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
Spain	2024	Spain / CRC / C / 95 / D / 160 / 2021	https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsloy9FQAeMKpBOmp0XZW9B23ofkFwaNBEVzR6mNf65D1gAzgbMCeMu6NTLJFMyFLEqIlNwk9bAZ2FZkHp%2f%2fBaIBwloGcqloQndOoxlYb8nJP3y4hPvxZ%2bezDucDz7JBO%2bB5TyaLoM9xO1a%2fJ1wbRw%3d	Nationality, Migrant status	Committee on the Rights of the Child	This case concerns the Committee's decision on the case of S.J., born in Melilla, Spain, who was denied enrolment in her school. The Committee ruled, among other elements, whether the refusal of enrolment was due to discrimination on the grounds of her Moroccan origins.	The Committee found a violation by the State party and issued it to provide S.J. with reparations, including compensation and measures to help her catch up academically. To prevent future violations, the State should ensure prompt and effective confirmation of residency for school enrolment, immediate enrolment upon confirmation, accessible and timely remedies for disputes over education rights, recognition that education obligations extend beyond compulsory school age, and specialized training for judges and administrative staff on the Convention's implementation.	The Committee determined that the refusal to enrol S.J. in school violated her right to non-discrimination under Article 2 of the Convention, read with Article 28. While the State argued that residency verification was necessary, the Committee found that the administrative requirements disproportionately affected children in irregular administrative situations, like S.J. The State failed to show that the requirements were necessary and proportionate, particularly given the severe consequences of prolonged exclusion from education.	The case showed that discrimination can be both overt or hidden, direct or indirect, and that a de facto exclusion based on indirect differentiation violates the right to non-discrimination, even without explicit intent.	" Thus, in the case in hand, the facts reveal, at the very least, indirect, de facto differentiation based on the irregular administrative status of S.J. and, by extension, her national origin." "The Committee also notes the author's argument that, despite the official recognition contained in national legislation, the facts reveal that, in practice, S.J., like other children with an irregular administrative status living in Melilla, faces obstacles that prevent her enrolment "

DISCLAIMER The information presented here is collected under contract by the FRA's research network FRANET. The information and views contained do not necessarily reflect the views or the official position of the FRA.

http://fra.europa.eu/en/databases/anti-muslim-hatred/

Copyright © 2025 European Union Agency for Fundamental Rights