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	2023	France / Conseil d'État / N°459704 / ECLI:FR:CESEC:2023:459704.20231109	http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2023-11-09/459704	Religion	Conseil d'État	The case related to the dissolution of the Coordination against racism and islamophobia "Coordination contre le racisme et l'islamophobie" association.	The Council of State (Conseil d'État) upheld the dissolution of the association.	The Council of State (Conseil d'État) noted that the association had published comments on social media that had provoked a number of hateful, anti-Semitic and insulting comments, without any attempt to contradict or delete them, which was likely to provoke discrimination, hatred and violence. As a basis for its decision, the Council of State (Conseil d'Etat) referred to Article L. 212-1 of the French Internal Security Code (code de la sécurité intérieure), which allows for the dissolution by the Council of Ministers of associations or groups, in particular, "which either provoke or contribute through their actions to discrimination, hatred or violence against a person or a group of people on the grounds of their origin, sex, sexual orientation, gender identity or membership or non-membership, real or supposed, of a particular ethnic group, nation, alleged race or religion, or propagate ideas or theories tending to justify or encourage such discrimination, hatred or violence".	The question was whether the dissolution of the association was in line with religious freedom and freedom of association.	"9. En revanche, il ressort des pièces du dossier que, par ses comptes sur les réseaux sociaux, l'association a publié en grand nombre, notamment dans la période comprise entre 2019 et sa dissolution en 2021, des propos, dont certains outranciers, sur l'actualité nationale et internationale, tendant, y compris explicitement, à imposer l'idée que les pouvoirs publics, la législation, les différentes institutions et autorités nationales ainsi que de nombreux partis politiques et médias seraient systématiquement hostiles aux croyants de religion musulmane et instrumentaliseraient l'antisémitisme pour nuire aux musulmans. Ces publications ont suscité, sur ces mêmes comptes, de nombreux commentaires haineux, antisémites, injurieux et appelant à la vindicte publique, sans que l'association ne tente de les contredire ou de les effacer. 10. Ces agissements sont de nature à provoquer à la discrimination, à la haine ou à la violence envers une personne ou un groupe de personnes à raison de leur origine ou de leur appartenance ou de leur non-appartenance à une nation, une prétendue race ou une religion déterminée ou à propager des idées ou théories tendant à les justifier ou les encourager, sans qu'ait d'incidence à cet égard la circonstance que l'objet de l'association, tel que défini par ses statuts, n'était pas illicite. Ils entrent donc dans le champ du 6° de l'article L. 212-1 du code de la sécurité intérieure." "9. However, it is clear from the documents in the case that, via its social media accounts, the association published a large number of comments, some of them outrageous, on national and international news, in particular in the period between 2019 and its dissolution in 2021, tending, in particular explicitly, to impose the idea that the public authorities, legislation, various national institutions and authorities, as well as a number of political parties and media, were systematically hostile to Muslim believers and used anti-Semitism to harm Muslims. These publications gave rise to a number of hateful, anti-Semitic and insulting comments on the same accounts, with no attempt by the association to contradict or delete them. 10. These actions were likely to provoke discrimination, hatred or violence against a person or group of people on the grounds of their origin or their membership or non-membership of a nation, a so-called race or a particular religion, or to propagate ideas or theories tending to justify or encourage them, regardless of the fact that the association's purpose, as defined by its articles of association, was not unlawful. They therefore fell within the scope of 6° of Article L. 212-1 of the French internal security code (code de la sécurité intérieure)."

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