

## HATE SPEECH – HATE CRIME IN FRANCE

The first law related to regulation of hate speech has to be found in the **1881 law on press freedom**. Still now, it proves to be a reference for media. The law forbids any hate speech against a group of people who belongs to a specific race or religion in order to beget hate between citizens.

The next actual important law implemented is the **Pleven Act in 1972**, which continues to form the foundation of France's national institutions. It contains four principal elements. First, it bans hate speech, making racial defamation and provocation to racial hatred or violence punishable by criminal law. Second, it outlaws discrimination in employment and in provision of goods and services by public or private actors, also making these criminal offences. Third, it establishes provisions that allow the state to ban groups that seek to promote racism. Fourth, it institutionalized the legal role of non-governmental anti-racist associations as partners in fighting racism, permitting them to instigate and to take part in court cases of racism as "civil parties"—an official status that confers rights on associations-even when they have not been directly harmed.

In **1990**, France extended its anti-racist institutions in three new ways through a major piece of legislation known as **the Gayssot law**. France incorporated a ban on Holocaust denial into its hate speech provisions. It is now illegal to claim that the Holocaust did not take place. Second, the legislation permits judges—at their discretion—to impose an additional penalty on parties convicted of racist crimes, depriving them of some of their civil rights (notably the right to run for and to be elected to public office). Finally, it institutionalized a high-profile discussion of racism by mandating an annual report on the topic, published by the National Commission on Human Rights (CNCDH). Although some of the steps taken were controversial at the time the legislation was passed—notably the ban on Holocaust denial and the power to deprive individuals of their civil rights—on the whole these institutions have been widely accepted in French political circles and by French society. Some far- right leaders like Jean-Marie Le Pen have already been convicted for having said that Jews' extermination was a "historic detail". Furthermore, any Nazi speech and group, and as well as the display and possession of Nazi memorabilia is illegal. The current goal is now to prevent these ideas from spreading on the internet- but although regarded as illegal for French law, they prove to be unpunished in most countries.

Then, in **1994**, the repression against hate crimes and hate speech became harsher. Indeed, the **new Penal Code** defines what can be considered as "*crimes against Humanity*" (such as slavery, genocide, deportation, war crimes...) and special sanctions in case of degradation of burials on a racist purpose. The authors of such hate crimes are often convicted to jail. For instance the last case was in April: 50 Muslim soldiers' burials were degraded with Nazi swastikas.

---

\* Anne-Charlotte Fauvel, student of the Institute of Political Studies (Lille) in Europe section. The work is written during the Internship in Belgrade (June-August 2008) and represents the Anne-Charlotte Fauvel's contribution in exchanging the human rights experiences of France and Serbia.



The two youngsters were convicted to 2 years in prison and deprived of their civil rights for three years.

#### **Overview on sanctions in case of hate speech and hate crime in France:**

- **Racist or anti semitist crime:** up to 30 years in jail for torture and up to 20 years in case of violence causing death unvoluntarily.
- **Apology of hate crime:** up to 5 years sentence and/or 45.000 euros fee
- **Racist or anti religious degradation of a burial:** up to 3 years in prison and/or 45.000 euros fee.
- **Discrimination by an official:** up to 3 years and 45.000 euros + deprivation of civil rights
- **Provocation to discrimination, hate or racial violence:** up to one year in jail and/or a 45.000 euros fee. If the accused is an official, he can become ineligible for 5 years

The 1972 law is a turning point towards the recognition of NGOs as decisive actors for fighting racism and anti-Semitism. Thus the procedure to prosecute officials, papers, firms or public figures because of hate speech has become easier; they also obviously play a decisive role in raising awareness by demonstrations or press conferences. These are the most famous and powerful ones.

**\*MRAP<sup>1</sup>** (Movement against racism and for friendship between people) was created in 1941 to save Jews from deportation. During those years, its members are involved in the fights against neo-Nazism and anti-Semitism but then, began to tackle various forms of racism, in particular against immigrants or Gypsies. It is also engaged in anti-fascist actions against the far right, as well as the right wing and in the denunciation of the internet risks and historical revisionism. It is famous for the court suit deposed against Bruno Gollnisch<sup>2</sup>, a far right leader because of revisionism and various against Brigitte Bardot<sup>3</sup>, accused of hate speech against Muslims, in association with LICRA.

**\*LICRA<sup>4</sup>**, (International League against racism and anti-Semitism), was created in 1926. It played the same role as MRAP for the protection of Jews during the war. The LICRA's aim is to stay in permanent alertness concerning any kind of discrimination. It fights against everyday racism

<sup>1</sup> <http://www.mrap.asso.fr/>

<sup>2</sup> <http://www.mrap.fr/proces/golnisch>

<sup>3</sup> <http://www.france24.com/fr/20080416-brigitte-bardot-jugee-propos-racistes-proces-animaux>

<sup>4</sup> <http://www.licra.org/>



YUCOM

and the banalization of xenophobic acts. It helps the victims who are most of the time not aware of their rights. It does not want in any case to alter the press's freedom of speech, but only to find and correct any hate or discrimination incitement. Moreover, it sues websites that publish racist or anti-semitic content, and warns the hosts about the risks they bring upon themselves. Thanks to the 1972 law, it brought charges against *Yahoo*<sup>5</sup> for selling Nazi memorabilia to people in France in violation of French law. Finally, it attacks racist contents in some political speeches.

**\*LDH**<sup>6</sup> (Human Rights League) was created in 1898 in order to defend Captain Dreyfus<sup>7</sup>. It dedicates more to the defense of Muslims rather than Jews or others minorities. It is harshly criticized for its links with radical Islam by the others NGOs.

**\*SOS RACISME**<sup>8</sup> founded in 1984 and is more rooted in big towns' suburbs. It fights against any kind of racial discrimination and is well known for its campaigns against repression of immigrants.

There are a few others committees or associations focused on the defense of one kind of minority. There are three representative groups of Muslims: the **UOIF** (Union of French Islamic Organizations), la **Grande Mosquée de Paris** and **the CFCM** (French Council of the Muslims). They are known, for having charged the humoristic paper, *Charlie Hebdo*, for having published Danish caricatures of Mohammed in 2007. This trial raised a national debate even an European one about press freedom and hate speech.

Others dedicate to fight against anti-Semitism like **France-Israel** association which charged the famous paper *Le Monde*, in 2000, for its anti Semitist articles after the Second Intifada.

---

<sup>5</sup> <http://news.bbc.co.uk/2/hi/europe/1032605.stm>

<sup>6</sup> <http://www.ldh-france.org/>

<sup>7</sup> The Dreyfus affair is very famous in French History. Dreyfus captain in the army was accused of treason. But behind this charge, was an actual anti semitist affair which divided the country. More information :

<http://encarta.msn.com/encnet/refpages/refarticle.aspx?refid=761560347>

<sup>8</sup> <http://www.sos-racisme.org/>

