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
Romania	2021	Romania, National Audiovisual Council (Consiliul Național al Audiovizualului) Decission no. 115 from 27 May 2021	https://www.cna.ro/IMG/pdf/Decizia_115-A1-am_10000_art47_4_64.pdf	Racial or ethnic origin	National Audiovisual Council (Consiliul Național al Audiovizualului)	The complaint refers to a TV show in which a woman alleged she was aggressed by a deputy-mayor. The TV-show discussion did not include his point of view, and according to the plaintiff, the discussion made reference to the fact that the deputy-mayor is Arab and presented a biased and discriminatory portrait of him.	The Audio-visual Council found that broadcasters are under an obligation to provide impartial information and refrain from making generalising statements that can incite racial hatred. It fined the broadcaster with RON 10 000 (approx. 2 000 Euro) and it obliged the broadcaster to air at least 3 times between 18.00 - 22.00 o clock, a text specifying that it was fined for defamatory messages against a public official.	The Audiovisual Council found that the comments about the deputy-mayor not focusing on his professional activity but on his ethnicity/nationality being identified as the "Arab Deputy Mayor" and told to go back to his country, can generate hatred, hence the members of the Council have found a violation of art. 47 para. (4) of 4 The Audiovisual Code, which prohibit audiovisual programs to use generalizing statements in reference to a person based on their belonging to a defined group/community of ethnicity or nationality.	The case looked at limitations of free speech in the media, specifying that the freedom of speech must be exercised in good faith, information shared needs to be accurate and impartial and respect the right of citizens to receive accurate information.	"Libertatea de exprimare este un drept fundamental al omului, însă radiodifuzorii ntrebuie să țină cont și de faptul că acest drept nu este unul absolut. Curtea Europeană a stabilit, de asemenea, că articolul 10 din Convenție nu protejează numai substanța ideilor exprimate, dar și modul în care acestea sunt exprimate, precum și regula potrivit căreia dacă libertatea de opinie nu poate fi limitată, exprimarea opiniei poate forma obiectul unei limitări, fie și pentru respectarea drepturilor aparținând altor subiecte de drept. Pe de altă parte, membrii Consiliului au constatat că radiodifuzorul nu a informat în mod corect telespectatorii cu privire la evenimentele prezentate în emisiune, fiind încălcate prevederi ale art. 64 din Codul audiovizualului. " "Freedom of expression is a fundamental human right, but broadcasters must also take into account the fact that this right is not an absolute one. The European Court established that Article 10 of the Convention protects not only the substance of the ideas expressed, but also the manner in which they are expressed, as well as the rule that if the freedom of opinion cannot be limited, the expression of the opinion can be subject to limitations in order to protect the rights of others. On the other hand, the members of the Council found that the broadcaster did not correctly inform the viewers about the events presented in the show, being in violation of the provisions of art. 64 of the Audio-visual Code. "

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