

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	2016	Sweden / Svea Court of Appeal / Case no. B 4297-16		Racial or ethnic origin	Svea Court of Appeal (Svea hovrätt)	Stockholm District Court (Stockholms tingsrätt) found a man guilty of insult (förolämpning) and abuse (misshandel). The offender had called two women degrading statements (e.g. "negro" and similar words) when an argument escalated. In addition, the offender hit the women and a third person, who tried to stop the argument, with his fists.	Svea Court of Appeal (Svea Hovrätt) affirmed the Stockholm District Court's (Stockholms tingsrätt) ruling and O.C. was sentenced to 75 hours of community service (samhällstjänst). In addition, O.C. was sentenced to pay damages to all three injured parties, 9,400 SEK (985 Euro) to M.B., 12,600 SEK (1321 Euro) and 5,000 SEK (524 Euro) to Z.D.	Svea Court of Appeal (Svea hovrätt) found that the statements of the injured parties (målsägandena) and the witnesses clearly proved that O.C. had made degrading statements with the intent to insult women on the grounds of their ethnic origin. Furthermore, the witness statements proved that the offender had used his fists to abuse the women. The Court of Appeal affirmed the District Court's ruling regarding guilt (skuld), sentence (påföljd) and compensation (skadestånd).	The key issue in focus concerned the interpretation of what kind and level of insults that should be considered to be an aggravated circumstance that can affect the sentence. In this case, the Svea Court of Appeal did not change the sentence, since the punishment was considered reasonable also when including chapter 29, section 2, paragraph 7 of the Penalty Act (Brottsbalken) in its deliberations.[1]	"Utredningen i hovrätten är densamma som i tingsrätten och föranleder inte hovrätten att göra några andra bedömningar än de som tingsrätten gjort, varken i fråga om skuld, påföljd eller skadestånd. Hovrätten har även beaktat bestämmelsen i 29 kap 2 § sjunde punkten brottsbalken. Tingsrättens dom ska inte ändras. O. C:s inkomstförhållanden är sådana att han ska betala tillbaka delar av kostnaderna för försvarare och målsägande i domstolarna. "The investigation in the Court of Appeal is the same as in the District Court and does not give the Court of Appeal any reason to make any assessments than those made by the District Court, either in the case of guilt, penalty or damages. The Court of Appeal has also taken into account the provision in chapter 29, section 2, and paragraph 7 of the Penal Code. The District Court's verdict shall not be changed. O.C's income is such that he shall pay back parts of the costs for the defence lawyer and legal aid in the courts." Sweden, Svea Court of Appeal (Svea hovrätt), case number B 4297-16. The case is not available online but can be requested by the court in question using the case number.

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