

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	2021	Poland / Court of Appeal of Katowice / Judgement of 8 July 2021, case no. II AKa 119/21	http://orzeczenia.ms.gov.pl/content/SN/151500000001006_II_AKa_000119_2021_Uz_2021-07-26_001	Nationality	Appeal Court of Katowice (Sąd Apelacyjny w Katowicach)	While in a pub, the defendant addressed a group Turkish citizens with vulgar words and told them to leave Poland, and immediately afterwards hit one of them on the head with his fist and got into a scuffle with another one. The whole incident had a racist background, as evidenced by the words he said to foreigners about leaving the country and his use of words referring to their non-Polish nationality. The defendant was sentenced by the first instance court for the use of force because of national affiliation of the victim (Article 119 of the Criminal Code) in conjunction with public insult due to the same reason (Article 257), in conditions of a misdemeanour of hooligan character (Article 57a). The defendant's attorney has appealed against the judgement, based on the improper assessment of evidence and the disproportionality of the penalty (which was 5 months of deprivation of liberty).	The court of appeal has upheld the convicting judgement in its entirety. The judgement is final (a cassation appeal has been rejected by the Supreme Court as manifestly ill-founded).	In the court's of appeal assessment, it was correctly established that the use of violence and criminal threats against the victims occurred on the grounds of nationality. The act committed by the accused was of a hooligan nature, as it consisted in an intentional attack on the health, honour and physical integrity of the victims, undertaken in public and without reason, while demonstrating a flagrant disregard for the order of law. According to the court, the sentence imposed satisfies the demand for a deserved and just punishment, as it duly takes into account the significant degree of guilt of the accused and the high degree of social harmfulness of the act, expressed by the type and nature of the violated legal good, as well as takes into account the characteristics and personal conditions of the perpetrator.	The court has made clear that the public use of violence and criminal threats on the grounds of nationality simultaneously exhausts the elements of the offence under Article 119(1) and Article 257 in conjunction with Article 57a of the Criminal Code.	"Sąd Apelacyjny w Katowicach podziela pogląd, że ≥." "The Court of Appeal of Katowice shares the view that ≥."

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