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	2022	Spain, Provincial Court of Barcelona, Sixth Section (Audiencia Provincial de Barcelona, Sección Sexta) Judgment No. 674/2022, Nº of Appeal: 54/2022 (Sentencia núm. 674/2022, Nº Recurso: 54/2022), 8 November 2022.	https://www.poderjudicial.es/search/AN/openDocument/41c846dea08d2cd1a0a8778d75e36f0d/20221121	Migrant status, Racial or ethnic origin	Provincial Court of Barcelona, Sixth Section (Audiencia Provincial de Barcelona, Sección Sexta)	It is a conviction against a civil guard for publishing on Twitter on July 1, 2019, the following message: "Here you have the video of the Moroccan unaccompanied minor of Canet de Mar, to these that we are going to give the small pay until 23 years old, the children of "Pedrito Piscinas." By the way, then, to make matters worse, he rapes her. These hooligans and these herds of Moroccans will not appear in the media." Accompanying the text, the tweeter added a 45-second video of the aggression of an adolescent against a woman who was lying on the ground without resistance occurred in China, intending to associate this aggression with a rape committed in Canet de Mar (Barcelona province) by two children from a shelter who were arrested by the Mossos d'Esquadra on June 29, 2019.	The Provincial Court of Barcelona sentenced J.J.M.F for violating the dignity of persons for discriminatory reasons of Article 510.2. a) Penal Code, concurring the aggravated subtype of Article 510.3, 510.5, and 510.6 Penal Code to 15 months imprisonment and a fine of 1,620 euros. Likewise, the sentence obliges to close the profiles in social networks of the convicted person and determines the need for J.J.M.F to participate in a program of equal treatment and non-discrimination established by the General Directorate of Community Criminal Execution and Juvenile Justice of the Department of Justice (Direccio General d'Execució Penal a la Comunitat i de Justicia Juvenil del Departament de Justicia). This decision can be subject to Appeal.	The case deals with spreading fake news, so the Court has addressed intentionality and good faith. According to the Court, the facts described and declared proven are among the behaviors that violate the honor or dignity of groups for discriminatory reasons typified in Article 510.2.a) of the Penal Code, which requires that such conduct tends to create a "climate" of violence, hostility, hatred or discrimination; that is, an atmosphere or state of opinion conducive to the reproduction of violent, hostile, hateful or discriminatory behavior against protected groups. In addition, the aggravated subtype of Article 510.3 of the Criminal Code applies when the crime is committed by means such as websites, blogs, social networks, or similar technological systems of public communication; Article 510.5 of the Criminal Code provides for the accessory penalty of special disqualification for the exercise of certain professions since the convicted person is a civil guard; finally, Article 510.6 of the Criminal Code provides for the possible disabling or judicial destruction of the material resulting from the commission of the crime or the means through which it has been committed.	It is the first sentence that prosecutes someone in Spain for spreading fake news. For the Provincial Court of Barcelona, fake news has much presence on the Internet and tends to take advantage of moments or current incidents, providing audiovisual material and making the receiver believe that they are related. The Twitter profile of the accused contained multiple publications of xenophobic and racist nature, searchable by anyone on the social network Twitter, with alleged distorted and/or false information, especially about North Africans and/or Muslims, that he knew generated or could generate feelings of rejection, phobia, and hatred against this group of people.	"In this case, with the dissemination of the aforementioned text and the shocking video, the defendant intended, with manifest disregard for the truth and massively and indiscriminately among all potential users of the social network Twitter, to associate the content of the video with an alleged rape occurred in the town of DIRECCION003 committed apparently by two minors occurred on 29/06/2019, all this to defame globally and unfairly unaccompanied minors from other countries who come to our country, particularly Moroccan children, associating them in a generalized manner with violent acts and sexual aggressions, thereby discrediting them and contributing in this way to awaken or increase among the population prejudices and stereotypes against this group of people, especially vulnerable, with the consequent risk of generating feelings of rejection and social hostility towards them". (En este caso con la difusión del citado texto y del impactante video el querellado pretendía, con manifiesto desprecio a la verdad y de forma masiva e indiscriminada entre todos los potenciales usuarios de la red social Twitter, asociar el contenido del video con una presunta violación ocurrida en la localidad de DIRECCION003 cometida al parecer por dos menores de edad ocurrida en fecha 29/06/2019, todo ello con el fin de difamar de forma global e injusta a los menores no acompañados procedentes de otros países que vienen a nuestro país, particularmente los niños marroquíes, asociándoles de forma generalizada con actos violentos y agresiones sexuales, desacreditándolos con ello y contribuyendo de esta forma a despertar o aumentar entre la población los prejuicios y estereotipos contra este colectivo de personas, especialmente vulnerables, con el consiguiente riesgo de generar sentimientos de rechazo y hostilidad social frente a ellos.) (Factual basis, single)

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