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

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Greece	2021	Greek Council of State, Decision No. 1679/2021 (Συμβούλιο της Επικρατείας, Απόφαση 1679/2021), Nomos Subscriber's Database.		Racial or ethnic origin	Greek Council of State - National Higher Court	The plaintiffs, broadcasting company and its owner, filed an application before the Greek Council of State, seeking to abolish sanctions imposed by the National Radio-television Council (ESR). The Council imposed sanctions (pecuniary and a broadcasting ban) for allowing and broadcasting hate speech on one of it's talk shows. The hate speech concerned derogatory remarks against an athlete of African origin during a talk show, perpetrated by one of the guests. The Council of State rejected the application and upheld the sanctions, considering them proportionate for the hate speech broadcasted by the plaintiffs.	The Council of State upheld the ESR decision. The broadcasting company had to pay a fine of 15.000 euros for insulting the specific athlete and 15.000 euros for broadcasting derogatory remarks and expressions capable of causing discrimination on grounds of race.	The Council of State uphled the sanctions imposed by the National Radio-television Council, agreeing that the use of terms such as "ape", which is linked to ethnic characteristics and colour, was capable of leading to degrading treatment and discrimination based on these grounds.	The case clarified the liability of broadcasting companies for hate speech perpetrated by other invdividuals such as guests on television talk-shows. The decision also balanced the right of freedom of expression with the need to combat discrimination and incitement to hatred. It applied the principle of proportionaility and taking into consideration the overall offensive and derogatory character of the specific sports show, the sanctions were proportionate and necessary for combatting hate speech.	"Κατ` ακολουθίαν των ανωτέρω, οι λόγοι ακυρώσεως που προβάλλουν πλημμελή αιτιολογία και παραβίαση των δικαιωμάτων της αιτούσης στην ελευθερία εκφράσεως και πληροφορήσεως, διότι δεν ελήφθησαν υπόψη το όλο περιεχόμενο της εκπομπής, χωρίς απομόνωση συγκεκριμένων, μικρής εκτάσεως αποσπασμάτων αυτής, οι ειδικότερες συνθήκες και η φύση της, το κοινό στο οποίο απευθύνεται, η μορφή και το περιεχόμενο αντίστοιχων εκπομπών, καθώς και η έλλειψη ρατσιστικής προθέσεως σε βάρος του συγκεκριμένου καλαθοσφαιριστή, περαιτέρω δε δεν ελήφθη υπόψη ο θεμιτός χαρακτήρας ακόμη και κάποιας υπερβολής ή προκλητικότητας του σχολιασμού ούτε έγινε στάθμιση των συγκρουομένων συμφερόντων, είναι απορριπτέοι ως αβάσιμοι." As a consequence of the above, the claims concerning lack of reasoning nd a violation of the applicant's rights to freedom of expression and information, based on the fact that the entire content of the broadcast was not taken into account, without isolating specific, small excerpts of it, the more specific circumstances and the nature of it, the target audience, the form and content of respective broadcasts, as well as the lack of racist intent against the particular basketball player, and furthermore, that the legitimate character of even some exaggeration or provocation in the commentary was not taken into account, nor was the conflicting interests weighed, are rejected as unfounded.

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