

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 / UN Committee on the Elimination of Racial Discrimination (CERD) / Concluding observations on the combined twenty-second and twenty-third periodic report of France / CERD/C/FRA/CO/22-23	https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FFRA%2FCO%2F22-23&Lang=fr	Racial or ethnic origin	United Nations Committee on the Elimination of Racial Discrimination	The observations relate to France's policies and their impact on racial discrimination. Specifically, for counter-terrorism, they involve two recent laws: Law No. 2021-646 of 25 May 2021 for global security preserving freedoms and Law No. 2021-1109 of 24 August 2021 strengthening the respect of the principles of the Republic. These laws provide in particular for reinforced monitoring of religious associations, which, to benefit from a public subsidy, are required to undertake to adhere to the secular character and principles of the Republic (including equality between men and women, human dignity, fraternity) in a "republican commitment contract".	The Committee recommended that France should review its counter-terrorism legislation and ensure that its content and application comply with international human rights principles. It also recommended that the government should establish sufficient safeguards to ensure that, in practice, the application of counter-terrorism measures does not have an adverse effect contrary to the rights protected by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), in particular with respect to certain ethno-religious minorities.	The UN Committee expressed its concern about the information regarding the content and implementation of the two counter-terrorism laws, in that they may give rise to discrimination and an environment of insecurity against certain ethno-religious minorities, such as Arab Muslims, resulting in the deprivation of their rights and fundamental freedoms without compliance with the established procedural guarantees.	The key question regards the discriminatory scope of measures justified, in a general way, by the protection of "republican principles" in a counter-terrorism perspective.	"Le Comité est préoccupé par les informations concernant le contenu et l'application de la loi no 2021-646 du 25 mai 2021 pour une sécurité globale préservant les libertés et la loi no 2021-1109 du 24 août 2021 confortant le respect des principes de la République, qui peuvent donner lieu à des discriminations et à un environnement d'insécurité à l'encontre de certaines minorités ethnoreligieuses, telles que les personnes musulmanes, arabes, africaines, tchétchènes et autres, entraînant des privations de leurs droits et libertés fondamentales sans le respect des garanties de procédures établies." "The Committee is concerned about the information regarding the content and implementation of Law No. 2021-646 of 25 May 2021 for comprehensive security preserving freedoms and Law No. 2021-1109 of 24 August 2021 consolidating the respect for the principles of the Republic, which may give rise to discrimination and an environment of insecurity against certain ethno-religious minorities, such as Arab, African, Chechen and other Muslims, resulting in the deprivation of their rights and fundamental freedoms without compliance with established procedural guarantees."

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