

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	2021	Bulgaria / Supreme Administrative Court / Decision No 7027 of 10 June 2021 on administrative case No 9978/2020	https://info-adc.justice.bg/courts/portal/edis.nsf/e_act.xsp?id=1658703&code=vas&guid=2134651084	Religion	Supreme Administrative Court (Върховен съд)	The case concerns discrimination on the grounds of religion. A Muslim man serving a prison sentence claimed compensation for damages caused by the prison administration's failure to provide him with food in accordance with his religion. On his admission to prison, the applicant informed the administration that he practised Islam and requested that his diet not include pork. The prison administration did not respect the prisoner's wishes, which caused him to experience negative emotions - feelings of neglect, oppression and rejection.	The court concluded that the prison administration's failure to provide the applicant with food in accordance with his religion constituted indirect discrimination on the grounds of religion and awarded him a compensation of BGN 330 (approximately €165) in respect of non-pecuniary damage.	The court concluded that, by not providing the applicant with food in accordance with his religion, the prison administration had committed an act of discrimination on the ground of religion. As a result of the unlawful failure to act on the part of the prison administration, the applicant suffered non-material damage. The violation lasted eight months, during which the applicant suffered inconvenience as a result of not being treated in accordance with his religious beliefs.	A key issue clarified by the case is the relationship between the powers of the national equality body and the court. Before seeking redress from the court, the applicant had lodged a complaint with the Commission for Protection against Discrimination, which had found discrimination and had issued binding instructions to the prison administration. According to the court, although the equality body is not authorised to award compensations, its decision that the case constituted discrimination is binding on the court before which the compensation claim was brought.	“Бездействието на началника на затвора е незаконно именно, защото води до неблагоприятно третиране на засегнатото лице по смисъла на § 1, т. 7 от допълнителните разпоредби на Закона за защита от дискриминация. Вследствие незаконното бездействие на началника на затвора лишеният от свобода е понесъл немуществени вреди. Съдът е приложил точно материалния закон, като е присъдил обезщетение за осем месечния период, през който ищецът търпял неудобства, поради това, че не е бил третиран съобразно религиозните му убеждения.” “The prison governor's failure to act is unlawful precisely because it results in unfavourable treatment of the person concerned within the meaning of § 1(7) of the additional provisions of the Protection against Discrimination Act. The prisoner has suffered non-pecuniary damage as a result of the unlawful failure to act by the prison governor. The Court applied the substantive law correctly in awarding compensation for the eight-month period during which the applicant suffered inconvenience as a result of not being treated in accordance with his religious beliefs.”

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