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
Italy	2012	Italy / Ordinary Court of Milan / Decision no. 16945	http://old.asgi.it/public/parser_download/save/trib_milano_ord_22032012_16945_2011.pdf	Racial or ethnic origin	Ordinary Court of Milan (Tribunale di Milano)	The director and the management board of a bank discriminated and used hate speech against the complainant and other colleagues because of their ethnic origins on several occasions. This conduct, besides being an example of discrimination and hate speech, contributed to the creation of an threatening environment on the workplace, also considering the role and power of the perpetrators compared to the position of the discriminated employee. The conduct was reported to the Public Prosecutor.	The company were condemned for racial harassment and to a EUR 5,000 fine to be paid to the victim. The company was also condemned to the compensation of the judicial proceeding expenses. The Court also decided that the legal representative of the company is compelled to ensure that the racist conduct is stopped and to affix in the company's offices a public notice condemning any form of racist and discriminatory conduct.	According to the Court, the conduct of the perpetrators is to be considered racial harassment to the detriment of the complainant. In fact, such conduct has been proven with sufficient certainty and contributed to the creation of an unsafe environment at the workplace.	This case is relevant because it is one of the first judicial decision which applies the EU Directive 2000/43/EC. Moreover, the Court stressed the potential impact of discriminatory conduct in the workplace also considering the power employers have compared to their employees. Moreover, the Court stressed a crucial principle of the above-mentioned directive (art. 8), that is "it shall be for the respondent to prove that there has been no breach of the principle of equal treatment". In this case, the perpetrators could not prove that their conduct could not be considered discriminatory.	"I predetti comportamenti integrano sicuramente delle molestie o, quantomeno, dei comportamenti indesiderati a sfondo razziale aventi lo scopo e, sicuramente, l'effetto di violare la dignità personale del ricorrente e delle altre persone di colore o, comunque, straniere presenti in azienda, creando nel contempo un clima lavorativo umiliante e offensivo tenuto conto del loro diretto ed esplicito riferimento alla razza e al colore del ricorrente e ai conseguenti minori diritti riconoscibili ... in capo allo stesso [...] la sussistenza e la rilevanza giuridica di tali condotte e del conseguente clima offensivo e umiliante creatosi nell'ambiente lavorativo della resistente trova ulteriore conferma nelle posizioni apicali ricoperte dai soggetti agenti, di per sé sole idonee a condizionare anche l'operato e i comportamenti degli altri dipendenti sia italiani che stranieri" "The above-mentioned conducts surely represent harassment or, at least, unwanted racist conducts having the purpose and, surely, the effect of violating the personal dignity of the complainant and of the other people of colour or, in any case, foreigners working for the company, at the same time creating a work environment that was humiliating and offensive also considering the direct and explicit reference to the race and colour of skin of the complainant and to the inferior rights he could benefit from"

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