

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 / Public Defender of Rights (2018-303)	https://juridique.defenseurdesdroits.fr/index.php?lvl=notice_display&id=27455	Religion	Public Defender of Rights	A woman was denied access to a swimming pool managed by a private company as part of a public service contract because she was wearing the burkini. The internal regulations applicable at the time of the events did not provide for anything with regard to burkinis and were subsequently amended to prohibit diving suits except in the context of associations. The establishment concerned justifies the refusal of the burkini on health and safety grounds. However, it admits that associations may authorise the wearing of a neoprene diving suit in its establishment since it is not responsible for health and safety.	The Public Defender of Rights concluded that there was unlawful discrimination. He recommended that the bathing establishment amend its internal regulations to make them non-discriminatory and compensate the claimant for all damages.	The Public Defender of Rights recalls that, in accordance with the rules on the burden of proof, the establishment concerned must provide proof, in particular by means of scientific data and/or studies, that its refusal is based on objective and non-discriminatory elements. The Public Defender of Rights considers that such evidence is not presented in this case and concludes that there is unlawful discrimination.	Discrimination based on religious clothes	"Le Défenseur des droits en conclut que le refus d'accès opposé à Madame X à la piscine Z du fait qu'elle portait un burkini et l'adoption d'un règlement intérieur interdisant son port caractérisent des discriminations fondées sur la religion et le genre, au sens des articles 8 et 9 de la Convention européenne des droits de l'homme combinés avec son article 14, et de l'article 2-3 de la loi n° 2008-496 du 27 mai 2008." "The Public Defender of Rights concludes that the refusal of Ms. X's access to the 'Z' pool because she was wearing a burkini and the adoption of internal regulations prohibiting it being worn characterize discrimination based on religion and gender, within the meaning of Articles 8 and 9 of the European Convention on Human Rights combined with Article 14 thereof, and Article 2-3 of Law No. 2008-496 of 27 May 2008."

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