

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	2020	Denmark / The District Court of Næstved	https://vidensbasen.anklagemyndigheden.dk/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/0608d02-99f8-4e0c-8279-79782cc2ddaa?showExact=true	Religion	National Court (Retten i Næstved)	The defendant, who is a politician and founder of the far-right political party Hard Line (Stram Kurs), expressed the following statements publicly during a political demonstration: "We have seen what I would call the 'sharia police' who are local, buff, social benefit recipients, muslim men, typically from Arab countries in the age, what can it be? ... 20 to 30, who have never ever contributed to the society, who hate everything that is Danish, who can only figure out to raise an incredible number of children because, yes, obviously it does not take many centimeters, and they do so incessantly, and by the way, they are a disgrace to the nation, after all they should actually only have been a stain on the sheep" and "Maybe the thing is that the Danes were actually fine before Muslims came, and now it is like hell because we do not think it is particularly cool to be assaulted, raped and murdered on our streets and alleys in our own country". Additionally, the defendant recorded a video of the situation in which he made the above mentioned statements. The video was published on the public Facebook page of the political party Hard Line (Stram Kurs).	3 months of imprisonment, of which 1 month was sentenced to unconditional imprisonment. The defendant was also found guilty of other violations of the Criminal Code, the Road Traffic Act and the Data Protection Act.	The court found that the statements were taunting and degrading towards a group of people on the basis of their religion. The Court found the defendant guilty of violating § 266 b, section 1 and 2 in the Criminal Code. Section 1 criminalizes statements that are expressed publicly towards a broader audience and that are threatening, taunting or degrading towards a group of people on the basis of their race, skin colour, national or ethnic origin, belief or sexual orientation. Section 2 states that it is an aggravating circumstance in relation to the sentencing if the statements can be deemed as propaganda activities. The Court found that section 2 was applicable and thus deemed the distribution as more widespread because the statements were available at the public Facebook page of the defendant's political party. The Court found that the statements were not part of an objective political debate due to the character of the statements. The Court found that the extensive freedom of speech enjoyed by politicians concerning controversial societal affairs could not lead to impunity in the case.	The key issue was the interpretation of § 266 b, section 2 in the Criminal Code and whether the defendant's statements were protected by the extensive freedom of speech enjoyed by politicians for statements given in a political context.	"Disse udtalelser må anses for forhånende og nedværdigende over for en gruppe på baggrund af tro, hvilket må have stået tilfældigt klart. Udtalelserne har en sådan grovhed, at de må anses for omfattet af straffelovens § 266 b, således som denne bestemmelse må forstås i lyset af Den Europæiske Menneskerettighedskonventions artikel 10. Efter udtalelsernes karakter er der ikke grundlag for at anse dem som led i en saglig politisk debat, og hensynet til den særligt vigtigste ytringsfrihed for politikere om kontroversielle samfundsanliggender kan ikke føre til, at udtalelserne må anses for straffri". "The statements are considered to be taunting and degrading towards a group of people on the basis of religion, which must have been clear to the defendant. Due to the severity of the statements, they must be regarded as falling within the scope of § 266 b of the Criminal Code, as pertaining to Article 10 of the European Convention on Human Rights. Due to the character of the statements there is no reason to consider them as part of an objective political debate, and the consideration of the extensive freedom of speech enjoyed by politicians concerning controversial societal affairs cannot lead to impunity in this case."

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