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
Greece	2018	Greece / Greek Council of Radio television/Decision No. 155/2018	https://diavgeia.gov.gr/f/esr	Racial or ethnic origin, Racial or ethnic origin	Greek Council of Radio television - ESR (Ελληνικό Συμβούλιο Ραδιοτηλεόρασης - ΕΣΡ)	The case concerns hate speech during a sports broadcasting. The host referred to a famous basket ball player with the derogatory terms 'negro' and 'ape'. The case was brought before the ESR by the General Secretariat of Human Rights (Ministry of Justice) and three citizens. The respondent broadcasting company was considered liable for the host's behaviour and forced to pay administrative fines and shut down their channel for 24 hours.	Two fines of 15.000 Euros each were imposed to the broadcasting company. Moreover, the company was ordered to shut down its channel for 24 hours and display a notification referring to the ESR decision.	The ESR acknowledged that the broadcasting company on 9-11-2018: a) violated its legal obligation to broadcast quality programmes, b) offended the person's value and personality, and c) allowed derogatory comments and the use expressive means which are capable of promoting discrimination on the basis of race.	The ESR decision is important as it is the first time the Authority has issued a decision punishing a broadcasting service for broadcasting hate speech. The decision refers to the obligation of broadcasting services to refraim from showing content which can incite hatred against groups based on their ethnic origin, religion or religious beliefs, sexual orientation, disability or race.	"Κατά αντικειμενική ωστόσο κρίση, η παρομοίωση του συγκεκριμένου αθλητή με «πίθηκο» ήταν από τη φύση της ικανή να ερμηνευθεί ως έχουσα ρατσιστικό χαρακτήρα καθώς ένα σημαντικό τμήμα του τηλεοπτικού κοινού ευλόγως θα υπέθετε ότι υπονοεί την εθνολογική καταγωγή και το χρώμα του αναφερόμενου καλαθοσφαιριστή. Αυτό ισχύει πολύ περισσότερο στην υπό κρίση περίπτωση, ενόψει του ρητού τρόπου με τον οποίον καταφέρθηκε ο παρουσιαστής της εκπομπής κατά του εμπλεκόμενου αθλητή: «Με έναν πίθηκο, εκείνος ο [...] πίθηκος είναι!». Τούτο δε ανεξαρτήτως του γεγονότος ότι η παρομοίωση ενός οποιουδήποτε ανθρώπου με πίθηκο προσβάλλει σε κάθε περίπτωση την τιμή και την αξιοπρέπεια του ατόμου." "Objectively, however, the likeness of this athlete to a "monkey" was by its nature capable of being interpreted as having a racist character as a significant part of the television audience would reasonably assume that it implied the ethnicity and colour of the basketball player mentioned. This is all the more so in the present case in view of the explicit way in which the presenter of the show managed the athlete involved: "With a monkey, that [...} Monkey is!" This is notwithstanding the fact that the likeness of any human being to a monkey infringes in every case the honour and dignity of the individual."

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