

The State of the World's Human Rights; France 2023

Parliament passed highly controversial new laws authorizing the use of mass video surveillance technology by law enforcement and introducing discriminatory immigration, nationality and asylum restrictions.

Discrimination

In January, the government launched its four-year National Plan Combating Racism, Antisemitism and Discrimination Linked to Origin, which failed to acknowledge or tackle institutional and systemic racism.

In June, OHCHR, the UN human rights office, urged the government to “seriously address the deep issues of racism and discrimination in law enforcement”. The CERD Committee called on France to tackle “the structural and systemic causes of racial discrimination, including in law enforcement, in particular in the police”.

In October, France’s highest administrative authority, the Council of State (Conseil d’État), acknowledged the practice of discriminatory police checks against Black and Arab men and boys but proposed no action.

Throughout the year, mosques, synagogues and cemeteries were subjected to racist attacks, often being vandalized with racist symbols and messaging promoting extremist political groups. After the escalation of violence in Israel and occupied Gaza, reports of attacks increased as schools and walls were defaced with Nazi and antisemitic symbols.

The CEDAW Committee expressed concern about persistent discriminatory stereotypes and high unemployment rates among undocumented migrant women, women belonging to ethnic or religious minorities, women with disabilities and older women.

Muslim women and girls

Ignoring the recommendation of the Public Rapporteur, the Council of State ruled that the French Football Federation could maintain a discriminatory policy effectively prohibiting Muslim women and girl players who wore religious headgear from competing. In October, 69 teams called for the repeal of the French Federation for Basketball’s discriminatory ban on the participation of women and girls wearing religious headgear.

In September, the minister for sports said in an interview that women wearing religious headgear could not represent France at the 2024 Paris Olympics. OHCHR criticized this decision, stating: “No one should impose on a woman what she needs to wear or not wear”, and warning of the harmful consequences of such discriminatory practices.

In August, the minister for education sent an official bulletin to school directors prohibiting the wearing of *abayas* and *qamis* in all state schools. The bulletin failed to define these terms, despite their application to a range of loose-fitting clothing. Police were stationed outside some schools and, within a week of the ban, scores of Muslim girls were refused entry, breaching their rights to education and non-discrimination.

LGBTI people

LGBTI groups signalled an increase in anti-LGBTI violence, with LGBTI community centres across mainland France and in overseas territories subjected to attacks and vandalism.

Unlawful attacks and killings

France's legal framework regarding the use of lethal force and firearms by law enforcement fell short of international human rights law and standards.

In June, a police officer shot and unlawfully killed a 17-year-old French child of Algerian descent, Nahel M, during a traffic stop. The killing sparked widespread outrage about lethal force, impunity and systemic racism in French law enforcement. Large-scale protests and unrest followed. In some areas, military units were deployed alongside law enforcement. At least 32 investigations were launched into incidents of excessive force by law enforcement during subsequent protests and unrest. Delivery driver Mohamed Bendriss was killed, and scores of people were seriously injured, some suffering permanent mutilation, after being struck with less lethal weapons.

There was no progress towards securing justice for the killing of Algerian national Zineb Redouane, who died after she was struck by a tear gas canister fired by police during a protest outside her apartment in December 2018.

Freedom of assembly

Authorities repeatedly resorted to excessive, disproportionate and illegitimate restrictions on protests. Protesters were frequently subjected to arbitrary arrests and fines as well as confiscation of safety equipment, protest banners, pots, pans and amplifiers.

Local authorities often pre-emptively banned protests citing "public order" risks, without considering alternative options to facilitate peaceful assembly. In April, a Paris administrative tribunal overturned the latest in a series of sweeping banning orders declaring it a "manifestly illegal infringement of the right to protest ... not necessary or proportionate to the preservation of public order".

In July, the administrative court of Cergy-Pontoise upheld a "public order" ban on a gathering to commemorate the anniversary of the death in custody of Adama Traoré. Police carried out violent arrests, and seriously injured Youssouf Traoré, brother of the late Adama. The court upheld the banning of a subsequent protest against police violence and systemic racism, again citing public order risks in the wake of widespread disturbances following the killing of Nahel M.

In October, the minister of the interior issued a memo calling on local authorities to pre-emptively ban all Palestine solidarity protests, a disproportionate and discriminatory attack on the right to peaceful assembly. The ban was challenged before the Council of State, which determined that local authorities should judge public order risks on a case-by-case basis.

Dispersal of protests using force, including indiscriminate baton strikes, was often a tactic of first resort. In March, the Council of Europe Commissioner for Human Rights expressed concern about excessive force and the arbitrary arrest and detention of protesters and bystanders. The UN Special Rapporteur for Environmental Defenders condemned the "disproportionate" law enforcement response to an environmental protest in Sainte-Soline, which had caused many injuries. One protester required neurological treatment after being placed in a month-long induced coma and spending six weeks in intensive care.

