

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
Croatia	2019	Croatia / Constitutional Court / U-III-424/2019 U-III-1411/2019	https://www.iusinfo.hr/sudska-praksa/USRH2019B424AIII	Migrant status	Constitutional Court of the Republic of Croatia (Ustavni sud Republike Hrvatske)	The Constitutional Court dismissed the complaint of the applicant from Iraq filed on the judgment of the High Administrative Court therefor confirming its judgment and rejecting the applicant request for annulment of the decision rejecting the subsequent request for international or subsidiary protection. The applicant has not proved that he would be a victim of persecution within the meaning of Articles 20 and 21 of the International and Temporary Protection Act. Although the applicant considered that he had been discriminated against in administrative proceedings and administrative disputes, the Constitutional Court considers that such objections are unsubstantiated.	The Court ruled the dismissal of the complaint stating there has been no violation of Art. 21 and 23 of the Constitution in conjunction with Art. 2 and 3 of the Convention. Regarding the alleged violation of the constitutional and conventional prohibition of discrimination, the Court states it is substantially unfounded. Regarding the alleged violation of the conventional and fundamental right to an effective legal remedy in connection with the non-refoulement principle and the constitutional prohibition of the expulsion of foreigners legally staying in the Republic of Croatia, the Court concludes that Art. 33 par. 2 of the Constitution has not been violated in the present case.	When explaining the violation of the constitutional and conventional prohibition of discrimination, the applicant objected to the way in which the evidence was assessed. The fact that the state bodies grant protection to some asylum seekers from Iraq and not to others (case-by-case assessment) does not constitute evidence of unequal treatment on any of the grounds of discrimination under the Convention, the Constitution or the law. The Constitutional Court points out that the applicant has in no way proved the existence of such unequal treatment in comparable situations, i.e. by referring to the specific decisions of these bodies in other cases of international or subsidiary protection.	One of the issues of this case was whether the procedure in which the state bodies granting protection to asylum seekers (Ministry of Interior, courts) in case-by-case assessment constitutes unequal treatment. The Constitutional Court ruled that the applicant did not prove the existence of unequal treatment in comparable situations for asylum seekers from Iraq.	"...sama činjenica da Ministarstvo i sudovi nekim tražiteljima zaštite iz Iraka odobravaju zaštitu, a drugima je ne odobravaju, na temelju procjene svakog pojedinačnog slučaja zasebno, ne predstavlja još uvijek prima facie dokaz o postojanju nejednakog postupanja po nekoj od Konvencijom, Ustavom ili zakonom određenoj osnovi diskriminacije." "...the mere fact that the Ministry and the courts grant protection to some asylum seekers in Iraq and do not grant it to others, based on an assessment of each individual case, is not yet prima facie evidence of unequal treatment under any Convention, Constitution or law based on discrimination."

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