

## 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| Bulgaria     | 2021 | <a href="#">Bulgaria / Administrative Court - Pazardzhik / Decision No 924 of 15 December 2021 on administrative case No 340/2021, ECLI:BG:AO715:2021:20210700340-001</a> | <a href="https://legalsacts.justice.bg/Search/Details?actId=vwmxp0lvWVc%3D">https://legalsacts.justice.bg/Search/Details?actId=vwmxp0lvWVc%3D</a> | Religion             | Administrative Court - Pazardzhik (Административен съд - Пазарджик) | The case concerns the discrimination of a Muslim prisoner. The applicant, a Muslim serving a prison sentence, had his beard shaved off against his will. The shaving was done for no medical or hygiene reasons, despite the applicant's verbal refusals, and while he was bound and handcuffed. The applicant claimed that the shaving was an act of discrimination that violated his human dignity and caused him to feel inferior and powerless. Based on the applicant's complaint, the equality body sanctioned the prison to pay a fine. Consequently, the court awarded the applicant compensation for the damage suffered. | The court awarded the applicant compensation of BGN 3,000 (approximately €1,500). On appeal, the compensation was reduced to BGN 1,000 (approximately €500). The decision of the second-instance court is available at: <a href="https://infra-sdc.justice.bg/courts/portals/edis_nstic_case.asp?id=448497&amp;code=vas">https://infra-sdc.justice.bg/courts/portals/edis_nstic_case.asp?id=448497&amp;code=vas</a> . | According to the court, the act of forcibly shaving the applicant's beard constituted direct discrimination on the ground of religion. The applicant was put in a situation of less favourable treatment in comparison with other persons serving a prison sentence in the same prison, who had beards but were not Muslims practising Islam. According to the court, there is a causal link between the discriminatory act and the applicant's religion. The applicant's forced shaving in the presence of prison officers and other prisoners points to his religion as the sole reason motivating his unfavourable treatment. | The case clarifies the concept of direct discrimination on the ground of religion. The court's conclusion is based on comparing the treatment of different persons in a similar situation. According to the court, the fact that the applicant's beard was shaved off while other prisoners in the same prison had beards without being Muslims pointed to an act of discrimination. Another key issue is the interpretation of the manner of committing the act (by force in the presence of prison officers and other prisoners) as an indication that the applicant's religion was the sole reason for his unfavourable treatment. | Прието е, че [заявителят] се е намирал в положение на по-неблагоприятно третиране на основата на заявеното качество „религия“, попадащо под квалификацията „защитен признак“, отколкото е, било е или би било третирано друго лице в сравнима ситуация, при сравнително други лица, изтъкващи наказание, лишаване от свобода“ в затвора гр. Ловеч, които са с брада, но не са мюсюлмани, използващи религия ислям. Според съда, наличие в причина връзка между дискриминационното деяние и защитения признак. Принудителното обръсване на заявителя по устно нареждане на служителя на затвора, въпреки направеното оспорване от него с мотив носене на брада по религиозни причини, което обръсване е извършено в присъствие на служители на затвора и други лишени от свобода, сочи на защитения признак като единствено обстоятелство, мотивиращ по-неблагоприятно третиране. It was held that [the applicant] was in a situation of less favourable treatment on the basis of the characteristic “religion” falling under the qualification “protected characteristic” than other persons in a comparable situation are, were or would have been treated, such as other persons serving a custodial sentence in the prison of the city of Lovetch, who are bearded but are not Muslims practising the religion of Islam. According to the court, there is a causal link between the discriminatory act and the protected characteristic. The applicant's forced shaving on the verbal orders of a prison officer, despite his objection on the ground of wearing a beard for religious reasons, and the fact that the shaving was carried out in the presence of prison officers and other prisoners, pointed to the protected characteristic as the sole circumstance motivating the unfavourable treatment. |

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