

## 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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| Spain        | 2015 | <a href="#">Spain / High Court of Catalonia, Contentious Administrative Court Section 5</a> | <a href="https://dades.naciodigital.cat/redaccio/larxius/documents/1423227185361-14_auto_suspensio_n.pdf">https://dades.naciodigital.cat/redaccio/larxius/documents/1423227185361-14_auto_suspensio_n.pdf</a> | Religion, Sex/Gender | High Court of Catalonia, Contentious Administrative Court (Tribunal Superior de Justicia de Catalunya) | The Civic Behaviour Ordinance of the city of Reus (Tarragona, Catalonia), approved on 21 July 2014, established that it was not allowed to access municipal buses or facilities wearing "the full veil, burka, niqab, balacava, integral veil (...) or other clothing or accessories that prevent or hinder identification (...)". | The High Court of Catalonia has decided to suspend those two articles (10.4 and 44) of the Civic Behaviour Ordinance of the city of Reus. The Court noted that there was no change in the legislation and it therefore applied the reasoning of the Supreme Court's ruling in a similar case in Lleida that cancelled the Lleida City Council Ordinance banning the wearing of full-face veils in public city spaces. | The fundamental argument contained in the judgment was that the use of the veil by some women is part of their religious freedom, which is a fundamental right recognized by the Spanish Constitution (Art. 16), that can only be further regulated by parliament legislation. The Catalonia High Court noted that the Ordinance of Civic Behaviour of Reus is equal to the Ordinance of Lleida City Council (see STS 693/2013). The judgment nullified the City Council Ordinance because the City Council did not have the authority to limit freedom of religion. | The associations (especially Islamic cultural associations) requested the suspension of these articles because they violate their right to religious freedom and discriminate against them. All municipal ordinances prohibiting the wearing of the burka in public spaces are thus deemed to be unconstitutional. | "...por vulneración del derecho de libertad religiosa, art. 16.1 CE, al no existir Ley previa con base a la que pudiera limitarse el ejercicio de tal libertad en lo relativo al uso del atuendo cuestionado....." "...tanto en cuanto al reconocimiento de la competencia del Ayuntamiento de Lleida para establecer tal limitación, como a las razones materiales para aceptar dicha limitación..." "...for violation of the right to freedom of religion, article 16.1 SC, there is no prior law as basis which might constrain the exercise of such freedom with regard to the use of the questioned attire, being rejected ..." "... both in terms of the recognition of the jurisdiction of the Lleida City Council to establish such limitation, and the material reasons for accepting such limitation ..." |

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