

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	2016	Denmark / Eastern High Court / U.2016.31580		Religion	Eastern High Court	The Higher Court acquitted a man of incitement to hatred (hate speech). The defendant had an open Facebook profile and compared the ideology of Islam with Nazism and wrote that the migration of Islamists was destructive for the Danish society. The Higher Court did not find that the ideology of Islam was protected as such by the Danish Criminal Code and therefore acquitted him. The lower court had found him guilty.	Lower court: 4 daily penalties of 400 DKK or 4 days of prison Higher court: Acquitted	The Higher Court stated that an ideology is not protected under the Danish criminal code in contrast to a religion.	This was the first case where the higher court made it clear that there is a difference between the ideology of Islam and the religion itself.	"Efter ordlyden af udtalelsen, der indeholder ordene »ideologien Islam« og »Islamister«, finder landsretten i overensstemmelse med tiltaltes forklaring, at udtalelsen var rettet mod islamisk ideologi og islamister. Da beskyttelsen i straffelovens § 266 b, stk. 1, efter ordlyden og bestemmelsens forarbejder ikke omfatter forhånelser mv. af en gruppe af personer på grund af deres ideologi, frifindes tiltalte for den rejste tiltale." "After the wording of the statement that contains the words "the ideology Islam" and "Islamists" the Higher Court finds in accordance with the accused's testimony, that the statement was targeting Islamic ideology and Islamists. After the wording and the legislative history the Danish criminal code does not protect hate speech towards a group of persons because of their ideology. Therefore the accused must be acquitted."

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