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
Bulgaria	2022	Bulgaria / Regional Court - Stara Zagora / Decision No 216 of 6 April 2022 on civil case No 5629/2021. ECLI:BG:RCS53:2022:20210105629.001	https://legalacts.justice.bg/Search/Details?actId=bQLaKM6SOpA%3D	Religion	Regional Court - Stara Zagora (Районен съд - Стара Загора)	The case is about harassment on the grounds of religion. A Muslim man serving a prison sentence claimed compensation for damages caused by two other inmates, both Christians, who prevented him from practising his religion. The alleged offenders shouted "Allah and Mohammed are terrorists" and "Islam is a religion of terrorists" while the applicant was praying, gagged him, pulled away his prayer rug, removed the ritual prayer cap from his head, spat on his religious books and kicked them out of his hands, touched him and his books with a pigtail soaked in lard, made him kiss a Christian cross and bible, and forced him to eat and drink water during daylight hours during the holy month of Ramadan.	The court concluded that the behaviour of the defendants constituted harassment on the grounds of religion, ordered them to discontinue the violation and refrain from discriminatory actions in the future, and sentenced them to pay the applicant a compensation of BGN 800 (approximately €400) in respect of non-pecuniary damage. The decision was appealed before and upheld by the second-instance court. The decision of the second-instance court is available at https://legalacts.justice.bg/Search/Details?actId=CC1Y1fqhuQI%3D.	The court concluded that the actions of the alleged offenders clearly showed their negative attitude toward the applicant's religion. By using insulting words, threats and physical violence, they intended to undermine the victim's dignity and self-esteem and create an abusive and humiliating environment for him. The defendants' actions and statements were beyond the permissible negative attitude toward another religion, conveying a clear and unambiguous message attributing negative characteristics to the entire Muslim community and stigmatising the entire Muslim population. Such a generalisation could undoubtedly impugn and undermine the dignity of any representative of the affected religious group and inevitably violated the human dignity of people who identify as Muslims.	The key issue clarified by the cases is the interpretation of the definition of harassment vis-à-vis the definition of discrimination. The court noted that, in line with the applicable EU law, harassment is a specific manifestation of direct discrimination that, unlike other forms of discrimination, does not require a comparison with the treatment of other persons in a similar situation. Thus, in the case of the applicant, it was irrelevant whether the defendants had prevented other inmates from practicing their religion. According to the court, the proceedings should focus on the purpose and the results of the defendants' actions, both defined in line with Directive 2000/43/EC as violating the dignity of the person and creating a hostile, offensive or intimidating environment.	"По своето естество, процесните действия и дори изявления на ответниците надхвърлят допустимото в случая тяхно отрицателно отношение към друга религия. Използваните изрази средства "Аллах и Мохамед са терористи" и други цитирани свидетелски показания носят ясното и недвусмислено послание, че негативните характеристики се приписват на цялата мюсюлманска общност посредством използвания похват на обобщаването. Без съмнение изрази като: "Аллах и Мохамед са терористи", "Ислямът е религия на терористи", "Няма нужда от ислямската ти милостиня" не могат да бъдат тълкувание по друг начин освен като стигматизиращи и представящи цялото мюсюлманско население под знака на негативната, осъдителна оценка. По този начин се създава внушението и се отправя посланието, че описаните негативни свойства се отнасят до всеки един от представителите на тази общност. Подобно обобщаване на личностите на всеки, който се самоопределя като мюсюлманин без съмнение може да накърни и накърнява достойнството на представителите на религиозната група, като съшевременно допринася за създаването на трайно негативни, потенциално враждебни и конфликтогенни нагласи, насажда отношение на недоверие и нетърпимост в обществото спрямо всеки представител на ислямската религия. Това неминуемо унизява, а следователно и накърнява чувешкото достойнство на хората, които се определят като мюсюлмани, защото ги представя с колективния, стигматизиращ образ на правонарушителя." "By their very nature, the defendants' actions and even statements go beyond the permissible negative attitude toward another religion in this case. The expressions "Allah and Muhammad are terrorists" and other quoted testimony convey the clear and unmistakable message that negative characterisations are being attributed to the entire Muslim community through the generalisation approach employed. There is no doubt that expressions such as "Allah and Mohammed are terrorists", "Islam is a religion of terrorists", "There is no need for your Islamic alms" cannot be interpreted in any other way than as stigmatising and presenting the entire Muslim population under the sign of the negative, judgmental evaluation. In this way, the suggestion is created and the message is sent that the negative characteristics described apply to every single member of this community. Such a generalisation of the personalities of anyone who identifies as Muslim can undoubtedly undermine and damage the dignity of the representatives of the religious group, while contributing to the creation of lasting negative, potentially hostile and conflictual attitudes, instilling an attitude of distrust and intolerance in society towards any representative of the Islamic religion. This inevitably demeans, and therefore violates, the human dignity of people who identify as Muslim because it presents them with the collective, stigmatising image of delinquents."

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