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Human Rights Without Frontiers Int'l

Newsletter "Intolerance and Discrimination Based on Religion or Belief"

26 March 2012

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BELGIUM

The Sharia4Belgium Case: Conviction for incitement of hate, discrimination, and violence

HRWF (25.03.2012) - On February 10, the Criminal Court of Antwerp convicted the spokesman for Sharia4Belgium of, among other things, inciting hatred, discrimination, and violence against non-Muslims. The spokesman for Sharia4Belgium was found guilty on all counts and received a sentence of two years in prison as well as a fine of 550 euros.

The Center for Equality for Opportunities and the Fight Against Racism has received 609 reports of hateful acts by this group. Based on the Antidiscrimination Law, the Center had lodged several complaints during the last two years and had finally brought civil action against Sharia4Belgium.

Article 22 of the Antidiscrimination Law allows for punishment for all speech which incites others to hatred, discrimination, or violence against an individual or a group belonging to protected categories. By all speech, the law means all verbal and nonverbal communications which stimulate, stir up, encourage, emphasize, provoke, push, or call for certain actions. The author of such speech does not, accordingly, aim simply to spread ideas or information but intends and hopes that those who hear him adopt for themselves discriminatory behavior of hate or violence-even if his words have no effect.

"According to our legal analysis, the comments made by this group concerning 'non-Muslims' clearly constitute an incitement to hatred as defined by the law. They clearly violate the legal limits of freedom of expression and can no longer be tolerated in a democratic society", explained Edouard Delruelle, assistant director of the Center. "The Antidiscrimination Law admittedly does not constitute an absolute rampart against all occurrences of rejection and radicalization, whatever form they may take and from wherever they may originate. This is, in fact, not its primary goal, but the law does provide new direction and may act as a future deterrent. We are thus satisfied with this ruling and will continue, within the bounds of our legal commission, to act firmly against all acts that incite hatred, discrimination, or violence."