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	2014	Italy / Ordinary Court of Trento / Decision no. 508	http://www.asgi.it/wp-content/uploads/2014/07/14-07-14-sentenza-serafini.pdf	Racial or ethnic origin	Ordinary Court of Trento (Tribunale Penale di Trento)	The Public Prosecutor of Trento charged the accused for defamation aggravated by the purpose of disseminating racial hatred and racial discrimination. The accused published a racist status on his Facebook timeline against the Italian Ministry of Integration who was an Italian citizen of African origins. His status was also reported by a local newspaper. This racist conduct was reported to the authorities by certain Italian NGOs which became plaintiff in the proceeding. The accused claimed that the status was accessible only to his Facebook friends.	The accused person was condemned for defamation aggravated by the purpose of disseminating racial hatred; he was also condemned to a EUR 2,500 fine and to the compensation of the judicial proceeding expenses.	According to the Court, the accused person's defence is to be considered untenable since he voluntarily decided to publish the status on Facebook using the public mode so that it could be read by all users and not only by his Facebook friends. Moreover, as to the content of the status, the accused person stated that it was to be considered as protected by his freedom of expression. According to the Court, even if one of the limits to the freedom of expression is the protection of other people's dignity: in this case, the content of the Facebook status was degrading and racist, compromising the dignity of the target, that is the former Ministry of Integration. The Ministry was targeted because of her ethnic origin and that is why the conduct besides being defamation has to be considered aggravated by the accused person's racist motive.	This decision is relevant because the Court contributed to the jurisprudence ruling the application of the traditional legislation concerning the contrast to racism and discrimination to the hate crimes and hate speech perpetrated through Internet and the social networks.	“A parere del collegio, la frase (…) se ne torni nella giunga dalla quale è uscita pubblicata su Facebook si è manifestata […] come una consapevole esteriorizzazione, immediatamente percepibile, nel contesto in cui è maturata, avendo anche riguardo al comune sentire, di un sentimento di avversione o di discriminazione fondato sulla razza, l’origine etnica o il colore e cioè di un sentimento immediatamente percepibile come connaturato alla esclusione di condizioni di parità. La pubblicazione, inoltre, ha dimostrato quella idoneità potenziale a conseguire lo scopo discriminatorio parametrata al dato culturale che l’ha connotata …” “According to the Court, the phrase (…) she should go back to the jungle she came from published on Facebook represents […] an aware exteriorisation, immediately perceivable, in the context it was produced in, also considering the public opinion, of an idea of aversion or discrimination based on race, ethnic origin or skin colour, that is an idea immediately perceivable as the exclusion of equality conditions. Moreover, the publication also showed the potential capability to attain the discriminatory purpose also considering its cultural context …”

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