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	2024	Sweden/ Court of Appeal/Målnummer B 4381-22		Religion, Migrant status	Svea Court of Appeal (Svea Hovrätt)	The case concerns agitation against a population group online. The defendant (A.W.) was prosecuted for writing six posts and two comments on their own Facebook page. The posts conveyed a derogatory message about Muslims and immigrants and included links to various news articles. In one of the posts, A.W. stated that Muslims follow a perverse ideology of violence. In the other posts and comments, Muslims and immigrants were portrayed as "lawbreakers, terrorists, violent offenders, criminals, and gangsters".	The Court of Appeal upheld the District Court's judgment and convicted A.W. for the acts, all of which was classified as agitation against a population group. The Court sentenced A.W. to 40 day fines of 300 SEK.	The Court of Appeal found that the posts and comments constituted messages disseminated in the sense referred to the provision in chapter 16, section 8 of the Criminal Code on agitation against a population group and that Muslims and immigrants are a population group or similar group covered by the criminal statute. According to the Court, A.W. conveyed a derogatory message in all posts and comments about Muslims and immigrants, referring to their religious beliefs and/or national and ethnic origin, which clearly exceeded the boundaries of factual criticism and debate. A.W. acted with intent in committing these acts. The Court also held that the restriction on A.W.'s freedom of expression, resulting from a conviction for agitation against a population group, is proportionate in relation to its legitimate aim and therefore necessary in a democratic society in accordance with chapter 2, section 1 of the Swedish Constitution and article 10 of the European Convention on Human Rights.	The key issue in the case was whether the defendant, by writing the posts and comments, made derogatory statements about Muslims and immigrants with reference to their religious beliefs and/or national and ethnic origin. The Court also considered the strong protection of freedom of expression as established in the Swedish Constitution and Article 10 of the European Convention on Human Rights. In its assessment, the Court took into account that the offenses in question concerned a private Facebook account rather than statements made by elected representatives in a political assembly.	”I likhet med tingsrätten anser hovrätten dels att inläggen och kommentarerna utgör meddelanden som spridits i den mening som avses i brottsbalkens bestämmelse om hets mot folkgrupp, dels att muslimer är en folkgrupp eller annan sådan grupp som omfattas av straffstadgandet. Detsamma gäller gruppen invandrare i Sverige. […] Precis som tingsrätten finner hovrätten att samtliga inlägg och kommentarer förmedlar ett nedsättande budskap som klart överskrider gränsen för saklig kritik och debatt. Med hänsyn till omständigheterna råder det ingen tvekan om att [A.W.] har haft uppsåt till de gärningar som hovrätten har att pröva.” "Like the District Court, the Court of Appeal considers that the posts and comments constitute messages disseminated within the meaning of the Penal Code's provision on agitation against a population group and that Muslims are a population group or similar group covered by the criminal statute. The same applies to the group of immigrants in Sweden. […] Just as the District Court, the Court of Appeal finds that all the posts and comments convey a derogatory message that clearly exceeds the boundaries of factual criticism and debate. Given the circumstances, there is no doubt that [A.W.] acted with intent regarding the acts under review by the Court of Appeal."

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