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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North Macedonia	2017	North Macedonia / Commission for Protection Against Discrimination / 03-196/1		Religion	Commission for Protection Against Discrimination	The case concerns discrimination based on religion or religious beliefs. Young girls from elementary schools in the city of Ohrid, wearing religious symbols or insignia, were excluded from the educational process, and discriminated against on the basis of religion or religious beliefs. The Commission for Protection against Discrimination received information about the case and issued the general recommendation on equality in relation to the freedom of religion.	The outcome and general recommendation of the Commission for Protection against Discrimination to all educational institutions was that they must respect the freedom of religious expression. They must also ensure equal treatment of all pupils and students regardless of their religion or religious beliefs.	The Commission for Protection against Discrimination argued that the prohibition of wearing religious symbols or insignia in the schools is considered direct discrimination based on religion or religious beliefs. The CPAD also found that this could be indirect discrimination – a neutral rule which disproportionately affects persons with a specific protected characteristic. It was further argued that the wearing of religious insignia is considered by the constitution of the RNM, ICCPR and the ECHR as basic human right to religion or religious belief. The CPAD argued possibility for limiting of this freedom, cited the ICCPR and the ECHR as sources that “freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others”.	One of the basic issues was the content of the freedom of religion. As stated by the Commission, "[f]reedom of religion has many forms, and one of those is wearing religious insignia". The second key issue was that the limitation of this was not necessary for the protection of public safety, order, public health, moral or the rights and freedoms of others. The general recommendation (GR) was the unique intervention by the CPAD, because under the Law on Prevention and Protection against Discrimination in force at the time, the Commission did not hold a competence to issue GR.	"Слободата на вероисповест се манифестира во различни форми, меѓу кои е и носењето на верски симболи (religious insignia). Ограничувањето на носење на верски симболи во училиштата за припадниците на било која религија предвидена во Уставот на РМ, претставува форма на дискриминација по основ на вероисповест. Се разбира, Комисијата е свесна дека слободата на вероисповест може да се ограничи, меѓутоа ограничувањата мора да бидат предвидени со правото (закон или подзаконски акти), и мора да се неопходни за заштита на јавната безбедност, јавниот ред, јавното здравје, моралот или правата и слободите на другите (Меѓународен пакт за граѓански и политички права, член 18, став3; Европска конвенција за човековите права, член 9, став 2). " "Freedom of religion can be manifested in various forms, including by wearing of religious symbols (religious insignia). The limiting of the wearing of religious symols in the schools for persons from any religion in accordance with the Constitution of RM is a form of discrimination on grounds of religion. Of course, the Commission is aware that the freedom of religion may be limited, but these limitations should be established under the law (statutes and bylaws) and must be necessary for the protection of public safety, order, public health, moral or the rights and freedoms of others [note: cites ICCPR, Art.18(3) and ECHR, Art.9(2)0." North Macedonia/ Commission for Protection Against Discrimination / 03-196/1

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