# 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 |
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| France | 2021 | France / ECtHR / Application no. 45581/15 / Sanchez v. France | https://hudoc.echr.coe.int/fre?i=001-211777 | Religion | European Court of Human Rights, Fifth section | The case dealt with online incitement to racial hatred or violence against people of the Muslim faith. More practically, the plaintiff, a local elected official and candidate for the legislative elections for a far-right party, was convicted by the French courts for incitement to hatred towards a group of people or a person on the basis of a specific religion, for failing to promptly delete the publication by third parties (S.B. and L.R.) of contentious comments on the wall of his Facebook account. | The Court ruled that the status as a political figure called for particular vigilance with regard to comments posted by third parties on the wall of a Facebook account. The French courts therefore did not disproportionately infringe freedom of speech. The conviction was based on relevant, sufficient grounds, considering the margin of appreciation enjoyed by the respondent State. There was therefore no infringement of Article 10 of the Convention. | The European Court emphasized that although the contentious comments were certainly part of a political debate, more specifically that of an electoral campaign, they were clearly of an unlawful type. Moreover, it noted that the plaintiff was accused not for using his right to freedom of speech but for his lack of vigilance and response regarding the comments posted on the wall of his Facebook account. | One of the key questions related the responsibility of the plaintiff, as a political figure, and the holder of the Facebook account, since the direct perpetrators of the comments had been identified and sanctioned. In practice, the Court recognized this responsibility and even emphasized its significance. It considered that the plaintiff could not ignore the fact that his account was likely to attract political, essentially controversial comments, and which he had a duty to monitor even more particularly. | " (...) il est d'une importance cruciale que les hommes politiques, dans leurs discours publics, évitent de diffuser des propos susceptibles de nourrir l'intolérance et, parce qu'ils sont eux aussi soumis aux devoirs et responsabilités prévus à l'article 10 § 2 de la Convention, qu'ils devraient également être particulièrement attentifs à la défense de la démocratie et de ses principes, en particulier dans un contexte électoral caractérisé, comme en l'espèce, par des tensions locales, leur objectif ultime étant la prise même du pouvoir." " (...) it is crucial for politicians, when expressing themselves in public, to avoid comments that might foster intolerance and, since they too are subject to duties and responsibilities under Article 10 § 2 of the Convention, they should also be particularly careful to defend democracy and its principles, especially in an electoral context characterised, as in the present case, by local tensions, their ultimate aim being to govern." |

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