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
Spain	2019	Spain / Barcelona Provincial High Court, Criminal Judgement (Sentencia Audiencia Provincial de Barcelona, Sala de lo Penal) /2018-219 Roj: SAP B 6183/2019 - ECLI: ES:APB:2019:6183	http://www.poderjudicial.es/search/openDocument/12603776a2c394c5/20190611	Religion	Barcelona Provincial High Court (Audiencia Provincial de Barcelona)	In 2016, the defendant "Cipriano" uploaded in his Facebook profile hatred comments towards Muslims and attack a woman because of wearing a hijab. He was moved by an attitude of deep contempt and rejection towards people who profess the Muslim religion, and with the desire to generate feelings of violence and hatred against them. He posted on the internet several offensive expressions aimed at people related to that religion, such as: "kill Islamists" "death to Islam". The posts were public on the network, obtaining a great dissemination (2.532 friends and 135 followers on Facebook). Besides that in 2016, he did attack a Moroccan national women who wore the hijab by telling her "go to your country" and he gave her with a sweep of his hand and as a result of it, she did suffered an injury on her skin that last 4 days.	It was declared responsible: of a crime against fundamental rights art.510 a) and 3, 5 and 6 CP: 8 months in prison. A penalty of special disqualification for the educational profession or profession, in the field of teaching for a period longer than three year. From a crime against the fundamental rights of Article 510.2(a) and 5 of the CP and a crime against the moral integrity of Article 173.1 CP- 6 months in prison. The withdrawal from the Facebook social network of the content described in the proven facts (Between 14/7/18 and 2/8/18 the accused did removed it). From a minor offence of Article 147.2 of the CP- 1 month fine To the payment of the procedural costs Civil liability: to payment of 150 euros for the injuries suffered, and 300 euros for the moral damage caused.	The Public Prosecutor's Office initiated the Provisional prosecution. The defendant agreed with the Public Prosecutor's Office's proposal, considering the Public Prosecutor unnecessary to continue with the trial. It was considered as a final judgment, since the parties have stated that the appeal would not be brought.	The Public Prosecutor's Office agree with the suspension for a period of 3 years but with the condition of applying the rules of conduct of Art. 83 CP: not committing any crime during the period of suspension, participating in a training program for human rights and respect for the diversity of people and participating in a program for the prevention and treatment of violent behaviors.	"Del 25 de junio de 2015 al 30 de septiembre de 2016, a través el perfil " Cipriano " de la red Facebook movido esencialmente por una actitud de profundo desprecio y rechazo hacia las personas que profesan la religión musulmana, y con la voluntad de generar entre la población sentimientos de violencia y odio contra las mismas, publicó en internet varias expresiones ofensivas dirigida a las personas afines a dicha religión." "From June 25, 2015 to September 30, 2016, through the "Cipriano" Facebook profile and essentially moved by an attitude of deep contempt and rejection towards people who profess the Muslim religion, and with the will to generate among the general public a sentiment of violence and hatred against them, he published on the internet several offensive expressions aimed at people related to that religion"

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