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	2022	France / ECtHR / Application no. 63539/19 / Zemmour v. France	https://hudoc.echr.coe.int/eng?i=001-221837	Religion	European Court of Human Rights, Fifth section	The case dealt with the incitement to discrimination and religious hatred against a group of people because of their belonging to the Muslim religion. In a television programme, the plaintiff, a far-right polemicist journalist, presented Muslims living in France as "colonizers" and "invaders" in a combat to "Islamize" France, and claimed that this situation implied that they had to make "a choice between Islam and France". He was convicted by the French courts for "incitement to discrimination and religious hatred" against the Muslim community.	The European Court considered that the reasons given by the domestic courts for convicting the plaintiff were sufficient and relevant to justify the interference at issue. The interference with the plaintiff's exercise of his right to freedom of speech was necessary in a democratic society in order to protect the rights of others, and therefore there was no infringement of Article 10 of the Convention.	The European Court concluded that the plaintiff's sole purpose was not to share with the public an opinion on the phenomenon of rising religious fundamentalism in French suburbs. The remarks were not limited to a criticism of Islam but, given the context of terrorist attacks in which they were made, contained a discriminatory intention likely to incite listeners to reject and exclude the Muslim community.	The European Court considered that negative and discriminatory comments likely to stir up a rift between the French population and the Muslim community as a whole did not fall into a category of speech enjoying enhanced protection under Article 10 of the Convention, but under Article 17 of the Convention, which prohibits abuse of rights. It concluded that the French authorities had a wide margin of discretion to restrict this.	"la Cour considère, comme l'ont relevé les juridictions internes, et contrairement à ce que le requérant soutient devant elle en affirmant qu'il se bornait à exprimer son opinion critique sur le phénomène islamiste dans les banlieues françaises, que ses propos, présentés comme le fruit d'une « analyse historique et théologique », contenaient en réalité des assertions négatives et discriminatoires de nature à attiser un clivage entre les Français et la communauté musulmane dans son ensemble." " the Court considers, as the domestic courts have pointed out, and contrary to what the plaintiff maintains before it by asserting that he was merely expressing his critical opinion of the Islamist phenomenon in French suburbs, that his remarks, presented as the fruit of a "historical, theological analysis", in fact contained negative, discriminatory assertions likely to stir up a rift between the French population and the Muslim community as a whole."

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