

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
United Kingdom	2016	United Kingdom / Joint appeals of Taiwo (Appellant) v. Olaigbe and another (Respondents) and Onu (Appellant) v. Akwivu and another (Respondents) [2016] UKSC 31	http://www.bailii.org/uk/cases/UKSC/2016/31.html	Nationality, Racial or ethnic origin	United Kingdom Supreme Court	The two appellants, Ms Taiwo and Ms Omu, are both Nigerian nationals who came to work in the UK on domestic work visas. They were both forced to work excessive hours and severely mistreated by their employers, including being starved and physically and mentally abused. Both appellants claimed to have been discriminated against owing to their immigration status.	The appeals were dismissed and the Supreme Court held that neither appellant suffered race discrimination. The Court held that the reason for the abuse of the appellants by the respondents was not because of their nationality but rather their vulnerability owing to their particular status as migrant workers. In concluding her judgment Lady Hale highlighted that the current law can only redress some of the harms suffered by the appellants despite the fact that they deserve remedies for all the grievous harm suffered.	Under the Equality Act 2010, race as a protected characteristic includes nationality. The appellants argued that their claim fell within the remit of the Equality Act as immigration status is a function of nationality and that immigration status and nationality are unable to be dissociated. They further argued that in other contexts, such as the definition of "racial group" for the purposes of racially aggravated offences, a more flexible approach to the concept of nationality had been taken.	Whether discrimination on the basis of immigration status amounts to discrimination on grounds of race, which includes nationality, under the Equality Act 2010.	"No doubt, if these employers had employed British nationals to work for them in their homes, they would not have treated them so badly. They would probably not have been given the opportunity to do so. But equally, if they had employed non-British nationals who had the right to live and work here, they would not have treated them so badly. The reason why these employees were treated so badly was their particular vulnerability arising, at least in part, from their particular immigration status. As Mr Rahman pointed out, on behalf of Mr and Mrs Akwivu, it had nothing to do with the fact that they were Nigerians. The employers too were non-nationals, but they were not vulnerable in the same way." At paragraph 26.

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