

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
Bulgaria	2020	Bulgaria / Supreme Administrative Court / Decision No 206 of 21 January 2020 on administrative case No 1934/2019	https://info-adv.justice.bg/courts/portal/edits/osfile_act.asp?id=926855&code=vag&guid=1679702752	Religion	Supreme Administrative Court (Върховен административен съд)	The case concerns harassment on the grounds of religion and disability. The defendant was found guilty of verbally and physically attacking one of his employees in the presence of two of their colleagues. The victim, a Muslim man suffering from diabetes, was called 'scumbag' 'nasty Turk' and 'dirty Gypsy', and was hit several times on the head and body. For the facts of the case see Administrative Court of Lovech / Decision No 152 of 5 December 2018 on administrative case No 264/2018 (https://legisacts.justice.bg/Search/GetActContentByActId?actId=Оаоо933...)	The Supreme Administrative Court (SAC) repealed the decision of the lower instance court and confirmed the initial decision of the Commission for Protection against Discrimination (CPD), which found the defendant guilty of harassment on the grounds of religion and disability and sanctioned him by a fine of BGN 500 (approximately €250).	The Supreme Administrative Court found that the victim's religion and disability were the main reasons for the aggressive behaviour of the defendant. According to the court, the decision of the defendant to verbally and physically attack that particular person was motivated by the religious preferences of the victim, who was the only Muslim in the group. Furthermore, according to the court, the manner, in which the victim was attacked, was aimed at intimidating the victim specifically because of their religion.	One of the key issues was the assessment of the defendant's motivation. After the incident, the victim first approached the Commission for Protection against Discrimination (CPD), which, after examining the case, found that the defendant's behaviour was motivated by two factors: the victim's Muslim religion and the victim's health. The court, before which this decision was appealed, issued the opposite decision arguing that the conflict between the two persons was of personal nature and was not related to the victim's religion or disability. Finally, the Supreme Administrative Court (SAC), acting as a last instance, disagreed with the lower court's conclusions, repealed its judgment and confirmed the initial decision of the equality body.	"Изборът на Р. като обект за дискриминиране в случая е обусловен от неговите религиозни предпочитания (мюсюлманин и единствен изповядващ религия „ислям“) в процесната среда), а установените специфични действия на дискриминатора, предвид техния характер, са имали за цел да предизвикат чувство на унижение на основание именно този признак, съчетан с признака „увреждане“. В случая релевантния факт на самоопределянето на Р. като мюсюлманин, изповядващ религия – в случая ислям, е бесспорен поделото, както и знанието за това от дискриминатора П. “ "The choice of R. as a target of discrimination in this case was determined by his religious preferences (he is Muslim and is only one professing Islam in the situation in question), and the established specific actions of the discriminator, given their nature, were intended to cause a sense of humiliation precisely on the basis of this ground, combined with the ground "disability". In this case, the relevant fact of R.'s self-identification as a Muslim, professing a certain religion – in this case Islam, is indisputable, as is the awareness of this of the discriminator P."

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