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	2024	Spain: Catalan High Court (Tribunal Superior de Justicia de Catalunya) sentences the driver of a BMW and a criminal company, both owned by Islamic extremists, to a total of 4 years and 6 months in prison for a hate crime against a Muslim woman	https://www.fiscal.es/search?q=&q=site:fiscal.es+inurl:search_web+search+results+portlet_base!ResultPortlet_0_WAR_solrportlet_1_INSTANCE_com_liferay_portal_search_web_search_results_portlet_base!ResultPortlet_resultPerPage%3D20_com_liferay_portal_search_web_search_results_portlet_base!ResultPortlet_assetEntryId%3D167834_com_liferay_portal_search_web_search_results_portlet_base!ResultPortlet_type%3Dcontent_back_url%3Dhttps%253A%252F%252F	Religion, Racial or ethnic origin	Catalunya High Court (Tribunal Superior de Justicia de Catalunya)	The victim, along with her three young children, boarded a bus in Barcelona on May 2020, and when one of the cards was not properly validated, she approached the driver, who yelled, "You come here to live from the money..." The driver made remarks about the victim's ethnic origin because she was dressed in Maghreb-inspired clothing, including a veil over her head. The victim chose to use her cell phone to take a picture of the driver's license plate after she and her children left the bus. The defendant then abruptly halted his vehicle, exiting and yelling obscenities such "where, bitch," "fucking Moors," or "go back to your country," while gesturing to take off her veil and grabbing and taking a picture of her with his own phone. As a result of her three children standing by her side to defend her, the defendant backed down by the arms and pushed them away. He even threatened one of them by the hair and subjected minor violence on them.	According to article 510.2 a) of the Criminal Code, he was sanctioned to pay 1000 euros to each person impacted by the offense. The decision dismissed the defendant's appeal of the conviction of February 20, 2023, fully upholding the ruling issued by one of the Barcelona Provincial Court's sections to convict the defendant of violating article 510.2 a) of the Criminal Code, which relates to the exercise of hate crimes and freedoms. It also upheld the subsequent Order of March 2, 2023, which clarified the aforementioned judgment and found the defendant responsible for three minor offenses of violating under article 147.2 of the Criminal Code. A fine of 10 months at 6 euros was imposed on the defendant, along with subsidiary personal liability under article 53 of the Criminal Code.	Religion ("anti-Muslim hatred") and nation ("xenophobia") were the main motivation of the driver's discriminatory acts. The ruling emphasizes that the accused's words were not merely decontextualized; rather, they were part of a sequence of actions that included repeated displays of aggression and a blatant attempt to physically harm the victim, which had a significant impact on the victim's three young children. The victim and her children also experienced severe humiliation and debasement as a result of the defendant's actions, which is why they are entitled for an moral harm.	The legal interest protected was the Human dignity as defined in Criminal Code and the Spanish CE. The judgment highlighted the defendant's attempt to lift the victim's veil, which he was unable to accomplish due to the victim's response, his friends' intervention, and some bystanders' denunciation. It also considered the victim's position as a public servant, which makes a vulnerable understanding of the subject knows that the veil serves as an obvious symbol of Muslim culture and that removing it from a woman's head in a Muslim and obviously of Muslim culture is an especially offensive act. The attacks targeted national symbolism and the cultural and religious characteristics of those impacted took place during the exercise.	"... Os testigos a la que ningun sirvieta de la victima en la clarab apostillo que el acusado clavidad los tres planes factico-del testimonio de la victima y valora los testimonios de forma definitiva se asienta lo credenc. los insultos y vejaciones verdiblico e racista, la ofensa a la fisica y el intento de quitarle el pañuelo que portaba) "the witness who is supposed to have no interest in the case clearly stated the three factual events that the victim's testimony on which the conviction is adequately supported the insults of a xenophobic and racist nature, the physical aggression and the attempt to take away the headscarf the veil wearing"

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