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	2018	France / Court of Cassation/ECLI:FR:CCASS:2018:CR01309	http://www.legifrance.gouv.fr/affichJurijudi.do?oldAction=rechJurijudi&idTexte=JURITEXT000037135767&fastReqId=1045191933&fastPos=4	Religion, Racial or ethnic origin	Court of Cassation	Mr. Y. was summoned to appear before the criminal court on the charge of provocation of racial discrimination against the Muslim community. This was following statements published on a website, which he is the director of publication for, under the title, "What if Islam were the cult of sexual and moral perversion?". The judges of first instance convicted him on this count. The Court of Appeal upheld their decision.	The Court of Cassation upheld the judgment of the Court of Appeal. Mr Y was ordered to pay costs to the civil party.	To establish the offence of incitement to racial discrimination against the Muslim community, the judgment states that this offence is not contrary to the right to freedom of expression as recognised by Article 10 of the European Convention on Human Rights, which sets limits at the end of its second paragraph and that it is not adequate to qualify the disputed statements as 'lampoonist' to assure impunity; that the judges note that the incriminating text constitutes a generalised stigmatisation of Muslims, and not just a few, and can not only be considered as criticism of the Muslim religion, since it attributes to Muslims various deviances leading them to perverse practices and criminal behaviour, contrary to human dignity, and likely to provoke violent rejection towards them and to encourage the most heinous reactions against them.	The widespread stigmatisation of Muslims cannot be considered only as criticism of the Muslim religion and constitutes the offence of incitement to racial discrimination.	"Attendu que, pour dire établi le délit de provocation à la discrimination raciale à l'égard de la communauté musulmane, l'arrêt énonce que cette incrimination n'est pas contraire au droit à la liberté d'expression reconnu par l'article 10 de la Convention européenne des droits de l'homme qui prévoit des limites au terme de son second paragraphe et qu'il ne suffit pas de qualifier de "pamphlétaires" les propos litigieux pour s'assurer l'impunité ; que les juges relèvent que le texte incriminé constitue une stigmatisation généralisée des musulmans, et non de certains d'entre eux, et ne peut être analysé comme la seule critique de la religion musulmane, dès lors qu'il impute aux musulmans diverses déviances les conduisant à des pratiques perverses et des comportements criminels, contraires à la dignité humaine, de nature à provoquer à leur égard un rejet violent et à favoriser à leur encontre les réactions les plus haineuses". "To establish the offence of incitement to racial discrimination against the Muslim community, the judgment states that this offence is not contrary to the right to freedom of expression as recognised by Article 10 of the European Convention on Human Rights, which sets limits at the end of its second paragraph and that it is not adequate to qualify the disputed statements as 'lampoonist' to assure impunity; that the judges note that the incriminating text constitutes a generalised stigmatisation of Muslims, and not just a few, and can not only be considered as criticism of the Muslim religion, since it attributes to Muslims various deviances leading them to perverse practices and criminal behaviour, contrary to human dignity, and likely to provoke violent rejection towards them and to encourage the most heinous reactions against them."

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