

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	2018	Serbia / Equality body/Commissioner for Protection of Equality/07-00-537/2018-02		Racial or ethnic origin, Religion	Commissioner for Protection of Equality (Poverenik za zaštitu ravnopravnosti)	The case concerns verbally abusive tweets that were posted by the Member of the National Assembly, Ms. Vjerica Radeta, who also serves as Vice President of the Serbian Radical Party. She posted two tweets with regard to the cultural festival "Mirdita, dobar dan". The aim of this festival is to induce intercultural dialogue, exchange and cooperation between Serbs and Albanians. The police secured the venue of the festival where members of the Serbian Radical Party tried to forcibly obstruct the festival and to assault organizers and participants. Ms. Radeta tweeted that the organizer of the festival, Ms. Sofija Todorovic is "an Albanian whore" and publicly condoned the verbal and physical attack against her and other organizers. In another tweet she stated that, "That Albanian whore went through the police cordon towards Serbian radicals. And then our Pedja burst onto the scene! He managed to spit at the center of her forehead. Look how she bounced back, as if she was hit by the bullet"! An NGO (Belgrade Center for Human Rights) submitted a complaint to the Commissioner for Protection of Equality arguing that the tweets in question constitute hate speech.	The complaint was dismissed.	Pursuant to the Commissioner's view the facts described in this case neither constitute discrimination nor hate speech. Namely, according to the Commissioner, tweets in question cannot be characterized as hate speech because they do not express ideas, information or opinion that incite discrimination, hatred or violence against Albanian national minority.	Key issue was whether offensive tweets that label someone as an "Albanian whore" and that condone violence against this person constitute hate speech or are rather a mere act of indecent communication. The Commissioner opined the later.	"Da bi u konkretnom slučaju bio izvršen akt diskriminacije potrebno je neopravdano pravljenje razlike ili nejednako postupanje zasnovano na ličnom svojstvu kao i da postoji uzročno posledična veza između ličnog svojstva i učinjenog akta diskriminacije [...] Tvit se ne može okarakterisati kao diskriminatoran jer nema uzročno posledične veze između izjave Vjerice Radete i bilo kog stvarnog ili pretpostavljenog ličnog svojstva Sofije Todorović [...] za utvrđivanje diskriminacije u konkretnom slučaju je jedino relevantno da li je navedena izjava upućena Sofiji Todorović zbog nekog njenog ličnog svojstva, dok utvrđivanje drugih motiva za iznošenje ovakvih stavova na društvenoj mreži, primera radi, produbljivanje već postojećeg konflikta između organizatora festivala i Srpske radikalne stranke i težnja da se izazovu negativna osećanja osobe kojoj je upućen tvit nije u nadležnosti Poverenika. Saglasno tome, smatramo da je izjava koju je Vjerica Radeta objavila mogla da se okarakterise kao krajnje neprimerena, sa nedostatkom kulturne komunikacije, ali nema obeležja govora mržnje [...] uvrede izrečene u javnoj sferi koje nisu u vezi sa ličnim svojstvima svakako predstavljaju veliki društveni problem ali i pored toga ne možemo nazvati diskriminacijom." (pages 2-3) "For an act of discrimination to be committed there must be unreasonable differentiation or unequal treatment on the basis of one's personal characteristics, as well as the causal relation between the act of discrimination and personal characteristics [...] the tweet in question cannot be deemed discriminatory as there is no causal relation between Vjerica Radeta's statement and any personal characteristic of Sofija Todorovic [...] for the act of discrimination to be proved it is only relevant whether the statement in question is directed to Sofija Todorovic because of her personal characteristics, whereas other motives for the expression of these attitudes on social networks, like for instance deepening the already existing conflict between festival organizers and members of the Serbian Radical Party as well as the inclination to trigger negative feelings of a person against whom the tweet was directed are not within the jurisdiction of the Commissioner. Accordingly, we are of view that the statement tweeted by Vjerica Radeta can be characterized as grossly indecent, lacking good manners in communication, but it does not constitute hate speech [...] libels expressed in public sphere unrelated to one's personal characteristics certainly represent a serious social problem but these nevertheless cannot be called discrimination. "

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