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	2021	Sweden / Court of Appeal / Målnummer B 784-19		Religion	Court of Appeal (Svea Hovrätt)	The case concerns agitation against a population group (hets mot folkgrupp) online. The defendant was indicted for commenting on four different posts/links in a Facebook group called Stop Islam (Stoppa Islam). The first comment read "Europe is collapsing...now it's up to each state to protect its own citizens and send out the "flow-ins" (Europa faller ihop...nu är det upp till varje stat att skydda sina egna medborgare och skicka ut invällorna). The second comment expressed that Muslims are a race that should be castrated so as not to "breed" (yngla av sig). The third and fourth comment expressed that Muslims are to be equated with monkeys.	The Court of Appeal confirmed the District Court's judgement on how the statements should be classified and the defendant was sentenced to agitation against a population group regarding three out of four statements.	In relation to the first comment, the Court held that it can not be said to cross the line for objective and reasonable debate, but falls within the framework of freedom of expression. With regard to the three other comments, the Court assessed that it is obvious that the posts are aimed at Muslims in general and Muslims with a certain skin colour in particular. The Court held that these comments are offensive and derogatory in nature and cross the line for objective and reasonable debate. The statements go beyond what can be considered covered by the defendant's freedom of expression and expressed contempt for a population group (Muslims).	The key issue in the case was whether the content of the Facebook comments (derogatory statements) expressed contempt and thereby amounted to agitation against a population group.	"Avseende inlägget under punkterna 2, 3 och 4 är det enligt tingsrätten mening uppenbart att inläggen riktar sig mot muslimer i allmänhet och mot muslimer med viss hudfärg i synnerhet. Uttalandet enligt åtalspunkten 2 [...] är av kränkande och nedsättande karaktär och överskrider gränsen för en saklig och vederhäftig diskussion. Inläggen under åtalspunkterna 3 och 4 [...] är av kränkande och nedsättande karaktär och överskrider gränsen för en saklig och vederhäftig diskussion. [Den tilltalades] inlägg under punkterna 2, 3 och 4 går alltså utöver vad som kan anses omfattas av hans yttrandefrihet och är därmed straffbart enligt 16 kap. 8 § brottsbalken." "Regarding the post under points 2, 3 and 4, it is, according to the District Court's opinion, obvious that the posts are aimed at Muslims in general and at Muslims with a certain skin colour in particular. The statement according to charge 2 [...] is of an offensive and derogatory nature and exceeds the limit of objective and reasonable debate. The posts under charges 3 and 4 [...] are of an offensive and derogatory nature and exceeds the limit of objective and reasonable debate. [The defendant's] posts under points 2, 3 and 4 thus go beyond what can be considered covered by his freedom of expression and are thus punishable according to Chapter 16, Section 8 of the Criminal Code."

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