

## 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 |
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| Italy        | 2013 | <a href="#">Italy / Criminal Court of Padua / Sentence no. 1615</a> |                       | Racial or ethnic origin, Racial or ethnic origin | Criminal Court of Padua | A female district council member from the Northern League party in the municipality of Padua, posted on her Facebook page the following comment, under a photo of the Minister of Integration Cecile Kyenge (who is of Congolese origin): "But is there no one there who could rape her, just to let her understand how a victim of such a ferocious crime could feel? Shame!". The comment had been posted after reading a report on a blog alleging that an African man had attempted to rape an Italian woman. | The defendant was convicted for violating art 1 (1) lett (b) of Mancino law.  | The accused argued that there was no offensive or racist intent in her comment and that her reaction was due to a similar episode her daughter had suffered in the past from a 'non-Italian'. The judges considered the defence irrelevant and contradictory. The statement itself and the behaviour of the woman during trial showed that her post was motivated by racist-hatred. The defendant had not been able to explain in what other way the alleged attempted rape by a Somali man was connected to the Minister except for the only reason that the minister shares with the man a vague and rather imprecise geographical origin and skin colour. | Incitement to rape and violence do not require the crime to be committed against the targeted person in order to be effective. The means used and the context in which the statement was made clearly demonstrate instigation; the comment was posted on Facebook and was followed by many other racist messages. | "Non è in conseguenza possibile alcuna interpretazione alternativa a quella di un preciso pregiudizio razzista estrinsecandosi in un invito esplicito allo stupro nei confronti della ministra in quanto "meritevole" di ciò per le sole circostanze, da un lato di condividere con il personaggio di Genova una (vaga e pure imprecisa) provenienza geografica e il colore della pelle e, dall'altro e in forza del suo ruolo pubblico, di rappresentare tutti i componenti di tale razza" "No other interpretation is consequently possible other than that of a precise racist prejudice expressed in an explicit invitation to rape the minister who «deserved» such act for the only reason that she shares with the man in Genova a (vague and rather imprecise) geographical origin and skin colour ... and, in view of her public role, she represented all the members of that "race". " |

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