

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	2018	France / CCPR / C / 123 / D / 2807 / 2016	https://juris.ohchr.org/casedetails/3541/en-US	Religion	Human Rights Committee	A Muslim woman wearing a niqab was stopped for an identity check in Nantes, and subsequently convicted for wearing a garment that conceals the face in public. She was fined 150 euros. She challenged the law, arguing it violated her religious freedom and was discriminatory. Her appeal to the Court of Cassation was rejected, as the court deemed her arguments inadmissible. She also submitted an application to the European Court of Human Rights, which was declared inadmissible in 2014 (see related case file). The author therefore appealed to the ICCPR.	The Committee found that France violated articles 18 (freedom of religion) and 26 (non-discrimination and equality before the law) of the International Covenant on Civil and Political Rights. The Committee ordered France to review its legislation to remove the discriminatory impact and provide reparations to the victim.	Contrary to the European Court of Human Rights' decision, the Committee deemed the argumentation for a ban as necessary and proportionate for the aim of "living together" as vague. Moreover, the Committee argued that French authorities failed to show a rational link between this concept and protecting others' rights. Even if they had, the State did not prove that criminal sanctions were necessary or proportionate. Although the law itself did not explicitly target any specific religious group, it disproportionately affected Muslim women, making it indirectly discriminatory.	The case discusses the wearing of religious clothing as part of the religious freedom. It further highlights how neutral laws may impact specific groups disproportionately and may thus be indirectly discriminatory. This case is also linked to the case of S.A.S. v. France ECHR Application No. 43835/11, Judgment, 1 July 2014.	'In the light of the foregoing, the Committee considers that the criminal ban introduced by article 1 of the Act disproportionately affects the author as a Muslim woman who chooses to wear the full-face veil and introduces a distinction between her and other persons who may legally cover their face in public that is not necessary and proportionate to a legitimate interest and is therefore unreasonable. The Committee hence concludes that this provision and its application to the author constitutes a form of intersectional discrimination based on gender and religion, in violation of article 26 of the Covenant.'

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