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
Serbia	2023	Serbia / Commissioner for Protection of Equality / 07-00-280/2023-02	https://ravnopravnost.gov.rs/353-23-u-postupku-po-prituzbi-utvrdjena-diskriminacija-na-osnovu-nacionalne-pripadnosti/	Nationality	Commissioner for Protection of Equality	The NGO Youth Initiative for Human Rights submitted a complaint to the Commissioner against the daily newspaper Srpski Telegraf, arguing that the headline "Albanians poison our children – they sell juice that causes cancer" incites prejudice against all Albanians and hatred against the mentioned social group. The article was published on 16 May 2023. After conducting the proceedings, the Commissioner found that the headline constituted discrimination, as it generalised and stigmatised an entire group of people while spreads hatred against members of the Albanian nationality. A/N: In the Serbian context, when discussing discrimination or hate crimes against Albanians, the identification of a person as Albanian in the public discourse is always automatically linked to their Muslim religious affiliation, as the majority of Albanians in Kosovo practice Islam.	The Commissioner for the Protection of Equality recommended Srpski Telegraf, along with its editor-in-chief and the responsible editor, to avoid publishing headlines or articles with discriminatory content that are intended to or lead to offending the dignity of individuals or groups based on their national affiliation or any other personal characteristic. This applies to all nationalities, including Albanian, and must be in accordance with the law. This interpretation could also be applied in cases of discrimination on the ground of any other personal characteristic, including religious beliefs.	The Commissioner issued an opinion stating that by highlighting national affiliation in the headline: "Albanians poison our children – they sell juice that causes cancer" violated the provisions of Article 12 in conjunction with Article 24 of the Law on Antidiscrimination. The Commissioner points out that emphasizing national affiliation in the headline is entirely irrelevant and does not contribute in any way to a better understanding of the topic. Instead, it draws attention to Albanian national identity in a negative context and creates a hostile environment.	Key issues clarified in this case include the application of anti-discrimination law in media reporting and the interpretation of hate speech. The Commissioner emphasised that highlighting national identity in the media does not contribute in any way to a better understanding of the topic and that it constitutes discrimination by fostering a hostile environment.	"Poverenik je preporučio Nezavisnim dnevnim novinama „BB", kao i VV glavnom uredniku i GG, odgovornom uredniku ovog medija da ne objavljuju naslove, kao ni tekstove, odnosno diskriminatorne sadržaje koji imaju za cilj ili predstavljaju povredu dostojanstva lica ili grupe lica na osnovu nacionalne pripadnosti kao ličnog svojstva, kako albanske, tako i bilo koje druge nacionalne pripadnosti ili nekog drugog ličnog svojstva u skladu sa zakonom, a naročito ako se time stvara strah, zastrašujuće, neprijateljsko, degradirajuće, ponižavajuće i uvredljivo okruženje." "The Commissioner recommended to the daily newspaper BB, as well as VV, the editor-in-chief, and GG, the responsible editor of this media outlet, to refrain from publishing headlines or articles containing discriminatory content aimed at or resulting in violating the dignity of an individual or a group based on their national affiliation as a personal characteristic—Albanian or any other national affiliation or personal characteristic — in accordance with the law. This is particularly important when such content creates fear or a threatening, hostile, degrading, humiliating or offensive environment."

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