FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS	**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	2021	[Serbia / The Commissioner for the Protection of Equality / 07-00-367/2021-02]()		Migrant status	The Commissioner for the Protection of Equality (Poverenik za zaštitu ravnopravnosti)	Two refugees from Iran filed a complaint against a bank that refused to open their account based on their refugee status in Serbia. The bank clerk told them that it was impossible to open an account with their refugee ID, due to “technical problems.” The case involved situational testing for evidence collection. The first tester was a Serbian-speaking foreigner with refugee ID, whom the bank also refused to provide services. The following day, the second tester, a Serbian citizen, managed to open an account in the same bank without any problems. The respondent bank argued that its policy did not exclude business with Iranian nationals, but that the bank had the right to choose its clients. The complainants submitted the Serbian National Bank Opinion stating that it is impossible for banks to exclude clients solely based on their nationality in order to mitigate business risks.	The Commissioner for the Protection of Equality found that the bank discriminated against Iranian refugees. It recommended to the bank to assess on individual basis whether clients meet requirements prescribed by law, without making sweeping generalizations based on someone’s personal characteristics. Going forward, the bank shall be observing the anti-discrimination laws. The case is closed.	The Commissioner for the Protection of Equality opined that the bank discriminated against Iranian refugees. Pursuant to the national laws and the Serbian National Bank Opinion, banks may refuse the clients’ requests only based on concrete and substantiated business risk. However, the bank in question did not assess any risk in this case nor it provided evidence on why differential treatment of Iranian refugees would be justified. The bank bore the burden of proof in demonstrating that there were reasonable and lawful grounds for denying services to Iranian refugees and that its business was not driven by negative stereotypes.	The key issue was whether the bank discriminated against Iranian nationals by refusing to open their account because they presented a refugee ID, or it had a justified reason for doing so.	(...) Повереникy није достављен ниједан доказ да банка ступа у пословне односе са лицима која су пореклом из Ирана. С тим у вези, оправдан разлог за одбијање услуге у конкретном случају би постојао уколико је банка проценила висок ризик при успостављању пословног односа, а није могла да примени појачане радње и мере, у складу са законом и инретним актом банке (...) Одељак 3. (...) the Commissioner did not receive any evidence showing that the bank performed business with Iranian nationals. In that regard, the justified reason for denying bank’s services would have existed had the bank assessed that the risk of doing this business was high, and was not able to apply enhanced measures to mitigate it, in line with law and internal bank’s regulations (...) Section 3.

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