

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	2021	Denmark / Supreme Court / Sag 100/2020		Migrant status	Supreme Court (Højesteret)	The case concerns whether a group of persons had violated the hate crime paragraph in the Danish Criminal Law (§ 266 b) by distributing hateful statements about migrants and asylum-seekers. Whether "non-Western migrants" and "asylum seekers" could constitute a group under "race, skin color, national or ethnic origin, faith or sexual orientation" was the main question of the case.	The Supreme Court ruled that statements was not punishable under the provision and the defendants were acquitted.	The Supreme Court found that the statements related to "non-Western migrants" and "asylum-seekers" was delineated by the aggrieved group's race, skin color, national or ethnic origin, faith or sexual orientation, and could therefore not constitute af violation of the hate speech paragraph § 266 b.	The key issues was whether "non-Western migrants" and "asylum seekers" could be considered as a group in terms of the hate speech paragraph §266b (know as the "racism paragraph") which includes "race, skin color, national or ethnic origin, faith or sexual orientation"	DA: "Efter vores opfattelse er denne persongruppe ikke afgrænset ved en bestemt race, hudfarve, national eller etnisk oprindelse, tro eller seksuel orientering, og de forhånende eller nedværdigende ytringer er ikke rettet mod de pågældende på grund af gruppens race, hudfarve, nationale eller etniske oprindelse, tro eller seksuelle orientering."EN: "In our opinion this group of persons is not delineated by af certain race, skin color, national or ethnic origin, faith or sexual orientation, and the degrading statements are therefore not aimed at the group because of their race, skin color, national or ethnic origin, faith or sexual orientation."

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