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
Romania	2020	Romania / National Council for Combatting Discrimination / casefile no. 850/2019 decision 65/2020	https://www.cncd.ro/wp-content/uploads/2021/01/Hotarare-65-2020-2.pdf	Religion	National Council for Combatting Discrimination (CNCD) (Consiliul National pentru Combaterea Discriminarii)	The plaintiff is serving an 8-year prison sentence. He is Muslim and an Albanian citizen. Although he does not speak Romanian, he had not received the Internal "House Rules" (Regulation) of the Penitentiary in his mother tongue, nor had he receive any other information in a language that he could understand. He filed several petitions with the management of the Penitentiary (written by his colleagues), requesting to be allowed to work, but these were ignored. He also requested food that was adequate /specific to his religious beliefs but was denied this right. He was denied participation in sports activities.	The complaint was declared inadmissible based on an exception of lack of competence of the institution (CNCD).	CNCD found that, as an Equality Body, it has no material competence in matters related to the regime of execution of prison sentences. CNCD deferred its legal competence towards the Judge in charge of supervising the deprivation of liberty.	The case raises a key issue of CNCD's material competence, and the absence of a referral mechanism between the Equality Body and other institutions - in this situation, a judicial authority in charge of supervising the regime of criminal detention.	"Potrivit prevederilor Legii nr. 254 din 19 iulie 2013 (...), Colegiul director constată că plângerea nu este de competența Consiliului Național pentru Combaterea Discriminării (...). CNCD (...) nu se poate pronunța sine qua non asupra aspectelor ce privesc persoanele condamnate la pedepse privative de libertate, acestea pot trimite plângeri către judecătorul de supraveghere a privării de libertate." "According to the provisions of Law no. 254 of July 19, 2013, (...) the Steering Board finds that the complaint does not fall within the competence of the National Council for Combating Discrimination (...). CNCD (...) cannot rule sine qua non on issues concerning persons sentenced to custodial measures of punishment, they can send complaints to the judge supervising deprivation of liberty".

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