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
Denmark	2012	Denmark / Supreme Court / U.2012.2361H		Religion	Danish Supreme Court (Højesteret)	The defendant is a journalist and was the chair of the Freedom of Press Association. He was interviewed in 2009 by an online magazine. During this interview, he made several degrading remarks about Islam and Muslims, including: "When a Muslim man rapes a woman, it is his right to do so. When Swedish girls are raped, gang-raped, etc., etc., there is nothing wrong with that, from a Muslim perspective – that's your right." "They rape their own children. You hear that all the time. Girls in Muslim families are raped by their uncles, their cousins or their fathers."	The Supreme Court found that the defendant had made degrading statements, but that he had not intended for those statements to be made public.	The defendant's attorney argued that the relevant paragraph in the Danish Criminal Code, known as "the racism paragraph" (Racismeparagraffen) requires the statement in question to be both "degrading[or similar]" and "in public or with intent to be made public". The previous ruling from the Danish High Court had established that while the defendant had not intended for the statements to be made public, he should have realised, based on the facts of the case, that they would be made public. The Supreme Court rejected this line of argument, pointing out that the racism paragraph required intent, and as this intent to make public was lacking, acquitted the defendant.	The question of whether a person should be trialled under "the racism paragraph" which requires a statement to be both degrading and humiliating and made with intent of publication.	

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