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
Italy	2012	Italy / Ordinary Court of Padua / Decision no. 206	http://old.asgi.it/public/parser_download/save/sentenza.del.tribunale.di.padova.n.206.2012.dd.17.02.2012.pdf	Racial or ethnic origin	Ordinary Court of Padua (Tribunale di Padova)	The Public Prosecutor of Padua accused the complainants of insults and defamation aggravated by the purpose of disseminating racial hatred and discrimination. On 4 August 2010 two delegates of an Italian trade union visited the construction site of two Italian building constructors in order to provide the labourers with information concerning their rights. They were repeatedly insulted by the building contractors for the colour of their skin. The insults were also repeated in front of police officers. Moreover, one of the two building contractors expressed his racist opinions also during an interview to a local newspaper.	The two constructors were condemned for the charges proposed by the Public Prosecutor to 8 months and 2 months of detention. The two constructors were also condemned to compensate to the victims the costs of the judicial proceeding.	The Court of Padua accepted the charges proposed by the Public Prosecutor of Padua considering that the complainants' version of the events was confirmed by several witnesses. Moreover, the Court agreed to aggravating the charges considering the clearly racist and discriminatory purpose of the constructors' conduct, as envisaged by art. 3 of the Law No. 205 of 25 June 1993 on "Urgent measures concerning racial, ethnic and religious discriminations" (Legge 25 giugno 1993, n. 205 "Misure urgenti in materia di discriminazione razziale, etnica e religiosa"). According to the Court, in order to recognise the aggravating factor, it is sufficient that the conduct clearly expresses the discriminatory idea that some people are inferior to others because of their racial, ethnic or religious belonging and it is not relevant if the racist conduct can potentially influence other people in perpetuating the racist conduct.	On the one hand, this decision the Court confirmed the necessary criteria to apply the aggravating factor envisaged by the Law No. 205 of 25 June 1993. Moreover, the Court confirmed that the use of the degrading word "nigger" - used several times by the two building contractors in this specific episode - cannot be considered a word merely describing the colour of the skin of another person; this word is rather a racist insult considering its origin and history.	"La circostanza aggravante della finalità di discriminazione o di odio etnico, nazionale, razziale o religioso è integrata quando ... l'azione si manifesti come consapevole esteriorizzazione, immediatamente percepibile nel contesto in cui è maturata, avuto anche riguardo al comune sentire, di un sentimento di avversione o di discriminazione fondato sulla razza, l'origine etnica o il colore" "the aggravating factor concerning the purpose of discrimination or ethnic, national, racial or religious hatred is applicable when ... the conduct is expressed as an aware exteriorisation, immediately perceivable in the context it is perpetrated, also considering the common opinion, of a feeling of aversion or discrimination based on the race, the ethnic origin or the colour"

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