

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	2024	France / Conseil d'État / N°492062 / ECLI:FR:CECHR:2024:492062:20241108	http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2024-11-08/492062	Racial or ethnic origin	Conseil d'État	The case related to the dissolution of the "La Citadelle" association, on the grounds that through its publications, the comments of its members and its slogans, the association implemented a xenophobic ideology and incited hatred and discrimination against people of non-European origin.	The Council of State (Conseil d'État) upheld the dissolution.	Through the words of its president, the association propagated a discourse and ideas that systematically equate people of non-European origin with delinquents and a threat to be fought. Its publications and those of its president provoked a number of calls for hatred and violence, which they refrained from moderating. Finally, its members maintained close ties with groups and individuals who defend an ideology calling for discrimination, violence or hatred, thus confirming that this association promotes a xenophobic ideology. Article L. 212-1 of the French Internal Security Code allows for the dissolution by the Council of Ministers of associations or groups "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 "La Citadelle" association was consistent with freedom of association.	"7. L'association La Citadelle et son président ont, de manière répétée et pendant plusieurs années, publié des messages appelant à la haine et à la discrimination, singularisant les personnes d'origine extra-européenne, notamment en raison de leur race supposée. Ils ont, à plusieurs reprises, notamment lors de manifestations organisées dans les locaux de la Maison de l'identité, bar associatif géré par l'association La Citadelle à Lille, appelé au retour des personnes visées dans leurs supposés pays d'origine. L'association La Citadelle et son président ont propagé un discours assimilant de manière systématique les personnes d'origine extra-européenne à des délinquants, les associant à une menace qu'il convient de combattre. Ils ont notamment instrumentalisé plusieurs faits divers impliquant des personnes d'origine étrangère pour désigner les étrangers et les personnes musulmanes à la vindicte, à travers des messages diffusés par Internet ou par les réseaux sociaux. La publication des nombreux messages de l'association La Citadelle et de son président mettant en exergue des personnes susceptibles d'être d'origine extra-européenne ont suscité des commentaires haineux et injurieux qui n'ont pas été modérés alors que l'association et son président n'étaient pas dépourvus de moyens pour y procéder. Enfin, l'association entretient des liens avec des groupements appelant à la discrimination, à la violence ou à la haine contre les étrangers ou contre des personnes en raison de leur prétendue race ou de leur religion. " 7. The La Citadelle association and its president have, repeatedly and over several years, published messages calling for hatred and discrimination, singling out people of non-European origin, in particular because of their supposed race. They have repeatedly called for the return of these people to their supposed countries of origin, notably during demonstrations at the Maison de l'identité, a associative bar run by the La Citadelle association in Lille. The La Citadelle association and its president have propagated a discourse that systematically equates people of non-European origin with delinquents, associating them with a threat that must be fought. In particular, they have used a number of incidents involving people of foreign origin to vilify foreigners and Muslims, through messages broadcast on the Internet and social media. The publication of a number of messages by the La Citadelle association and its president highlighting people likely to be of non-European origin gave rise to hateful and insulting comments which were not moderated, even though the association and its president had the means to do so. Lastly, the association maintains ties with groups calling for discrimination, violence or hatred against foreigners or against people due to their alleged race or religion. "

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