

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	2017	Serbia / Independent Body/Commissioner for Protection of Equality/07-00-211/2017-02	http://ravnopravnost.gov.rs/en/opinion-regarding-the-complaint-logged-by-a-non-governmental-organization-p-b-against-srbija-voz-shareholders-company-beograd/	Migrant status	Commissioner for Protection of Equality (Poverenik za zaštitu ravnopravnosti)	The complaint was filed against Serbian public railway company "Srbija voz" by a non-governmental organization (Asylum Protection Center). The complainant stated that a ticket inspector at the Main Railway Station in Belgrade had refused on two occasions to allow unaccompanied minors from Afghanistan, as well as dozens of other migrants, to board the train. Even though unaccompanied minors were in possession of valid train tickets, the ticket inspector stated that they could only board the train under one additional condition, "if they are clean and tidy". Prior to this case the Commissioner has already established that the same railway company had discriminated against migrants by not allowing them to purchase train tickets. Hence, the railway company was obligated to issue special instructions regarding procedures involving transportation of migrants which would ensure an equal treatment of migrants.	The Commissioner for Protection of Equality issued a recommendation to the public company "Srbija voz" to inform its employees about the instructions regarding procedures involving transportation of migrants, within a period of 15 days following the receipt of the Commissioner's opinion. The Commissioner also recommended the railway company to refrain from violating anti-discrimination rules in the course of its future regular work. If the company fails to comply with recommendations, the Commissioner may issue a public warning that may be disseminated in different media.	The Commissioner for Protection of Equality found that the public railway company "Srbija voz" violated provisions of Article 6 in relation to Article 17 of the Law on the Prohibition of Discrimination by imposing additional conditions on minors from Afghanistan that are normally not imposed on other citizens who want to board the train. The complaint regarding other migrants was not sufficiently corroborated.	The key issue was whether there is any law or internal regulation of the railway company that allows for a differential treatment of unaccompanied minors from Afghanistan in the present case or if they were refused to board the train solely on the basis of their personal characteristics - being asylum seekers. For instance, the Law on Contracts in the Railway Traffic stipulates that a passenger whose behavior is disturbing (e.g. due to the use of alcohol or drugs, or due to indecent behavior) can be refused to board the train. In the present case it was not proven that the asylum seekers acted in any manner that is disturbing.	"Poverenik za zaštitu ravnopravnosti smatra da su zaposleni u „Srbija voz“ a.d. Beograd, 14. marta i 24. aprila 2017. godine postupali suprotno odredbama Zakona o zabrani diskriminacije, odnosno da su maleoletnim tražiocima azila bez pratnje dozvali, odnosno, onemogućili ulazak u voz na relaciji Beograd - Sid sa polaskom u 15:30 časova na osnovu njihovog ličnog svojstva. Pored toga, namećanje posebnih uslova da na relaciji Beograd - Sid putuju vozom koji polazi u 10:55 časova i da budu čisti i uređni koji se ne traže od drugih lica je u suprotnosti sa članom 17. Zakona o zabrani diskriminacije. Takođe, namećanje uslova da budu „čisti i uređni“ predstavlja povredu dostojanstva ovih lica i stvara uvredljivo okruženje."* The Commissioner for the Protection of Equality deems that employees of the "Srbija voz" company did not comply on 24th of April with the Law on the Prohibition of Discrimination by obstructing and preventing unaccompanied minors from Afghanistan to board the train, going from Belgrade to Sid at 15:30h, on the basis of their personal characteristics. Besides, the imposition of additional conditions that they need to be clean and tidy if they intend to board the train Belgrade - Sid departing at 10:55h that is not required for other passengers is in contravention with Article 17 of the Law on the Prohibition of Discrimination. The imposition of the condition to be "clean and tidy" infringes upon the dignity of these persons and creates an insulting and humiliating atmosphere."

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