

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	2023	Belgium / Criminal court / 220000596	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/correctionele-rechtbank-oost-vlaanderen-afdeling-oudenaarde-6-november-2023	Religion, Racial or ethnic origin	Criminal court (Correctionele rechtbank)	The defendant was prosecuted for posting hate-inciting content on social media, glorifying Nazism and targeting Muslims and Jews. He operated multiple accounts and websites, spreading messages that fostered hostility and division. The case was brought to court by Unia, acting as the civil party, highlighting the discriminatory nature of the content and its focus on Muslims as a group. Unia stated that the content created a hostile atmosphere against minorities and contributed to societal polarization.	The man was sentenced to six months imprisonment and a fine of 1,600 euros. He was disqualified from exercising a number of rights for five years (Article 27 Antiracism Law). Civil party Unia (equal opportunities centre) was awarded €500 in damages and €280 in legal costs. Finally, the defendant was ordered to make reparation in kind which means removing the posts in question.	The prosecution had prosecuted the accused for the following charges: inciting hatred or violence towards a group (art. 22, 4° Antiracism Law) and approval of genocide during World War II (art. 1 Negationism Law).	Regarding the incitement offence, the correctional court noted that the man did not publicly incite to resort to physical violence. But through the persistent and consistent dissemination of his messages, he indirectly contributed to a climate of polarisation, fear and hatred which could be perceived by certain minorities as a form of psychological violence and/or threat to integrity.	"De feiten getuigen van een gevaarlijke ingesteldheid waartegen de maatschappij dient te worden beschermd. Het feit dat de beklaagde zelfs na het opstarten van het onderzoek en de confrontatie met een hulszoeking blijft volharden in de boosheid, bevestigt dit des te meer." "The facts testify to a dangerous mindset against which society should be protected. The fact that the accused, even after initiating the investigation and confronting a search of the house, persists in anger, confirms this all the more."

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