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
France	2014	ECtHR / Application no. 43835/11 / S.A.S v. France	http://hudoc.echr.coe.int/eng/?i=001-145466	Religion	European Court of Human Rights– Grand Chamber	The case concerned a law from 2010 which states that concealing the face in public arises from radicalisation and extremism, rather than from religious practices and is therefore prohibited. S.A.S., a Muslim French national, challenged the ban on the basis that it infringed her rights. She asserted that she was not coerced into wearing the burqa and that, although she did not do so 'systematically', her rights under the Convention afforded her the protection to wear them as she chose, albeit accepting the requirement to show her face for security checks. The government, however, believed her rights were not affected in a concrete way.	The Court rejected the applicant's allegation of indirect discrimination. Although it could be said that the law had specific negative effects on the situation of Muslim women, the measure had an objective and reasonable justification. After the Court's decision, two of the judges delivered a joint partially dissenting opinion finding that the rights of the applicant have been violated.	The Court rejected the government's preliminary decision on the grounds that the applicant is a member of a category of persons who risk being directly affected by the legislation. The Court rejected the applicant's allegation of indirect discrimination. Although it could be said that the law had specific negative effects on the situation of Muslim women, the measure had an objective and reasonable justification.	The Court emphasised in particular that respect for the conditions of "living together" was a legitimate aim for the measure at issue and that, particularly as the State had a lot of room for manoeuvre ("a wide margin of appreciation") as regards this general policy question on which there were significant differences of opinion, the ban did not breach the Convention.	"Furthermore, admittedly, as the applicant pointed out, by prohibiting everyone from wearing clothing designed to conceal the face in public places, the respondent State has to a certain extent restricted the reach of pluralism, since the ban prevents certain women from expressing their personality and their beliefs by wearing the full-face veil in public. However, for their part, the Government indicated that it was a question of responding to a practice that the State deemed incompatible, in French society, with the ground rules of social communication and more broadly the requirements of "living together". From that perspective, the respondent State is seeking to protect a principle of interaction between individuals, which in its view is essential for the expression not only of pluralism, but also of tolerance and broadmindedness without which there is no democratic society. It can thus be said that the question whether or not it should be permitted to wear the full-face veil in public places constitutes a choice of society."

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