In June, UN rights experts expressed concern about excessive use of force against protesters, journalists and bystanders at pension reform and climate protests, including the use of stun

grenades and tear gas, and the firing of rubber bullets from moving vehicles.

The Parliamentary Assembly of the Council of Europe expressed alarm at the injuries suffered by protesters, and urged reform of law enforcement accountability mechanisms.

The European Court of Human Rights opened an investigation into alleged torture and other ill-treatment endured by Laurent Théron, who had lost vision in one eye due to a stun grenade thrown by a police officer in a 2016 protest.

In Mayotte, law enforcement officers unlawfully fired live ammunition towards the ground to disperse crowds during protests and unrest at the expulsion of undocumented migrants.

Freedom of association

The Council of State annulled the government's dissolution of environmental activist group Uprisings of the Earth, citing the need to respect the right to freedom of association. Members of the group had been labelled "eco terrorists" by the interior minister.

During a parliamentary hearing in April, after the national Human Rights League had denounced excessive use of force by law enforcement, the interior minister suggested that the group's funding should be scrutinized.

Mass surveillance

Under the premise of hosting the Paris 2024 Olympic Games, parliament passed a new law authorizing the use by law enforcement of mass video surveillance technology powered by artificial intelligence.¹ Following widespread condemnation by civil society over the threat to privacy, non-discrimination and other rights, in November the Constitutional Court ruled unlawful the Ministry of Justice's expanded surveillance powers enabling remote activation of electronic devices to capture sound and image. It did, however, approve remote activation for geolocation.

Unfair trials

In April, Hassan Diab was convicted in his absence for the 1980 bombing of the Rue Copernic synagogue. The conviction went ahead despite calls from human rights organizations for charges to be dropped on fair trial grounds and due to major irregularities in the decades-long pursuit of Hassan Diab.²

Cruel, inhuman or degrading treatment

The UN Committee Against Torture again raised concern over France's refusals and delays in repatriating French national women and children held in prison-like conditions in camps in north-east Syria.

Economic, social and cultural rights

After initial votes in favour in parliament, the president reaffirmed his support for enshrining "the freedom to access abortion" in the constitution in 2024. The UN Committee on Economic, Social and Cultural Rights highlighted the severe inequalities between metropolitan France and "overseas

territories”, requesting that France address the “recurring problem of access to water in Mayotte and Guadeloupe”.

Children’s Rights

In June, the UN Committee on the Rights of the Child raised concerns over the increasing number of children and families living in poverty.

Right to truth, justice and reparation

The Court of Cassation recognized universal jurisdiction in the French justice system in relation to two cases concerning war crimes committed in Syria. In October, parliament adopted a legislative amendment which would partially ease requirements for prosecutions of international crimes such as war crimes, crimes against humanity and genocide.

Right to a healthy environment

In June, independent advisory body the High Council on Climate reported that France was not making sufficient progress towards its carbon neutrality goal.

In October, The Guardian newspaper published a report concluding that French banks were the most prolific financers of the biggest fossil fuel extraction projects in the world.

The government published its new Ecological Planning Strategy, including a pledge to end coal power use by 2027 having failed to meet its initial 2022 target.

In November, the Council of State again fined the government for failing to adequately tackle air pollution.

Refugees’ and migrants’ rights

Parliament approved a discriminatory, xenophobic “immigration control” law, which the Defender of Rights and National Commission for Human Rights had called to be rejected on human rights grounds. The law expanded administrative powers to detain and expel foreign nationals deemed a “threat to public order” or to have failed to “respect republican values”, regardless of residency status and without precise criteria. It also undermined the right to family life, housing and health and re-criminalized “irregular” residency, an offence previously abolished in 2012.

Barriers to residency renewal, regularization and appeal rights made the position of migrants more precarious, while diminishing judicial expertise at asylum courts reduced access to justice for asylum seekers. The practice of administrative detention for children was retained in Mayotte. Challenges to multiple provisions of the new law were brought before the Constitutional Council in December.

Throughout the year, France issued expulsion orders to, and detained citizens from, countries where a forced return could amount to refoulement, including Syria, Iran, Sudan, Afghanistan and Haiti.

In November, the interior minister ordered the deportation of an Uzbek national, “Mr A”, disregarding a European Court of Human Rights decision prohibiting his expulsion due to risk of torture. In December, the Council of State denounced the deportation and instructed the government to take all necessary action to ensure Mr A’s return to France.

In February, the UN Committee on the Rights of the Child expressed deep concern about the detention of asylum-seeking families with children as well as unaccompanied children. It also criticized inhumane accommodation and age-testing methods.
