



Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex
People in France covering the period of January to December 2018

France

Asylum

The National Assembly adopted an amendment to the Law for controlled immigration, effective right of asylum and successful integration on 26 July, to exclude countries that criminalise homosexuality from the list that France considers 'safe' for asylum purposes. The amendment was originally tabled by Elise Fajgeles and Matthieu Orphelin (La République En Marche, LREM; centrist) in April. The amendment entered into force on 11 September.

Bias-motivated violence

Two young women were attacked and subjected to lesbophobic insults on a train journey in February. They were travelling together on the RER train to Paris when a group of young people pulled their hair, taunted and violently attacked them. When the train reached Conflans-Sainte-Honorine, police officers arrested seven 17-years-olds for 'willful violence based on sexual orientation'; two of the attackers were detained in custody. The trial took place on 6 November at the Pontoise Child Court. The judgment is expected in 2019.

To mark the city's hosting of the 2018 Gay Games, a pedestrian crossing in the Parisian district of Marais was painted in rainbow colours. The crossing was then vandalised twice within one week in June – firstly with the message "LGBT, out of France", and secondly "LGBT dictatorships" and comments urging Anne Hidalgo (the city's mayor) to resign. A complaint was filed to Paris City Council, with Hidalgo stating that "this homophobia will not go unpunished". Hidalgo also said that the rainbow color crossings will be permanent.

Vanessa Campos, a trans and migrant sex worker was murdered in Paris on 16 August, which sparked a campaign of international solidarity. Campos was killed, by a police gun, while her client was being robbed. France put in place the 'Swedish Model' in 2016, penalising the clients of sex workers. This April, Médecins du Monde France published a report on the impact of this legal change, showing that 63% of sex workers have experienced a deterioration of their working conditions and 42% have been more exposed to violence. The report noted that marginalised sex workers, including those trans and migrant, have been most affected.

On 3 October, the Assize Court of Basse-Terre in the French territory of Guadeloupe in the Caribbean, sentenced two men to 20 and 18 years of imprisonment for the homophobic murder of Patrice Gélabale in 2016.

Bodily integrity

The National Consultative Human Rights Commission (CNCDH) made an announcement on 22 May, referring to non-consensual and medically unnecessary surgeries on intersex people are "sexual mutilation" and calling them extremely harmful for victims. The statement is not binding. The Commission is an independent state body, consisting of civil society organisations.

Family

A six-month long national public consultation on bioethics was announced by the government in January, in order to shape the update of the bioethics law. President Emmanuel Macron (La République En Marche, LREM; centrist) had campaigned on a promise to revise the existing laws on medically assisted reproduction and open them to single women and lesbian couples. In a meeting in November with civil society, including the Network of European LGBTIQ* Families Associations (NELFA) and Inter-LGBT, Macron confirmed that the law is to be expected in the summer of 2019.

The European Court of Human Rights rejected the case of a lesbian woman who had been refused paternity leave on 18 January. A three-judge committee ruled that the application in Hallier and Others v France was inadmissible. In their decision, the judges found that paternity leave pursued a legitimate aim, that any difference in treatment had not been based on sex or sexual orientation, and that the biological mother's partner has become eligible for carer's leave since the application was made.

On 1 March, the European Court of Human Rights ruled that the Bonnaud and Lecoq v. France case was inadmissible. The case involved a lesbian couple, who had given birth to two children and wanted to be recognised as exercising joint parental responsibility. The ECtHR found that the French court decision had not been based on a difference of treatment due to their sexual orientation.

Freedom from torture, cruel, inhuman or degrading treatment

In April, Laurence Vanceunebrock-Mialon (La Republique En Marche, LREM; centrist) announced a proposal to ban so-called 'conversion therapies'. The MP stated that her initiative was inspired by the 2016 Maltese legislation that outlawed harmful practices that attempt to treat people's SOGIESC characteristics like an illness. Vanceunebrock-Mialon's initiative would criminalise such actions with fines and prison terms of three years. This could potentially rise to 10 years imprisonment if the practice resulted in the suicide of an individual. There have been no updates since the spring.

Legal gender recognition

On 25 April, the University of Caen announced that, from autumn 2018, trans students would be able to use their first names during their studies, not the entry that appears on the civil registry. The announcement came after students published an open letter and called for a meeting with the university's president.

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