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	2015	Sweden / Scania and Blekinge Court of Appeal / Case no. B 1697-14		Racial or ethnic origin	Court of Appeal for Western Sweden (Hovrätten för västra Sverige)	The Court of Appeal for Western Sweden (Hovrätten för Västra Sverige) overruled Gothenburg District Court's (Göteborgs tingsrätt) verdict regarding the crime classification of the abuse a woman, P.A. was subjected to on a public bus. The perpetrator spat in her face and called her "Chinese whore" referring to P.A.'s Asian facial features. The District Court found the perpetrator, F.P. guilty of incitement of hatred/hate speech (hets mot folkgrupp) since his actions met the prerequisites a) the insult referred to the victim's ethnic origin; b) the insult was uttered in a public place in front of a sufficient number of people to consider it to have been disseminated. The Court of Appeal found that neither the dissemination nor the intent prerequisite had been met in the case. Thus F.P was freed from the charges of incitement to hatred. However, F.P. was found guilty of abuse (ofredande).	The Court of Appeal set aside the District Court's sentence concerning the charge of hate speech and affirmed its sentence concerning the charge of abuse. Thus, the penalty was limited to a) a probationary period of two years; and b) to pay P.A. 5,000 SEK (525 Euro) in damages. The reasoning of the Court of Appeal did not include any reference to the racist nature of the degrading statements.	The Court of Appeal found that since the degrading statements made by F.P. were directed to P.A and her friends as individuals and not as members of a group the insults could not be considered to be hate speech even if they were uttered in a public place among other people. Neither could the aim of F.P. be said to have been to persuade others to hate a specific group. However, the Court of Appeal did not find any reason to doubt that F.P. had abused P.A. both in words and actions (by spitting in her face). Consequently, F.P. was found guilty of abuse (ofredande) but not of incitement of hatred	The key issue concerns the interpretation of hate speech in relation to the situation in question, especially in relation to the dissemination prerequisite. The District Court found that the racist insults should be considered to have been disseminated outside the personal sphere, since they were shouted to the plaintiff in a crowded bus. Thus, the District Court considered the incident as incitement of hatred. The Court of Appel focused on the intent and direction of the insults and argued that even though the insults were uttered in a crowd, they were directed to one particular person and were not uttered with the intent to incite hatred. This being the case, the Court of Appeal did not consider the fact that the racist insults were uttered loudly and in a public place to meet the dissemination prerequisite.	"Straffbestämmelsen om hets mot folkgrupp tar dock sikte på angrepp som riktas mot kollektivt bestämda grupper och kollektiv av sådana grupper, medan enskilda identifierbara individer inte skyddas av bestämmelsen Eftersom F.P med sina uttalanden riktat sig direkt mot P.A och de två männen, kan han därmed inte dömas för hets mot folkgrupp." "The penalty clause against incitement of hatred is however aimed at attacks against collectively defined groups and collectives of such groups, whereas individual identifiable individuals are not protected by the provision. Since F.P.'s statements were directed directly against P.A and the two men, he cannot be sentenced of incitement of hatred." Sweden, Court of Appeal for Western Sweden (Hovrätten för västra Sverige), case number B 5049-14 The case is not available online but have to be requested from the court in question using the case number

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