

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
Denmark	2012	UN, International Convention on the Elimination of All Forms of Racial Discrimination / Communication No. 46/2009 / Mahali Dawas and Yousef Shava	http://www2.ohchr.org/english/bodies/cerd/docs/jurisprudence/CFRD-C-80-D-46-2009_en.pdf	Racial or ethnic origin	International Convention on the Elimination of All Forms of Racial Discrimination	This case relates to discrimination, physical violence and vandalism. In 2004 a group of 15-20 youths attacked the petitioners' house. One managed to break into the house, and both petitioners were subjected to violence, including beatings. Other attackers outside the house shouted "go home!", as well as other slogans of an offensive nature. After this attack, the family, including all eight children, had to flee the house. The Court convicted four perpetrators. However, the Court merely issued light suspended jail sentences.	The Committee recommended that the State party grant the petitioners adequate compensation for the material and moral injury caused by the above-mentioned violations of the Convention.	The Committee is of the view that in circumstances as serious as those in this case, where the petitioners were subjected, in their own house, to a violent assault by 35 offenders, some of them armed, enough elements warranted a thorough investigation by public authorities into the possible racist nature of the attack against the family. Instead, this possibility was set aside at the level of the criminal investigation, thereby preventing the issue from even being adjudicated at the criminal trial. The Committee considers that the burden was on the State party to initiate an effective criminal investigation, instead of giving the petitioners the burden of proof in civil proceedings.		"The Committee is of the view that the investigation into the events was incomplete. In the light of such failure to effectively protect the petitioners from an alleged act of racial discrimination, and to carry out an effective investigation, which consequently deprived the petitioners from their right to effective protection and remedies against the reported act of racial discrimination, the Committee concludes their rights have been violated."

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