

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	2024	Belgium / Criminal court / 20G001332	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/correctie-rechtspraak-sost-vlaanderen-afdeling-gent-12-maart-2024	Racial or ethnic origin	Criminal court (Correctiebank)	DVL, the main defendant, was sentenced for various charges, to 1 year's imprisonment and a fine of 16,000 euros. For the violation of the Weapon Law (selling of weapons), DVL was sentenced to 10 months' imprisonment (with a 3-year reprieve) and a fine of €8,000. Finally, DVL was disqualified for a term of 10 years from exercising the rights mentioned in Section 31(1) Sw. According to the correctional court, the other defendants had allowed themselves to be drawn into DVL's criminal intent and behaviour and had actively collaborated in it. The correctional court convicted the leader and six members of the group Schild & Friends for incitement to discrimination, segregation, hatred and/or violence; negationism; spreading racist ideas and membership of a racist association.	DVL, the main defendant, was sentenced for various charges, to 1 year's imprisonment and a fine of 16,000 euros. For the violation of the Weapon Law (selling of weapons), DVL was sentenced to 10 months' imprisonment (with a 3-year reprieve) and a fine of €8,000. Finally, DVL was disqualified for a term of 10 years from exercising the rights mentioned in Section 31(1) Sw. According to the correctional court, the other defendants had allowed themselves to be drawn into DVL's criminal intent and behaviour and had actively collaborated in it.	In breach of Articles 1, 2, 3, 4, 5, 19, 20, 27, 28 of the Law of 30 July 1981 on punishment of certain acts motivated by racism and xenophobia (as amended by the Law of 10 May 2007) in one of the circumstances referred to in art 444 of the criminal code, incited to have incited discrimination, segregation, hatred or violence against a group, a community or its members, because of nationality, an alleged race, skin colour, descent or national or ethnic origin), and this, even outside the domains referred to in Article 5.	The defendants' general defence that "sharing some jokes" should still be allowed is in this case not applicable. After all, the 'humour' used at S&V was deliberately and systematically used to make racism accessible and light-hearted. By encouraging the frequent posting of racist and negationist 'humour', members were deliberately and gradually convinced of their own superiority and the need to achieve the aims of S&V, through discrimination and violence. It is in this context that the posting of the memes and posts should be judged by each defendant.	"De eerste beklagde is de oprichter en feitelijke leider van de hiërarchisch gestructureerde groepering S&V. Hij is ook de oprichter van de besloten Facebookgroep die werd gebruikt door de vereniging. Er bestaat dus niet de minste twijfel dat hij wist dat S&V kennelijk en herhaaldelijk aanzette tot discriminatie in één van de omstandigheden van artikel 444 Sw. Jegens de nationale of etnische afstamming." "The first defendant is the founder and de facto leader of the hierarchically structured grouping S&V. He is also the founder of the private Facebook group that was used by the association. There is therefore not the slightest doubt that he knew that S&V was apparently and repeatedly inciting to discriminate in any of the circumstances of Section 444 Sw. against groups on the basis of their alleged race, skin colour and national or ethnic origin."

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