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

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Greece	2024	Greece / Three-Member Administrative First Instance Court of Athens (Section 13), Decision No. 6301/2024 (Τριμελές Διοικητικό Πρωτοδικείο Αθηνών (13ο Τμήμα), Απόφαση 6301/2024).		Migrant status	First Instance Administrative Court	The present case concerns a complaint of an MP against the National Radiotelevision Council (NRC) which imposed a 35.000 euros fine against him for hate speech targeting migrants, nationals from Afghanistan and Pakistan,refugees and asylum seekers by attacking them as Jihadists.The claimant alleged the decision was illegal and an affront to his personality and his right to freedom of speech and requested to be compensated for moral damages. The Court dismissed the case stating that the NRC decision was justified and no compensation is due.	The case was rejected and the claimant bore the costs of the case.	The Court cited relevant ECtHR case-law in order to establish that the right to freedom of speech is not absolute especially when it comes to hate speech and incitement to hatred. It then went on to examine that the NRC decision contained solid reasoning regarding the claimant's incitement to hate against migrants and asylum seekers, xenophobic rhetoric and for spreading fake news.The decision was therefore not illegal and the claimant should not be compensated.	The decision provides important precedent of legal interpretation. Specifically, the national Court clarified that when it comes to hate speech, intolerance and incitement to hatred, the right of Article 10 of the ECHR (freedom of expression cannot be successfly invoked to claim the illegality of a public authority's decision nor can it lead to compensation for moral damages.	"[Ε]ν όψει όλων των ανωτέρω, το Δικαστήριο κρίνει ότι το σκεπτικό της 126/2021 απόφασης της Ολομέλειας του Ε.Σ.Ρ., περί ρητορικής μίσους και δυσμενούς διάκρισης έναντι των μεταναστών, και περί μετάδοσης μηνυμάτων τηλεπώλησης, που μπορούν να παραπλανήσουν το τηλεοπτικό κοινό, εκ μέρους του ενάγοντος, παρίσταται νόμιμο κι επομένως ουδεμία, εν προκειμένω, προκύπτει παρανομία σε βάρος του, λόγω προσβολής της προσωπικότητάς του και ηθικής του βλάβης, εξαιτίας των οποίων στοιχειοθετείται ευθύνη των οργάνων του εναγόμενου Ε.Σ.Ρ., κατά τα άρθρα 105 του Εισ.Ν.Α.Κ. σε συνδυασμό με τα άρθρα 932, 57 και 59 του Α.Κ., καθιστώντας απορριπτέο, ως αβάσιμο, κάθε περί του αντιθέτου ισχυρισμό." "[I]n view of all of the above, the Court considers that the reasoning of the 126/2021 decision of the Plenary Session of the NRC, on hate speech and discrimination against immigrants, and on the transmission of telesales messages that may mislead the television audience, on the part of the plaintiff, is lawful and therefore no unlawfulness arises against the plaintiff, due to the insult to his personality and moral damage, for which the liability of the organs of the defendant NRC is established, in accordance with Article 105 of the Introductory Law of the Civil Code, read in conjunction with Articles 932, 57 and 59 of the Civil Code, thus rejecting as unfounded any claim to the contrary."

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