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
Italy	2020	Italy/Tuscany Regional Administrative Court (TAR Toscana), N. 00663/2020	https://magazine.cisp.unipi.it/wp-content/uploads/2020/06/TAR-sentenza-moschea-Pisa.pdf	Religion	Tuscany Regional Administrative Court (Tribunale Amministrativo Regionale per la Toscana)	The Islamic Cultural Association of Pisa filed a complaint before the Tuscany Regional Administrative Court asking to annul the Pisa City Council's resolution No. 38 of 10 September 2019, which denied permission to build in the concerned area - where currently a car parks is located - a mosque and the cultural centre of the Islamic community, which had long since purchased the land. The municipal administration - led by the right-wing political party "League" - had decided to use that area to build the city stadium.	The complaint filed by the Islamic Cultural Association was accepted; the Association is therefore authorised to start the construction of the Mosque and of the cultural centre.	The Administrative Court accepted the complaint filed by the Islamic Cultural Association and annulled the City Council's resolution. According to the Court, the City Council resolution did not into account that the Association has an interest in the construction of a place of worship, the only one in the Municipality of Pisa intended to meet the needs of those who practise the Islamic religion. It further stressed that this interest is a fundamental right protected by the Italian Constitution, the EU Charter of Fundamental Rights and by the European Convention of Human Rights.	Local municipalities are in charge of deciding how to use the municipal territory, finding an appropriate balance between different public and private interests, e.g., the protection of the environment and biodiversity, economic activities, housing, etc. The interest of the local Muslim community to have a place of workship - which does not currently exist in the municipality of Pisa - must be included and adequately considered in this balance, as it is strongly protected and guaranteed by both the Italian Constitutio and by binding EU and international law.	"l'associazione ricorrente è portatrice dell'interesse alla realizzazione di un edificio di culto […] Si tratta di un interesse particolare in quanto espressamente considerato dall'art. 8 della Costituzione, e riguardante la pratica di una delle religioni più diffuse al mondo, negli ultimi decenni ampiamente praticata anche in Italia. […] la ricorrente intende soddisfare il diritto alla libertà di culto, diritto fondamentale dell'individuo tutelato dalla Costituzione. è appena poi il caso di richiamare l'Art. 10 della Carta dei diritti fondamentali dell'Unione europea […]" ("The applicant association has an interest in the construction of a place of worship […] . It is a special interest in so far as it is expressly referred to in Article 8 of the Constitution and concerns the practice of one of the most widespread religions in the world, which has been widely practised in recent decades in Italy as well. […] the applicant intends to satisfy the right to freedom of religion, a fundamental right of the individual protected by the Constitution. It is hardly appropriate to recall Article 10 of the Charter of Fundamental Rights of the European Union […]")

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