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	2018	North Macedonia / Commission for Protection Against Discrimination / 07-1179/1		Religion	Commission for Protection Against Discrimination	The case concerns discrimination on grounds of religion or religious beliefs. A Muslim woman was refused service and asked to leave the restaurant 'Portofino Osteria' because she was wearing a religious headscarf known as a hijab. The woman reported the issue to the Helsinki Committee for Human Rights of the Republic of Macedonia. The case was then taken to the Commission for Protection against Discrimination, which ruled in favour of the woman, and confirmed the discrimination based on religion or religious beliefs.	The Commission for Protection against Discrimination ruled that within 30 days the restaurant and bar Portofino Osteria should remove any violation of the rights of the victim, with the recommendation not to act in a discriminatory way in the future. Also a mandatory part of the ruling requires the restaurant to inform the Commission regarding the implementation of the ruling.	The Commission for Protection against Discrimination argued that forbidding or refusing someone access to goods and services because of wearing the hijab is discrimination based on religion or religious beliefs. It was further argued that the refusal of services and goods as a result of any discriminatory action is covered by article 4 of the Law on Prevention and Protection against Discrimination. The wearing of religious headscarves is considered to be a basic human right by the Commission.	One of the key issues was whether there had been a direct or indirect act of discrimination by the restaurant employees, such as forbidding or refusing someone access to goods and services because of wearing the hijab. This constitutes discrimination based on religion or religious beliefs. The Commission found that the restaurant management did not deny any of these allegations; it was clearly identified as a notorious act of direct discrimination.	"Комисијата констатира дека подносителката на претставка е дискриминирана по основ на религија и верско уверување во областа на пристап до добра и услуги. [...] Ако однесувањето на вработените лица во ресторанот спрема подносителот е поради неговата религија и верско уверување, тоа би претставувало дискриминација. Тоа се утврдува и од фактичката состојба, односно со тоа што само после 10 минути е дозволен влез на другите лица кои што не носеле хиџаб и на истите не им била побарана резервација." "The Commission notes that the applicant has been discriminated on grounds of religion or religious belief in the field of access to goods and services. [...] If the behaviour of the restaurant employees towards the applicant is because of her religion and religious belief, then it would consitute discriminatory behaviour. This can be considered as established based on the facts, since only 10 minutes later entrance was allowed to other persons not wearing a hijab and they were not asked for a reservation." North Macedonia/ Commission for Protection Against Discrimination / 07-1179/1

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