

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 / Court of first instance / 220001301	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/correctionele-rechtbank-oost-vlaanderen-afdeling-dendermonde-28-februari-2023	Racial or ethnic origin	Court of first instance (rechtbank van eerste aanleg)	A man posts pictures of Hitler, Nazi symbols and racist slogans on his public UK profile and on his two Instagram profiles. Numerous photographs of a negationist and right-wing extremist nature were found on the defendant's mobile phone and computer.	The man was sentenced to six months' imprisonment and a fine of €800 (both with probation deferred for three years). The probation conditions included a guided visit to Dossin Barracks and seeking a meaningful day job. The Dossin Barracks worked with some public prosecutors to develop an educational pathway for perpetrators of hate crimes. Unia (equal opportunities centre and public party) is convinced that in a proportion of criminal cases (on hate crimes, hate messages, negationism and criminal discrimination) alternative measures and alternative sentences have a positive impact.	The prosecution prosecuted the accused for the following charges: Denying, grossly minimising, attempting to justify or approving the Holocaust (art. 1 Negationism Law). Inciting hatred or violence towards a community or its members (art. 20, 4° Antiracism Law).	The court ruled that the crimes were proven. The impact of these actions on the defendant posted on his social media profiles showed that he approved of the Holocaust, according to the number of posts and the use of a UK platform showed that the defendant wanted to incite hatred or violence against certain population groups.	"Het lezen van dit soort van boodschappen kan voor bepaalde individuen de spreekwoordelijke druppel zijn die hen aanzet tot het plegen van zinloos geweld. Hierdoor ondernijmde beklagde het vreedzaam samenleven van alle burgers die deel uitmaken van onze samenleving. De impact van deze handelingen van beklagde op de door hem geviseerde personen is enorm. Hij raakt hen in hun eigenheid en geeft hen een gevoel van uitsluiting." "Reading this kind of message can be the proverbial straw that prompts them to commit senseless violence. As a result, the accused undermined the peaceful coexistence of all citizens who make up our society. The impact of these actions of defendant on the persons he targeted is enormous. He affects their individuality and gives them a sense of exclusion."

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<http://fra.europa.eu/en/databases/anti-muslim-hatred/>

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