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

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Sweden	2019	Sweden / Court of Appeal for Southern Norrland (Hovrätten för Nedre Norrland) / Case number: B 1520-18		Religion	Court of Appeal of Southern Norrland (Hovrätten över nedre Norrland)	The case was appealed from the District Court by the prosecutor. The defendant was prosecuted for agitation against an ethnic or national group for having written a Facebook group comment. The comment commented on an article about a man with foreign background who had been convicted for rape based on honour motives. The defendant's comment was "disgusting Muslim bastard" (äckliga muslimjävel). The District Court freed the defendant of charges as it did not consider the message in question directed to any other person than the man mentioned in the article. The Court of Appeal, however, saw things differently and found that the comment could hardly be interpreted to only refer to the man in focus since the comment directly related his criminality to his Muslim belief. Consequently, the court found that the defendant had demonstrated contempt for the group Muslims in a way deemed illegal in the legislation on agitation against an ethnic or national group. The court found the defendant guilty of agitation against an ethnic or national group. The case was appealed to the Supreme Court (Högsta domstolen) and was given leave to appeal in February 2020.	The defendant was given a conditional sentence combined with a day fine (dagsböter) for 40 days á 310 SEK (€ 29)	The question was whether the defendant showed contempt for an ethnic group or another group of persons with regard to their ethnicity or religious belief. The District Court considered that this was not the case since the defendant had directed her message exclusively to the person mentioned in the Facebook group's article. The Court of Appeal ascertained that the legislation on agitation against an ethnic or national group does not presuppose that a message must be directed to several different persons within the actual group for it to be a criminal act. A message directed to one specific person can constitute agitation against an ethnic or national group if the message also expresses contempt for the whole group to which the person belongs.	The case clarifies that a message directed to an especially singled out person still constitutes agitation against an ethnic or national group if the message also expresses contempt for the group to which the person belongs.	"D.L.H's comment must be viewed in its context. Politikfakta's article concerns a man with foreign background who had been convicted for a rape motivated by honour. Against this background, the comment can hardly be perceived in any other way than that D.L.H considered that the man's crime was immediately related to his assumed religious belief as a Muslim. It is thus clear that D.L.H showed contempt for the ethnic group as such in the manner referred to in the provision on incitement against an ethnic or national group. Since the comment clearly exceeded the limit of a factual and valid debate, D.L.H. should be convicted of incitement against an ethnic group. The crime is not to be considered as a minor felony."

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