DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

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
Sweden	2020	Sweden / Court of Appeal / Målnummer B 8432-19		Racial or ethnic origin	Court of Appeal (Svea Hovrätt)	The case concerns the Act on responsibility for electronic notice boards (Lag [1998:112] om ansvar för elektroniska anslagstavlor). According to the Act, a provider of an electronic notice board can be held responsible for intentionally or through gross negligence not removing a content clearly constituting agitation against a population group (hets mot folkgrupp). In the case, the Court of Appeal sentenced a person for failing to remove several posts on the Facebook page "Stand up for Sweden" (Stå upp för Sverige). The defendant was the provider/administrator of the Facebook page and, according to the Act, had a responsibility to supervise the page. Two of the posts that the defendant was charged with failing to remove concerned a discussion thread about Somalis that the defendant himself had started.	The Court of Appeal found that the defendant had, by gross negligence in some cases and intentionally in others, failed to remove several posts on the Facebook page amounting to agitation against a population group. The defendant was sentenced under the Act on responsibility for electronic notice boards to conditional sentence combined with a day fine (dagsböter) of 30 days, SEK 180 each. A day fine is a penalty in the form of a fine that is adjusted according to the severity of the offence (reflected in the amount of day fines) and the economic situation of the defendant (reflected in the size of each day fine).	In relation to the two discussion threads that the defendant himself had started, the Court of Appeal stressed that the Facebook page was a discussion forum open to anyone, where racist statements had previously been posted. The Court also stressed that the discussed topics were by their nature such that they risked falling into the definition of agitation against a population group. The Court held that it was incumbent on the defendant to go through the posts on the Facebook page within a reasonable time or otherwise take action to remove the posts. According to the Court, the defendant's failure to remove the posts amounted to gross negligence.	The key issue in the case was whether the content of the various Facebook posts was such that they should have been removed from the notice board and whether the defendant intentionally or through gross negligence failed to do so.	”[Den tilltalade] har alltså av grov oaktsamhet underlåtit att ta bort meddelandena. Som tingsrätten funnit är det inte fråga om ringa fall. Hovrätten delar följaktligen tingsrättens bedömning att [den tilltalade] även i dessa delar ska dömas för brott mot lagen om elektroniska anslagstavlor men anser alltså till skillnad mot tingsrätten att han begått dessa brott av grov oaktsamhet.” “[The defendant] has consequently through gross negligence failed to remove the posts. As the District Court found, it is not a matter of a minor offence. The Court of Appeal therefore shares the District Court's assessment that [the defendant], even in these parts, shall be sentenced for violations of the Act on responsibility for electronic notice boards but however considers, in contrast to the District Court, that he committed these crimes through gross negligence.”

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