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
Denmark	2016	Denmark / Eastern High Court / Decision no. U.2016.2066Ø		Religion	Eastern High Court	The Higher Court convicted a well-known Danish politician for incitement to violence (hate speech).The politician wrote the following statement on Twitter: "The Muslims continue where Hitler left. The situation will only change if they get the same treatment as Hitler". The defendant had already been convicted by a lower court.	10 daily penalties of 800 DKK	Both the lower and higher courts found that the statements were publicly available as they were published on an open Twitter account. Furthermore, they found that even though the law provides much space for opinions voiced in the context of political debate, these statements were degrading towards a minority and therefore not protected by the right to freedom of expression. Therefore, his statements were not within the limits of the freedom of speech and a part of the political debate.	The defendant was a well-known politician and the judgement was relevant in regard to the balance between a free and open political debate on one hand and the protection of - in this case - a religious minority.	"Ved udmålingen af straffen må der - ud over udtalelsernes grovhed - lægges vægt på, at tiltalte er en kendt politiker, og at udtalelserne er fremsat via Twitter, hvorefter tiltalte må have indset, at udtalelserne, der var kontroversielle, ville nå bredt ud i offentligheden. " "When assessing the case, it must be taken into account - besides from the severity of the statements - that the accused is a well-known politician and that the statements were written on Twitter, after which the accused must have realised that the statements, which were controversial, would reach a broad audience."

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