

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 / 17RA33166	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/correctiebank-antwerpen-afdeling-antwerpen-3-mei-2023	Religion, Nationality, Migrant status, Racial or ethnic origin	Court of first instance (rechtbank van eerste aanleg)	The defendants in the case were part of a service responsible for the transfer of detainees. The service consisted of members of the police and security corps. Some members of the service had set up a WhatsApp group. An investigation by the Internal Surveillance Service of the local Antwerp police revealed that some of the messages were racially tinged and full of hurtful and aggressive statements. Some members of the service reported being victims of workplace harassment and/or racism and discrimination.	The court acquitted all defendants for discrimination in the performance of official duties as the facts did not take place in a relationship between officials and citizens. For violence and harassment at work, the court acquitted 13 defendants. Five defendants were given a six-month jail term and a fine of 4,800 euros (three years suspended). One defendant was fined 3,600 euros (with a three-year reprieve). Six defendants were fined €4,800 (with a three-year reprieve). Four defendants received the favour of suspension of sentencing. The defendants were not prosecuted for the incitement offence under Article 20 Antiracism Law.	The prosecution had prosecuted the defendants for the following charges: discrimination during performance of duties (Article 23, 1st paragraph Antiracism Law) and violence and harassment at work (Article 119 Social Penal Code and Article 32bis, 1st paragraph Welfare Law)	The defendants were not prosecuted for the incitement offence under section 20 of the Antiracism Law. Nevertheless, the correctional court noted that mere contemptuous discourses - however sharp, humiliating or polemical - do not fall under this provision. There must be incitement (incitement) of third parties to discrimination, hatred or violence and this with special intent.	"De zinsnede 'in de uitoefening van het ambt' veronderstelt dat het gaat om verticale relaties tussen personen in openbare dienst enerzijds en burgers anderzijds (...); het gaat derhalve niet om relaties tussen ambtenaren onderling of organisaties onderling." "The phrase 'in the performance of duties' assumes that it refers to vertical relationships between persons in public service on the one hand and citizens on the other (...); it therefore does not refer to relationships between civil servants themselves or organisational internal behaviour."

DISCLAIMER The information presented here is collected under contract by the FRA's research network FRANET. The information and views contained do not necessarily reflect the views or the official position of the FRA.

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

Copyright © 2026 European Union Agency for Fundamental Rights