

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	2018	Denmark / CERD / C / 07 / D / 58 / 2016	https://universalrights.dk/asad/wp-content/uploads/2019/12/7-58-2016.pdf	Racial or ethnic origin	Committee on the Elimination of Racial Discrimination	The petitioner, a Danish citizen born in Bosnia and Herzegovina, moved to Denmark in 1997. In 2009, after returning to Aalborg, he applied for social assistance but was initially denied, with the job centre questioning his citizenship despite his Danish nationality. The municipality later corrected the mistake, but the petitioner faced racial discrimination, which was acknowledged in media interview. The Board of Equal Treatment awarded him compensation, but he appealed, arguing it was insufficient. Courts upheld the compensation amount and his appeal to the High Court was rejected. He sought permission to appeal to the Supreme Court which was denied.	The Committee recommended revising the compensation and legal costs, ensuring that they align with the principles of the Convention, and requested Denmark to report on actions taken within 90 days.	The petitioner argues that Denmark violated the Convention by denying him his citizenship rights, including residence and health insurance, and causing psychological harm due to racial discrimination. He contends that the compensation of 2,00 Dkr awarded by the Board of Equal Treatment is insufficient and not a "just and adequate reparation" as required by Article 6. Referring to the B.J.V. Denmark case, he claims that the perpetrators were not sanctioned, and the compensation does not reflect the harm suffered. He also argues that the State should provide an effective remedy and dissuasive sanctions, referencing EU directives and the Committee's general recommendations on racial discrimination.	The Committee on the Elimination of Racial Discrimination found that Denmark violated the petitioner's rights under Article 5 (d) (iii) and 6 of the Convention. The denial of his citizenship and rights by the Aalborg municipality was deemed a violation of his rights under Article 5, and the inadequate compensation of 2,00 Dkr was found to be insufficient under Article 6. Additionally, the high legal costs of 25,00 Dkr imposed on the petitioner were considered a deterrent for seeking justice.	"The Committee recalls that, in accordance with its jurisprudence, the victim's claim for compensation has to be considered in every case, including those cases where no bodily harm has been inflicted but where the victim has suffered humiliation, defamation or other attack against his or her reputation and self-esteem. The Committee also recalls that according to article 6 of the Convention, States parties shall assure to everyone within their jurisdiction effective protection and remedies, through the complement national tribunals and other State institutions, against any acts of racial discrimination that violate human rights and fundamental freedoms contrary to the Convention as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination."

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