

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 / Correctionele rechtbank Kortrijk / Trib. corr. Courtrai, 10-11-2020	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/correctionele-rechtbank-van-henegouwen-10-november-2020	Religion	Kortrijk Criminal Court (Correctionele rechtbank Kortrijk)	The case concerns physical violence against a Muslim woman. The victim was aggressed by a man who stuck with force a sticker that said "no mosque in our neighbourhood" to her back and to her cheek and allegedly pushed her to the ground. She was wearing a headscarf at the time of the incident.	The aggressor was sentenced to pay a fine of 600 EUR as well as to pay 200 EUR to the special fund for assistance to victims of intentional acts of violence.	The Court found that the fact that the victim was wearing a headscarf and the content of the sticker alone were not sufficient to prove a discriminatory motive for the crime and so this argument was not accepted.	The main relevance of this decision is that it did not recognise the discriminatory character of the offence, despite the victim clearly being a Muslim and being aggressed with a sticker saying: "no Muslims in our neighbourhood."	"Evenwel komt het niet bewezen voor dat deze feiten door de beklaagde werden gepleegd met een discriminerende drijfveer zoals bedoeld in artikel 405 quater 2° Sw. Uit de verklaringen van zowel N. A., S. L. als E. D. blijkt immers dat de beklaagde het slachtoffer benaderde omdat deze laatste de dochter van de beklaagde, E. D., had aangesproken over de stickers (E. D. en S. L. stellen dat het slachtoffer E. D. in het gezicht sloeg en aan de haren trok). Het loutere gegeven dat de betreffende sticker de tekst 'geen moskee in onze buurt' bevatte en dat het slachtoffer een sluer droeg, is niet voldoende om bovenvermelde verzwarende omstandigheid in hoofdfeite van de beklaagde te weerhouden." "However, it has not been proven that these acts were committed by the accused with a discriminatory motive as referred to in Article 405 quater 2° Sw. After all, it appears from the statements of both N.A., S.L. and E.D. that the defendant approached the victim because the latter had spoken to the defendant's daughter, E.D., about the stickers (E.D. and S.L. state that the victim hit E.D. in the face and pulled hair). The mere fact that the sticker in question contained the text 'no mosque in our neighbourhood' and that the victim was wearing a headscarf, is not sufficient to prove the above-mentioned aggravating circumstance on the part of the defendant."

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