LEGAL ANALYSIS OF THE SWEDISH COURT RULING ON THE CONVICTION FOR INSULTING THE QUR'AN: THE CONFLICT BETWEEN FREEDOM OF EXPRESSION AND THE PROHIBITION OF HATE SPEECH

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INTRODUCTION

- **Focus: Conflict between freedom of expression & hate speech law**
- **Case: Salwan Najem convicted for incitement against Muslims**
- **Key questions:**
  - **Limits of religious critique?**
  - **When does expression become incitement?**
- **Legal standards in Sweden & international law**

CASE BACKGROUND

- **Public Qur'an desecration (burning, tearing, pork insertion)**
- **Use of hostile terms like "vermin," "terrorists" towards Muslims**
- **Acts near mosques during religious occasions**
- **Charged under Swedish Penal Code Chapter 16, Section 8**

LEGAL FRAMEWORK — SWEDISH LAW

- **Hate Speech law (hets mot folkgrupp):**
  - **Prohibits public expressions of threats/contempt against groups**
  - **Requires evaluation of overall message & impact**
  - **Narrow interpretation to protect free speech**

LEGAL FRAMEWORK — INTERNATIONAL NORMS

1

ECHR Articles 9 & 10: Freedom of religion & expression with restrictions

2

ICCPR Articles 18, 19 & 20: Protect religion & expression, prohibit religious hatred inciting discrimination/violence

3

ECtHR jurisprude nce supports limiting

COURT'S FINDINGS

- **Symbolic acts + inflammatory speech = contempt & incitement**
- **Muslims recognized as protected group**
- **Critique of religion not a shield when targeting the group**
- **Context: public, repetitive, inflammatory acts near mosques**

COMPARATIVE ECTHR CASES

- **E.S. v. Austria (2018): No protection for gratuitous attacks on religion**
- **İ.A. v. Turkey (2005): States' margin to protect religious feelings**
- **Otto-Preminger-Institut v. Austria (1994): Restrict offensive religious expression**

IMPLICATIONS

Freedom of expression protected but not absolute

Hate speech laws can legitimately restrict incitement & hostility

Need for careful, contextual balancing

Ensures dignity and rights of religious minorities

CONCLUSION

- **Case highlights challenge balancing free speech & hate speech laws**
- **Protection of religious critique vs. prohibition of incitement**
- **Ruling consistent with Swedish & international law**
- **Importance for legal practice and policy development**



THANK YOU

- **Questions & Discussion**