for a tooth", there is no doubt that the defendant has incited violence against Islam."

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

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