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
Netherlands	2019	Netherlands / Administrative High Court / 17/2755 PW	https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:CRVB:2019:481	Religion	Netherlands / Administrative High Court	A muslim man receives social assistance benefit from the municipality of Tilburg. If you receive social assistance, you are obliged to make use of the possibilities offered by the municipality to get a job or to increase the chances of finding a job, for example by attending a training course. The muslim man attend each friday afternoon the mosque out of religious convictions. He was offered a trainee ship during which he had to work also on Friday afternoons. The municipality reduced the benefit because he wished to visit the mosque on Friday afternoons. The Administrative High Court ruled that the wish to visit the mosque on Friday afternoons falls within the scope of freedom of religion. The obligation to work Friday afternoons is therefore a violation of the freedom of religion. The municipality of Tilburg should not have reduced the Muslim's social security benefit.	The municipality of Tilburg should not have reduced the social assistance benefit of a Muslim man because of his refusal of traineeship during which he had to works on Friday afternoons.	A Muslim man who receives social assistance benefit is not obliged to accept a trainee ship during which he had to work on Friday afternoon, because the wish of the Muslim man to visit the mosque on Friday afternoons falls within the scope of freedom of religion. A reduction of his benefit because of his refusal to accept a traineeship constitutes a violation of freedom of religion.	A person who receives social assistance benefit is not obliged to accept work or a traineeship on days or hours in which he fulfills a religious duty.	"Om in de onderhavige casus de bescherming van artikel 9 van het EVRM, in het bijzonder de vrijheid van godsdienst of overtuiging, te kunnen inroepen, dient sprake te zijn van een gedraging die kan worden aangemerkt als het belijden van een godsdienst of overtuiging. Tussen partijen is niet in geschil dat de wens van appellant om de moskee te bezoeken, is gebaseerd op zijn geloofsovertuiging. De door het college aan appellant opgelegde verplichting om op (alle) vrijdagmiddagen te werken, belemmert appellant structureel in het moskeebezoek. Het opleggen van deze verplichting vormt een inbreuk op het recht op godsdienstvrijheid." "In order to invoke Article 9 of the ECHR, the freedom of religion or belief, in the present case, there must be behaviour that can be regarded as the practice of a religion or belief. It is not disputed between the parties that the appellant's wish to visit the mosque is based on his religious conviction. The obligation imposed on the appellant by the Municiplaity to work on (all) Friday afternoons structurally impedes the appellant's visit to the mosque. Imposing this obligation is a violation of the right to religious freedom." The Netherlands, Administrative High Court (Centrale Raad van Beroep) (2019), Case no. 2 17/2755 PW, 26 February 2019, ECLI:NL:CRVB:2019:481, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:CRVB:2019:481

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

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