

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	2016	France / Public Defender of Rights / Decision no. MDE-ML-MSP-2016-292	https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=15900	Racial or ethnic origin	Public Defender of Rights (Défenseur des droits)	The Public Defender of Rights was referred to in December 2015 by associations on the situation of families and children of Comorian origin who had been evicted from their residences, because of their origin, by collectives of villagers, in two villages dependent on the Commune of A. in Mayotte. The police present at the time of these actions prevented neither the destruction of the dwellings nor expulsions of the people.	The Public Defender of Rights recommended to the Prefect of Mayotte to prevent any unlawful demonstration or meeting whose objective is to organize the eviction from their homes of persons on account of their supposed or actual belonging to an origin, ethnic group, nation, or race; to the mayors to enforce public order in this territory.	Letters, leaflets and posters produced and distributed by the collectives of villagers to the population with the objective of the "expulsion of the illegal immigrants", and specifically targeting people because of their origin are likely to be classed as inciting discrimination, hatred or violence. These illegal evictions resulted depriving nearly 200 people of their residence. Physical and psychological violence constitute a breach of the fundamental right of people to live in safety, and are attack on their dignity. The Public Defender of Rights noted that the lack of action from the authorities, who were however duly informed, at the local and national level, allowed the organization and the execution of illegal evictions resulting in exposing the evicted persons, and particularly children, to serious breaches of their fundamental rights.	Actions constituting the offence of incitement to discrimination, hatred or violence with regard to a person or of a group of people on grounds of their origin or their membership or their non-membership of an ethnic group, a nation, a race or a given religion.	"Le manque de mobilisation des pouvoirs publics, portant dûment informés, au niveau local et national, a permis l'organisation et la réalisation d'expulsions illégales ayant eu pour conséquence notamment d'exposer les personnes expulsées à des atteintes graves à leurs droits fondamentaux, et notamment au respect de la vie privée et familiale, de leur domicile, d'exposer des enfants à des violences et d'interrompre leur scolarité." "The lack of action from the authorities, who were however duly informed, at the local and national level, allowed the organization and the execution of illegal evictions resulting in exposing the evicted persons to serious breaches of their fundamental rights, and in particular respect of private life, the home, and exposing children to violence and interrupting their schooling."

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

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