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	2012	ECtHR / No. 47159/08 / Judgment / B.S. v. Spain	http://hudoc.echr.coe.int/eng/?i=002-5579	Racial or ethnic origin	European Court of Human Rights, ECHR	In its B.S. vs. Spain ruling of 24 July 2012 the European Court of Human Rights found a violation of Article 3 and of Article 14 in conjuntion with Article 3 of the European Convention on Human Rights. The applicant was a woman of Nigerian origin who worked as a prostitute at the time. In July 2005, she was stopped and questioned by authorities on three occasions; she alleged that she was beaten and racially abused on each occasion. Following the third incident, she lodged a criminal complaint and went to the hospital for examination. After being stopped for questioning a fourth time, she lodged a further complaint in which she alleged, among other things, that women with a “European phenotype” were not stopped by the police. The competent Spanish Court dismissed the claim. The European Court of Human Rights found that the domestic court had failed to effectively investigate several aspects of the applicant's complaint and that its decisions failed to comply with the duty under Article 14 to take all possible steps to ascertain whether or not a discriminatory attitude might have played a role in the alleged events. it also stressed that the domestic court failed to take account of the applicant's particular vulnerability inherent in her position as an African woman working as a prostitute, thereby pointing to a possible case of intersectional discrimination.	EUR 30,000 in respect of non-pecuniary damage	In her complaints, the applicant had mentioned possible racist motives. Her arguments had not been examined by the domestic courts, which had also not taken into account her special vulnerability inherent in her situation as an African woman working as a prostitute. The authorities had thus failed to satisfy their obligation to take all possible measures to ascertain whether or not a discriminatory attitude might have played a role in the events.	Article 14 in conjunction with Article 3 (procedural aspect) of the European Convention on Human Rights: The European Court of Human Rights reiterated that the authorities’ duty to investigate whether there was any link between racist attitudes and an act of violence was an aspect of their procedural obligations under Article 3, but could also be seen as implicit in their responsibilities under Article 14 to secure without discrimination the observance of the fundamental value enshrined in Article 3. Owing to the interplay of these two Articles, issues such as those in the present case could fall to be examined under one of the two Articles only, with no separate issue arising under the other, or could require examination under both Articles.	In her complaints the applicant had mentioned possible racist motives. Her arguments had not been examined by the domestic courts, which had also not taken into account her special vulnerability inherent in her situation as an African woman working as a prostitute. The authorities had thus failed to satisfy their obligation to take all possible measures to ascertain whether or not a discriminatory attitude might have played a role in the events.

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