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	2020	France / Council of State/RFI/21	https://www.legifrance.gouv.fr/ceta/id/CETATEXT000041920016?tab_selection=ceta&searchField=ALL&query=musulman&searchProximity=&searchType=ALL&sAdvancedResult=&sAdvancedResult=&sDateDecision=15%2017%2F2019+%3E+31%2F05%2F2020&dateVenement=&juridiction=CONSEIL_ETAT&juridiction=COURS_APPEL&sortValue=DATE_DESC&pageSize=10&page=1&tab_selection=ceta#ceta	Religion	Council of State	In a request of 20 May 2020 to the Conservation for the Defence of Human Rights – Collective against Islamophobia in France (ADDH-CCIF) and Ms B. asked the Judge in summary proceedings of the Council of State to immediately enjoin the Prime Minister to take the necessary measures to allow the exercise of freedom of worship in Muslim religious establishments, throughout the country, in compliance with the necessary health regulations, on the day of Eid al-Fitr, on 24 or 25 May 2020, in particular by ordering the suspension of the provisions of Article 8 of Decree no. 2020-545 of 11 May 2020 and Article 10 of Decree no. 2020-548 of 11 May 2020 which banned them, subject to a penalty of €2,000 for each day of delay.	The Council of State rejected the request from the ADDH-CCIF and Ms A.	The judge for summary proceedings of the Council of State has already enjoined the Prime Minister to amend the provisions of Ch. III of Article 10 of Decree No. 2020-548 of 11 May 2020, by taking measures strictly proportionate to the health risks incurred and appropriate to the circumstances of time and place applicable at the beginning of 'deconfinement' (easing lockdown), to regulate gatherings and meetings in places of worship. Moreover, the French Muslim Council, in communiqués of 17 and 19 May 2020, reaffirmed its call to Muslims in France to observe the last nights of Ramadan in their homes and that, in view of, given the health situation in the country, the resumption of religious ceremonies in mosques, which must be gradual, cannot take place on the occasion of large gatherings such as Eid or Friday prayer.	Does the holding of gatherings and meetings on the occasion of Muslim holidays constitute a limitation of freedom of worship?	"4. Pour justifier de l'urgence à ordonner de telles mesures, les requérants soutiennent que, le 24 ou le 25 mai 2020, doit avoir lieu l'une des fêtes les plus importantes de la religion musulmane, qui implique de se rassembler dans les établissements de culte musulman. 5. Toutefois, par une ordonnance n° 440366 et suivants du 18 mai 2020, le juge des référés du Conseil d'Etat a enjoint au premier ministre de modifier, dans un délai de huit jours à compter de la notification de cette ordonnance, en application de l'article L. 3131-15 du code de la santé publique, les dispositions du III de l'article 10 du décret n° 2020-548 du 11 mai 2020, en prenant les mesures strictement proportionnées aux risques sanitaires encourus et appropriées aux circonstances de temps et de lieu applicables au moment en ce début de " déconfinement ", pour encadrer les rassemblements et réunions dans les établissements de culte. 6. Les requérants n'établissent pas que la concertation requise avec les représentants des principaux cultes qui a justifié le délai accordé par le décret des fêtes étaient prévues entre temps pour plusieurs religions, serait susceptible d'être plus courte que huit jours, pour le culte et alors, au demeurant, que n'exposant de la fête qu'ils invoquent, le conseil français du culte musulman, dans un communiqué des 17 et 19 mai 2020, " réaffirme son appel aux musulmans de France de veiller les dernières nuits de Ramadan dans nos maisons " puis déclare que " compte tenu de la situation sanitaire de notre pays, la reprise des cérémonies religieuses dans les mosquées, qui doit être progressive, ne peut avoir lieu à l'occasion de grands rassemblements telles que la fête de la rupture du jeûne du vendredi ", la condition d'urgence particulière requise par l'article L. 521-2 du code de justice administrative n'est pas remplie." "4. In order to justify the urgency to order such measures, the applicants argue that on 24 or 25 May 2020 there will be most important festivals of the Muslim religion which involves gathering in Muslim places of worship must take place. 5. However, by Order No. 440366 et seq. of 18 May 2020, the judge for summary proceedings of the Council of State enjoined the Prime Minister to amend, within eight days of the notification of this Order, pursuant to Article L. 3131-15 of the Public Health Code, the provisions of Ch. III Article 10 of Decree No. 2020-548 of 11 May 2020, by taking measures strictly proportionate to the health risks incurred and appropriate to the circumstances of time and place applicable at the beginning of 'deconfinement' (easing lockdown), to regulate gatherings and meetings in places of worship. 6. The applicants fail to show that the established that the consultation required with the representatives of the main religious denominations which justified the above-mentioned time-limit, even though celebrations had in the meantime been planned for several religions, was likely to be shorter than eight days. As a result, and as regards the festival to which they refer, the French Muslim Council, in communiqués of 17 and 19 May 2020, "reaffirms its appeal to Muslims in France to observe the last nights of Ramadan in our homes' and then that, "given the in view of the health situation in our country the resumption of religious ceremonies in mosques, which must be gradual, cannot take place on the occasion of large gatherings such as Eid or Friday prayer", the special emergency condition required by Article L. 521-2 of the code of administrative justice is not met."

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