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
Cyprus	2016	Cyprus / Radio and Television Authority / Self-initiated investigation into possible violations by the Cyprus Broadcasting Corporation (TV Channel RIK 2) / Case No. 80/2016(69)	https://crta.org.cy/decision-post.html?id=869	Religion, Nationality, Racial or ethnic origin	Radio and Television Authority	Three independent public bodies, the Equality Body, the Journalistic Ethics Committee and the Radio Television Authority, investigated and condemned the screening by a state TV channel of an interview with Greek singer Sfakianakis that contained racial hatespeech. During the interview, the singer used strong racist language, describing migrants as rapists of his country and arguing they are all rich people colonising Greece as part of a plan orchestrated by Turkey to 'Islamise' Greece. The Equality Body and the Journalistic Ethics Committee conducted their investigation in response to complaints submitted by NGOs, trade unions and political parties; the Radio Television Authority conducted a self-initiated investigation and imposed fines on the TV channel for each screening of this interview.	The Radio and Television Authority held the TV channel guilty for broadcasting views containing provocation on the basis of race, religion or nationality, in violation of the Law on the Cyprus Broadcasting Corporation and imposed an administrative fine for each screening of the interview, totalling €26,000. The TV channel paid the fine but filed an application in Court for judicial review of Authority's decision, claiming that this contained an error in law for infringing freedom of expression. At the time of writing, the case had not been tried yet.	The Equality Body found that freedom of speech is not an absolute right and can be restricted to safeguard tolerance and respect for the dignity of all, as the cornerstone of a democratic society. The Media Complaints Commission found that the TV Chanel failed in its duty to protect groups who are vulnerable to hate propaganda, adding that the effort to shift the responsibility on society to accept or reject ideas was an effort on the part of the TV Channel to avoid its own responsibilities. The Radio and Television Authority found that the state TV channel's duty to screen all views and promote pluralism had to be exercised within the framework set by national and EU legislation, clarifying that the preaching of xenophobia and racism did not amount to freedom of expression nor did it promote pluralism. The narrative expressed during the interview was targeting entire social, religious and racial groups, encouraging or creating the preconditions for violence against them. As such, the singer's views were not protected by freedom of expression but amounted to a direct violation of the law.	The decision of the Radio and Television Authority stated that freedom of expression is not absolute nor does it give the right to broadcast hatred. Freedom of expression, as safeguarded in the Cypriot constitution may be subject to restrictions in the interest of public order and safety and hate speech poses a serious public safety risk. It concluded that such phenomena cannot be tolerated, especially at a time when Europe is faced with the refugee crisis and extremist forces are exploiting this situation by preaching hatred.	"Ο Νομοθέτης, δίνοντας ιδιαίτερη βαρύτητα στο συγκεκριμένο θέμα, έχει συμπεριλάβει, όχι ένα, αλλά δύο ξεχωριστά άρθρα στην Νομοθεσία (άρθρο 18Β και 19(3)) για να διασφαλίσει ότι η δημόσια ραδιοτηλεοπτική υπηρεσία που παρέχεται δεν προκαλεί την δημιουργία αισθημάτων μίσους λόγω διαφορών στη φυλή, το φύλο, τη θρησκεία ή την ιθαγένεια. Πέραν τούτου, η σημασία των εν λόγω προνοιών μεγιστοποιείται από το γεγονός ότι ο Νομοθέτης έχει καθορίσει ρητώς όπως η συμμόρφωση με τις συγκεκριμένες πρόνοιες της νομοθεσίας είναι εκ των ων ουκ άνευ όσον αφορά τα ποιοτικά χαρακτηριστικά που πρέπει να έχει η Δημόσια Ραδιοτηλεόραση, και λαμβάνεται σοβαρά υπόψη κατά την σύνταξη της Ετήσιας Έκθεσης Ποιοτικού Ελέγχου του Ραδιοφωνικού Ιδρύματος Κύπρου από την Αρχή και η οποία υποβάλλεται κατόπιν στον αρμόδιο Υπουργό, ώστε να διαφανεί κατά πόσον το ΡΙΚ πληροί τις πρόνοιες της νομοθεσίας όσον αφορά την παροχή δημόσιας ραδιοτηλεοπτικής υπηρεσίας. " "The legislator, with a particular focus on this issue, has included not one, but two separate Articles in the legislation (Article 18B and 19 (3)) to ensure that the public media service provided does not cause feelings of hatred on the grounds of race, sex, religion or nationality. Furthermore, the importance of these provisions is maximized by the fact that the Lawmaker has explicitly stated that compliance with the specific provisions of the legislation is a sine qua non for the quality features that the Public Broadcasting Company must have and is taken seriously into account in the preparation of the Annual Quality Control Report of the Cyprus Broadcasting Corporation by the Authority, which is then submitted to the competent Minister, in order to clarify whether the RIK complies with the provisions of the legislation regarding the provision of a public broadcasting service."

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