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
Sweden	2020	Sweden / Supreme Court / Målnummer B 5987-19	https://www.domstol.se/hogsta-domstolen/avgoranden/2020/87891/	Religion	Supreme Court (Högsta domstolen)	The case concerns agitation against a population group (hets mot folkgrupp) online. The defendant was indicted for commenting on a post in a Facebook group called Political facts (Politikfakta) by writing "Disgusting Muslim bastard" (Äckliga muslimjävel). The Facebook post linked to an article about a man of foreign origin who allegedly had committed an honour-related rape.	The Supreme Court confirmed the judgement by the Court of Appeal and the defendant was sentenced to agitation against a population group in accordance with the indictment.	The Supreme Court found it established that the defendant, in a comment disseminated via Facebook, had intentionally expressed contempt for a population group or other such group with allusion to religious belief. The Court held that the comment with derogatory content entailed liability for agitation against a population group, even though the comment was directed at a single individual.	The key issue in the case was whether the defendant's offensive statement (i.e. commenting "Disgusting Muslim bastard" on a Facebook post linked to an article about a man of foreign origin who allegedly committed an honour-related rape) formulated as directed against an individual also could be considered to express contempt for a population group or other group resultning in liability for agitation against a population group.	"12. Ordalagen i kommentaren sammantaget med att den gjordes i omedelbar anslutning till artikeln kan inte förstås på annat sätt än att [den tilltalade] menade att mannens brott var direkt kopplat till dennes förmodade religiösa övertygelse som muslim. Kommentaren förmedlade därmed ett nedsättande budskap om att muslimer i allmänhet är benägna att begå en viss typ av allvarliga brott. Även i övrigt gav kommentaren tveklöst uttryck för missaktning av gruppen muslimer i den mening som avses i bestämmelsen om hets mot folkgrupp." "The wording of the comment together with the fact that it was made in immediate connection to the article cannot be understood in any other way than that [the defendant] meant that the man's crime was directly linked to his supposed religious beliefs as a Muslim. The comment thus conveyed a derogatory message that Muslims in general are prone to commit a certain type of serious crime. Even otherwise, the comment undoubtedly expressed contempt for the group Muslims in the sense referred to in the provision on agitation against a population group."

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http://fra.europa.eu/en/databases/anti-muslim-hatred/

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