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
Portugal	2024	Portugal/Lisbon Administrative Court/ Judgement 606/24.2BELSB		Religion	Administrative Court of Lisbon (Tribunal Administrativo de Círculo de Lisboa)	A., a well-known Portuguese neo-Nazi, informed the Lisbon City Council of organising a demonstration against the "Islamization of Europe", which intended to pass through Rua do Benformoso, a street in Lisbon known for being home to a large Islamic and immigrant community. The Lisbon City Council rejected the request, alleging a "high risk of causing serious and effective disturbance to public order and tranquillity". A., dissatisfied, filed a lawsuit against the Lisbon City Council, requesting the revocation and replacement of this decision, claiming that this violated the right to manifestation.	The Court decided to dismiss the claim of A., and absolved the City Council of Lisbon.	From the court's perspective, it is established by both law and legal doctrine that fundamental rights, freedoms, and guarantees may be restricted to protect other constitutionally recognised values or interests. This means that the law can impose limitations on fundamental rights to ensure the protection of the rights and freedoms of others, maintain public order, and promote the general welfare in a democratic society. Accordingly, administrative authorities can prevent demonstrations whose purpose or objectives conflict with the law, morality, individual or legal rights, public order, or the dignity of sovereign bodies and the armed forces. In this case, the streets selected for the demonstration are located in an area with a significant foreign community, particularly individuals from Bangladesh (who profess the Muslim faith). Given this context, there are sufficient grounds to believe that the demonstration poses a high risk of disturbing public order due to the social and physical vulnerabilities of the area.	One of the key issues was whether administrative authorities can restrict the right to manifestation in order to protect the rights and freedoms of a locally based migrant and Muslim community.	"Assim, no caso de se visar a salvaguarda de outro valor ou interesse constitucionalmente protegido (...) será possível a restrição dos direitos, liberdades e garantias, até porque tal interpretação resulta da Declaração Universal dos Direitos do Homem. (...) em suma, permite que o legislador estabeleça limites aos direitos fundamentais para assegurar o reconhecimento ou o respeito de "direitos e liberdades de outrem", "justas exigências da moral, da ordem pública e do bem-estar geral numa sociedade democrática". "Thus, if the aim is to safeguard another constitutionally protected value or interest (...) it will be possible to restrict rights, freedoms and guarantees, especially because such interpretation derives from the Universal Declaration of Human Rights. (...) in short, it allows the legislator to establish limits on fundamental rights to ensure the recognition or respect of "the rights and freedoms of others", "just requirements of morality, public order and the general well-being in a democratic society"".

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