

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'Etat / N°492743 / ECLI:FR:CEORD:2024:492743.20240329	http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2023-11-09/460457	Religion	Conseil d'Etat	The case related to the dissolution of the de facto group known as "Alvarium", some of whose members on social media "exceeded the limits of freedom of political speech by propagating ideas justifying discrimination and hatred towards foreigners or French people of immigrant origin by equating them with 'delinquents or criminals, Islamists or terrorists'".	The Council of State (Conseil d'Etat) upheld the dissolution of the de facto group.	In view of the seriousness of the group's actions, the Council of State (Conseil d'Etat) ruled that dissolution was justified with regard to Article L. 212-1 of the French Internal Security Code, 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 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 de facto "Alvarium" group was in line with freedom of association.	"7. Il ressort des pièces du dossier que, parmi les messages diffusés sur les réseaux sociaux par "l'Alvarium" en 2020 et 2021 invoqués par le ministre de l'Intérieur, certains excèdent les limites de la liberté d'expression politique en propageant des idées justifiant la discrimination et la haine envers les personnes étrangères ou les Français issus de l'immigration par leur assimilation à des délinquants ou des criminels, à des islamistes ou des terroristes. Le groupement "l'Alvarium" entretient, en outre, par le biais de plusieurs de ses membres dirigeants, des liens avec des groupuscules appelant à la discrimination, à la violence ou à la haine contre les étrangers. Ces agissements, qui tendent à justifier ou à encourager la discrimination, la haine ou la violence envers les personnes d'origine non-européenne, en particulier celles de confession musulmane, entrent dans le champ du 6° de l'article L. 212-1 du code de la sécurité intérieure. 8. Eu égard à la nature, à la gravité et à la récurrence des agissements mentionnés au point précédent, visant à stigmatiser les personnes issues de l'immigration et, en particulier, celles qui sont de confession musulmane, et à leur imputer la responsabilité des actes de criminalité et de délinquance commis sur le territoire national, la mesure de dissolution critiquée ne présente pas un caractère disproportionné au regard des risques de troubles à l'ordre public qui en résultent." "7. It is clear from the documents in the case that, among the messages broadcast on the social media by "Alvarium" in 2020 and 2021, invoked by the French Minister of the Interior, some exceed the limits of freedom of political speech by propagating ideas justifying discrimination and hatred towards foreigners or French people of immigrant origin by equating them with delinquents or criminals, Islamists or terrorists. The "Alvarium" group also maintains, through several of its leading members, ties with groups calling for discrimination, violence or hatred against foreigners. These actions, which tend to justify or encourage discrimination, hatred or violence against people of non-European origin, particularly those of Muslim faith, fall within the scope of Article L. 212-1, 6°, of the French internal security code code de la sécurité intérieure). 8. In view of the type, seriousness and recurrence of the incidents referred to in the previous paragraph, aimed at stigmatising people of immigrant background and, in particular, those of the Muslim faith, and blaming them for actions of crime and delinquency committed in France, the dissolution measure criticized is not disproportionate in view of the resulting risk of public order disturbance."

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<http://fra.europa.eu/en/databases/anti-muslim-hatred/>

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