

## 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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| Spain        | 2016 | <a href="#">Spain / Mataró Criminal Court No. 2 / No. 254/2016</a> | <a href="http://www.sosracismo.org/wp-content/uploads/2016/10/Sent%C3%A8ncia_discriminaci%C3%B3-discoteca-i-agressi%C3%B3_Oct2016.pdf">http://www.sosracismo.org/wp-content/uploads/2016/10/Sent%C3%A8ncia_discriminaci%C3%B3-discoteca-i-agressi%C3%B3_Oct2016.pdf</a> | Racial or ethnic origin, Racial or ethnic origin | Mataró Criminal Court | The Mataró Criminal Court sentenced a nightclub doorman for the crimes of discriminatory denial of services and of bodily harm. On the 3 June 2012, the complainant sought to enter a nightclub named as Titus Masnou and the nightclub doorman did not let him in, although he did allow another young white man accompanying him to enter, saying: "the black does not enter". The complainant requested an explanation but the doorman punched him in the face and the young man fell to the ground unconscious. After the Catalan police immediately visited the place, the young man was rushed to the Hospital because of the injuries he suffered. The NGO SOS Racism Catalonia filed a complaint against the doorman of the discotheque. | It was stated the direct civil responsibility of the insurance company of the nightclub and the subsidiary liability of the company owner of the discotheque. 1 year of penalty of disqualification as a private security professional based on the article 512 of the Criminal Code. And 6-months fine with daily fee of 8 euros based on an injury crime laid down in the article 147.1 the Criminal Code. | An offence of discriminatory denial of access to goods and services in the private sphere based on the Article 512 of the Criminal Code and a crime of injury laid down in article 147.1 the Criminal Code. The right protected is the right to equality and non-discrimination enshrined in article 14 of the Spanish Constitution. The question under discussion was whose liability it was to cover the damage in respect of civil liability | It's an exceptional case where the article 512 of the Criminal Code is applied in the courts, even though there are many evidences that the refusal of entry to venues and nightclubs for discriminatory reasons is a very common practice. Article 512 of the Criminal Code does integrate the list of crimes relating to the exercise of fundamental rights and public freedoms guaranteed by the Constitution and a precept included within the category "hate crimes". | "Entiende completamente acreditada la responsabilidad civil directa de la compañía... , en virtud de las lesiones sufridas por... ocasionadas directamente por el portero del local" "Understands fully accredited direct liability of the company...., pursuant to the injuries sustained by... caused directly by the local goalkeeper" |

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