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	2023	France / Conseil d'État / N°458088, 459547 et 463408 ECLI:FR:CECHR:2023:458088.20230629	https://www.legifrance.gouv.fr/ceta/id/CETATEXT000047772138	Religion	Conseil d'État	The French Football Federation (Fédération française de football) has amended Article 1 of its articles of association to stipulate that "The Federation and its local bodies, as bodies entrusted with a public service mission delegated by the State, defend the fundamental values of the French Republic and must implement the means to prevent any discrimination or attack on a person's dignity, in particular on the grounds of gender, sexual orientation, ethnic origin, social condition, physical appearance, beliefs or opinions. In addition, respect for the clothing rules and rule 50 of the Olympic Charter ensure the neutrality of sport at practice sites. As such, the following are prohibited during competitions or events organised in the Federation's country or in connection with such events: any speech or display of a political, ideological, religious or trade-union nature; any wearing of signs or clothing ostensibly expressing a political, philosophical, religious or trade-union affiliation; any act of proselytising or propaganda manoeuvres (...)". Associations have lodged an appeal against the second prohibition set out in the article, concerning the wearing of "signs or clothing ostensibly expressing a political, philosophical, religious or trade-union affiliation".	The Council of State (Conseil d'État) validated the ban on the wearing of religious symbols during matches, deeming it proportionate to the objective pursued.	With regard to the application of Article 1 of the French Football Federation's statutes, the French Council of State (Conseil d'Etat) distinguishes between officials of the French Football Federation or persons over whom it exercises hierarchical authority or management power, who are subject to the principle of public service neutrality (as enshrined in Article 1 of the law of 9 December 1905 concerning the separation of the Church and the State), and other licensees of the French Football Federation, for whom the Federation may determine the rules of participation in the competitions and events it organises or authorises. However, these rules may limit the freedom to express opinions or beliefs if "this is needed for the proper functioning of the public service or the protection of the rights and freedoms of others, and is appropriate and proportionate to these objectives". In this case, the Council of State (Conseil d'Etat) considered that acts of proselytising "are likely to hinder the smooth running of matches", and also emphasised that the ban on wearing signs or clothing ostensibly expressing a religious affiliation, "limited to the time and place of football matches, appears necessary to ensure their smooth running, in particular by preventing any confrontation or confrontation unrelated to sport". It thus concluded that the prohibition provided for in Article 1 of the statute was proportionate within the meaning of Article 10 of the Declaration of the Rights of Man and of the Citizen of 1789, and Articles 9 and 10 of the European Convention on Human Rights.	The question was whether banning the wearing of religious symbols during football matches was necessary and proportionate to the objective of ensuring the smooth running of such matches, with particular regard to respect for the right to manifest one's opinions and beliefs.	"12. A delegated sports federation has regulatory powers in the areas defined by the legislative provisions stipulated in point 6, for the organisation and operation of the public service entrusted to it. As such, it is responsible for determining the rules governing participation in the competitions and events it organises or authorises, including those that ensure the safety of players and compliance with the rules of the game during matches, such as the regulations governing equipment and clothing. These rules may legally have the purpose and effect of limiting the freedom of those licensees who are not legally bound to respect the principle of neutrality of the public service, to express their opinions and beliefs if this is necessary for the proper functioning of the public service or the protection of the rights and freedoms of others, and is appropriate and proportionate to these objectives. 13. It follows from what has been said in point 12 that the Federation was legally able to prohibit "any speech or display of a political, ideological, religious or trade union nature" and "any act of proselytizing or propaganda manoeuvres", which are likely to hinder the smooth running of matches. 14. In addition, the ban on "the wearing of signs or clothing ostensibly expressing a political, philosophical, religious or trade union affiliation", limited to the time and place of football matches, seems necessary to ensure the smooth running of matches, in particular by preventing any confrontation or confrontation unrelated to sport. Consequently, the French Football Federation was legally entitled, under the regulatory powers delegated to it for the smooth running of the competitions for which it is responsible, to issue such a ban, which is appropriate and proportionate."

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