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
Luxembourg	2022	Luxembourg/Administrative Tribunal of the Grand Duchy of Luxembourg /N° 44025	https://ja.public.lu/40001-45000/44025.pdf	Religion	Administrative Tribunal of the Grand Duchy of Luxembourg (fourth chamber)[Tribunal administratif du Grand-Duché de Luxembourg (4e chambre)]	On the 5th of November 2019, the Director-General of the public company POST Luxembourg applied a disciplinary sanction of revocation to a worker who was considered guilty, among others, of harassing, discriminating and disrespecting and external employee of the company. The worker lodged an appeal on the 15th of January 2020 seeking the alteration or, in the alternative, the annulment of the decision from the Director-General. Following an assessment of the credibility of the facts, the Administrative Tribunal concluded that the worker had inserted images in the desktop of an external employee showing a vibrator and, on one occasion, slaughtered pigs bathed in their blood; had thrown clay bubbles at him; used the expressions Taliban or terrorist to refer to him during a discussion; and said, upon the external employee's return from leave, that his skin was almost black.	The Administrative Tribunal rejected the appeal, therefore confirming the legality of the disciplinary sanction of revocation applied by the Director-General of POST Luxembourg to the worker.	The Administrative Tribunal considered that if the applicant was able to rely on a seniority of service of about twenty years in the service of POST, on favourable evaluations of his work, as well as on the absence of a disciplinary history, these elements were not sufficient to lessen the significant gravity of the facts of which he was accused, consisting of extremely denigrating and openly racist remarks, in view of the religious convictions of its victim, which were uttered with a certain frequency.	In its reasoning, the Administrative Tribunal interprets the criteria for assessing the proportionality of the disciplinary sanction, notably the seriousness of the misconduct, the nature and rank of the duties of the accused, his priors and his general attitude.	"Même si le demandeur a pu se prévaloir d'une ancienneté de service d'une vingtaine d'années (...), d'évaluations favorables de son travail, ainsi que de l'absence d'antécédents disciplinaires, ces éléments ne sont pas de nature à amoindrir la gravité conséquente des faits lui reprochés, se matérialisant par des propos extrêmement dénigrants et ouvertement racistes, proférés à une fréquence certaine, (....) l'utilisation d'images en fond d'écran, (...) montrant un porc égorgé baignant dans son sang, au vu des convictions religieuses de sa victime (...)" "Even if the applicant was able to claim a seniority of service of about twenty years (...), favorable evaluations of his work, as well as [an] absence of disciplinary history, these elements do not lessen the significant gravity of the facts of which he is accused, materializing in extremely denigrating and openly racist remarks, uttered with a certain frequency, (....) the use of images in the background of the screen, (...) showing a slaughtered pig bathed in its blood, in view of the religious convictions of its victim (...)"

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