

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
Serbia	2021	Serbia / The Commissioner for the Protection of Equality / 07-00-00146/2021-02		Migrant status	The Commissioner for the Protection of Equality (Poverenik za zaštitu ravnopravnosti)	The NGO Atina informed the Commissioner for the Protection of Equality about a poster in the public transportation that read: "Stop migrants from occupying Serbia." Atina argued that the poster incited hatred and intolerance against migrants.	The Commissioner highlighted that Serbia's legal framework guarantees the equal protection of the laws and is committed to fostering the spirit of tolerance. The Commissioner recommended to the public transportation company "Belgrade" urgent removal of the posters expressing hatred and intolerance against migrants. Going forward, the transportation company is to inspect its vehicles in order to prevent the posting of any discriminatory content. The case is closed.	The Commissioner for the Protection of Equality opined that the anti-migrant poster was in contravention with domestic anti-discrimination laws, constitutional order, and international standards, namely those enshrined in the International Covenant on Civil and Political Right and the European Convention on Human Rights. The poster messaging incited hatred and intolerance against migrants. The Commissioner corroborated its reasoning with its 2019 Report according to which migrants and asylum seekers are the social group facing the greatest social distance. It reiterated that hate speech constitutes a form of discrimination aiming to spread fear and hatred among citizens and is oftentimes perceived as call to violence against a particular group.	The key issue was whether the anti-migrant poster in public transportation constituted hate speech.	" (...) слобода говора, без обзира на начин изношења и објављивања идеја и ставова никада не сме да буде изговор за дискриминацију. Објављивање садржаја који су на било који начин доступни јавности, а у којима се позива на насиље, бојкот, изолованост или нетрпеливост особа, односно којима се шири говор мржње и врши дискриминација је Уставом и законом забрањено." Стр. 3 " (...) the freedom of expression, regardless of its form, must never serve as an excuse for discrimination. The publication of content available to the public in any form, that calls for violence, boycott, isolation, and intolerance against individuals, or that spreads hate speech and discriminates is prohibited by the Constitution and law." p. 3

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