

Press release issued by the Registrar

Admissibility Decision

[Le Pen v. France](#) (application no. 18788/09)

Unanimously: application inadmissible

**PENALTY IMPOSED ON JEAN-MARIE LE PEN FOR STATEMENTS
ABOUT MUSLIMS IN FRANCE WAS JUSTIFIED**

Principal facts

The applicant, Mr Jean-Marie Le Pen, is a French national who was born in 1928 and lives in Saint-Cloud. He is president of the French “National Front” party.

In 2005 he was fined 10,000 euros for “incitement to discrimination, hatred and violence towards a group of people because of their origin or their membership or non-membership of a specific ethnic group, nation, race or religion”, on account of statements he had made about Muslims in France in an interview with *Le Monde* daily newspaper. He asserted, among other things, that “the day there are no longer 5 million but 25 million Muslims in France, they will be in charge”.

The Paris Court of Appeal sentenced him to another fine, of the same amount, in 2008 after he commented on the initial fine, in the following terms, in the weekly *Rivarol*: “When I tell people that when we have 25 million Muslims in France we French will have to watch our step, they often reply: ‘But Mr Le Pen, that is already the case now!’ – and they are right.” The Court of Appeal considered that Mr Le Pen’s comments to the newspaper suggested that the security of the French people, whose reactions allegedly went further than his own offending statements, depended on them rejecting the Muslim community. It held that the applicant’s freedom of expression was no justification for statements that were an incitement to discrimination, hatred or violence towards a group of people.

In 2009 the Court of Cassation dismissed an appeal lodged by Mr Le Pen in which he argued that his statements were not an explicit call for hatred or discrimination and did not single out Muslims because of their religion, and that the reference to Islam was aimed at a political doctrine and not a religious faith.

Complaints, procedure and composition of the Court

The application was lodged on 3 April 2009. The decision on admissibility was given on 20 April 2010 by a Chamber composed of seven judges:

Peer **Lorenzen** (Denmark), **President**,
Renate **Jaeger** (Germany),
Jean-Paul **Costa** (France),
Karel **Jungwiert** (Czech Republic),
Mark **Villiger** (Liechtenstein),
Mirjana **Lazarova Trajkovska** (the Former Yugoslav Republic of Macedonia),
Zdravka **Kalaydjieva** (Bulgaria), **Judges**,

and Stephen **Phillips**, **Deputy Section Registrar**.

Decision of the Court

The authorities' interference with Mr Le Pen's freedom of expression, in the form of a criminal conviction, had been prescribed by law and pursued the legitimate aim of protecting the reputation or rights of others.

The Court reiterated that it attached the highest importance to freedom of expression in the context of political debate in a democratic society, and that freedom of expression applied not only to "information" or "ideas" that were favourably received, but also to those that offended, shocked or disturbed. Furthermore, anyone who engaged in a debate on a matter of public interest could resort to a degree of exaggeration, or even provocation, provided that they respected the reputation and rights of others. When the person concerned was an elected representative, like the applicant in this case, who represented his voters, took up their concerns and defended their interests, the Court exercised the strictest supervision of interferences with his freedom of expression.

The applicant's statements had been made in the context of a general debate on the problems linked to the settlement and integration of immigrants in their host countries. Moreover, the varying scale of the problems concerned, which could sometimes generate misunderstanding and incomprehension, required considerable latitude to be left to the State in assessing the need for interference with a person's freedom of expression.

In this case, however, Mr Le Pen's comments had certainly presented the "Muslim community" as a whole in a disturbing light likely to give rise to feelings of rejection and hostility. He had set the French on the one hand against a community whose religious convictions were explicitly mentioned and whose rapid growth was presented as an already latent threat to the dignity and security of the French people.

The reasons given by the domestic courts for convicting the applicant had thus been relevant and sufficient. Nor had the penalty imposed been disproportionate. The Court found that the interference with the applicant's enjoyment of his right to freedom of expression had been "necessary in a democratic society". His complaint was accordingly rejected.

The decision is available only in French. This press release is a document produced by the Registry; the summary it contains does not bind the Court. The decision is accessible on its Internet site (<http://www.echr.coe.int>).

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.