

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
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North Macedonia	2021	North Macedonia / Commission for Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација) / No.0801-413		Religion	Commission for Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација)	A natural person published a public Facebook post and a youtube video ridiculing and reactivising a tragic bus accident which happened in Bulgaria in November 2021, where 45 people from North Macedonia lost their lives. In this publicly shared post, the person stated that there should not be a national day of mourning and flying of flags half-mast because the persons that lost their lives "are not ours". The post stated: "looking at the list of names...majority are not even Albanians (note: he uses a slur for Albanians), but Torbseh, meaning Macedonian Muslim... these people claim that they are Albanian in order to use framework benefits (note: 'framework benefits' means rights arising from the Ohrid Framework Agreement), to enjoy the position of a minority in the Republic of Macedonia even though they are Macedonian. Yes, they are of Islamic faith, but they are our brothers who decided to lie about their ethnic origin and to make a pact with the Albanians. Maybe now they will come to their sense that blood is thicker than water and that they should be with their tribe, with their people." The equality body opened the case ex officio.	The CPPD can only give recommendations. It recommended that the person (1) deletes the parts of the videos where the disputed content was presented, (2) appologises for the published content, and (3) refrains from publishing such content in the future.	The Commission for Prevention and Protection against Discrimination (CPPD) seems to have based its main argument on two points. First, the fact that the person had reached a wide audience (60.000 people on Facebook and 2.700 people on Youtube). Second, the posts were created for more than one social media platform - Facebook and YouTube. The CPPD dealt with this case on an equal footing with other cases of spreading hate speech and harassing speech online.	This case is another case in the line of those where the CPPD deals with hate speech via the harassment and discrimination provisions as a way to provide some justice to the persons being exposed to hate speech, due to the lack of an effective protection mechanism via the legally foreseen procedure i.e. via the public prosecutor and the courts.	„Со оглед на фактот што видеото било објавено на повеќе платформи, но и поради тоа што бил овозможен простор за коментирање на социјалните мрежи, лицето [name redacted] креирал простор за ширење на говор на омраза и вознемирувачки говор врз припадниците на горенаведените заедници.“ "Considering that the video was published on several platforms, and that the option to comment was open, the person [name redacted] created space for spreading hate speech and harassing speech towards the persons belonging to the aforementioned communities."

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<http://fra.europa.eu/en/databases/anti-muslim-hatred/>

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