

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 / Hof van Beroep Gent / Gand, 24-06-2021	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/hof-van-beroep-gent-24-juni-2021	Religion	Ghent Court of Appeal (Hof van Beroep Gent)	The case concerns discriminatory rules applied in a municipal pool that forbid the use of swimwear that covers the entire body (burkini). It was brought by a woman who was prevented from using the pool because of her swimwear.	The municipality (responsible for the public pool) is to pay compensation of EUR 1,300.00 to the woman who was not allowed to swim due to her swimwear for the moral damage she suffered.	In the present case, the Court of Appeal confirms a judgment of July 5, 2018, in which the judge considers that banning a swimsuit that covers the entire body (burkini) for reasons of hygiene or safety is not justified and therefore constitutes discrimination.	Regarding hygiene and safety concerns related to the use of a burkini, the Court of Appeal confirms the findings of the primary judge, who referred to the opinion of the Care and Health Agency according to which this type of clothing meets hygiene requirements, if worn correctly. In addition, it has not been proven that it hinders in any way the safety of the wearer, the rescuer or other swimmers.	"Volgens het Agentschap Zorg en Gezondheid moeten de regels met betrekking tot hygiëne voor boerkini's niet afwijken van deze die gelden voor andere zwemkledij. Het dragen van een boerkini heeft dus geen invloed op de hygiëne in het zwembad, mits de boerkini correct hygiënisch gedragen wordt, wat door de zwembadverantwoordelijke kan worden gecontroleerd." "Een boerkini vormt aldus geen obstakel voor de veiligheid volgens het Agentschap Zorg en Gezondheid dat – het weze herhaald – de nodige waarborgen biedt qua expertise en onafhankelijkheid. In het verleden hebben er zich nog geen problemen desbetreffend voorgedaan." "According to the Agency for Care and Health, the rules regarding hygiene for burkinis should not deviate from those that apply to other swimwear. Wearing a burkini therefore has no influence on the hygiene in the swimming pool, provided that the burkini is worn correctly and hygienically, which can be checked by the swimming pool manager." "A burkini therefore does not pose an obstacle to safety, according to the Agency for Care and Health, which – it must be repeated – offers the necessary guarantees in terms of expertise and independence. There have been no such problems in the past."

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