

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
Romania	2017		Romania / National Council for Combatting Discrimination / casefile no. 325/2017, decision 493/2017	Racial or ethnic origin, Religion	National Council for Combatting Discrimination (CNCD)	The case refers to a public servant who advances to a managerial position in local administration, despite regularly publishing negative views on ethnic and religious minorities. The petitioner claims that the defendant was appointed as Head of the Office for education, culture, sports and society in Cluj-Napoca City Hall, despite a well-known negative stance on ethnic and religious minorities. Ex: "The refugee crisis is actually an organized Muslim invasion". According to the complainant, this intolerant discourse is contrary to the convictions and values that public authorities should promote and triggered a wave of negative reactions, affecting the administration's impartiality.	Although no sanction is applied, an important recommendation is issued to the National Agency of Public Servants. Furthermore, CNCD rejected the exception lodged by the defendant – in this case, Cluj Napoca City Hall, which was claiming CNCD has no competence on the matter as it regards strictly the working relations between an appointed public servant and his employer.	The public servant concerned was recruited through an open competition. Publications and opinions of the individual were expressed outside of working hours, in line with his personal convictions, and not while on duty. CNCD concludes that, while there are elements of incitement to hatred towards minorities, it is not a situation of „clear and present danger”. In a democratic society, there is no need for imposing restrictions to freedom of expression in such cases. However, CNCD recommends the National Agency of Public Servants to take into account, in future recruitment processes, the moral profile of the applicants and their views on non-discrimination.	The facts reported cannot be seen as amounting to discrimination; they are a mere statement of opinions based on personal convictions and pertain to the right to freedom of expression. Nevertheless, it should be noted that the CNCD recommends to the National Agency for Public Servants to consider, in future recruitment processes, the moral profile of the candidates, in particular their views on non-discrimination, equal opportunities and treatment.	"Colegiul director recomandă Agenției Naționale a Funcționarilor Publici ca pe viitor, în cadrul recrutării funcționarilor publici să se țină cont și de profilul moral al candidatului cu privire la principiile nediscriminării și asigurării egalității de șanse și tratament". (P.5, para. 4 of the Decision). "The Steering Board recommends to the National Agency of Public Servants that in the future, during the selection process for public servants, the moral profile of the candidates and their views on non-discrimination and equal opportunities are given due consideration".

DISCLAIMER The information presented here is collected under contract by the FRA's research network FRANET. The information and views contained do not necessarily reflect the views or the official position of the FRA.

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

Copyright © 2026 European Union Agency for Fundamental Rights