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 / ECtHR / Application n°60131/21 / Société d'Exploitation d'un Service d'Information Cnews	https://hudoc.echr.coe.int/fre?i=001-229482	Religion	European Court of Human Rights	The case relates to a formal notice sent by the French audiovisual board (Conseil supérieur de l'audiovisuel - CSA) to the plaintiff company following comments made by E. Zemmour, a columnist, on the "Face à l'info" programme, broadcast on the TV channel it operates.	The Court ruled that the petition was inadmissible as ill-founded.	The Court analysed the conventional criteria of lawfulness for interference with the right to freedom of speech. It concluded firstly that the formal notice in question was indeed provided for by law and that it pursued a legitimate aim. With regard to the necessity of interference, the Court emphasized that while speech made in the context of a debate of general interest enjoys a high level of protection under Article 10 of the Convention, this protection is not without limits. Calling for violence, hatred or intolerance is therefore a limit that must never be exceeded when exercising freedom of expression. However, in this case, the comments were particularly violent (they equated immigration, Islam and Islamism with a desire for "radical measures", thereby legitimizing the violence committed against Muslims), their author enjoying wide media exposure, and their audience apparently perceiving them as incitement to hatred. In addition, the comments did not elicit any response or moderation from the journalist on set.	The question was whether the French audiovisual board's (CSA) formal notice to the plaintiff company to comply in future with the obligation to ensure that its programmes made available to the public "do not contain any incitement to hatred or violence on the grounds of race, sex, morals, religion or nationality" constituted a disproportionate interference with the plaintiff's company's right to freedom of speech (freedom of information component).	"37. Under these circumstances, the Court shared the assessment of the national authorities who considered that, made at the end of statements relating to immigration to France of people of Muslim origin who equated Islam with Islamism, such remarks, which now legitimized violence committed in the past in Algeria against Muslim populations, even when placed in the context of a debate of general interest on the suburbs, the inclusion of people of foreign origin and the place of Islam and Muslims in France, undoubtedly had a hateful and discriminatory connotation. 38. The Court also shared the assessment of the national authorities as regards the particular vigilance incumbent on the plaintiff company in the face of such remarks and their possible impact on public opinion, given the notoriety of their author (paragraph 7 above), the fact that they were made at prime time on a freely accessible television channel, and the fact that the journalist who hosted the programme did not play their role as moderator of the debate."

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

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