

## Amnesty International Report 2022/23; The State of the World's Human Rights; France 2022

Racial and religious discrimination persisted, especially targeting Muslim individuals and associations. Excessive use of force by police continued without accountability. The law on “republican values” restricted freedom of association. The European Court of Human Rights found that France violated the rights of Chechen refugees and destitute asylum seekers. France failed to comply with air quality standards. A former Liberian rebel commander was sentenced for wartime atrocities in Liberia. A criminal complaint was filed against three French arms companies for possible complicity in war crimes and crimes against humanity committed in Yemen. Severe overcrowding in prisons resulted in inhumane and degrading detention conditions.

### Discrimination

#### Muslim women’s rights

A collective of women footballers, Les Hijabeuses, was unlawfully prevented from holding a protest during a parliamentary debate on a proposal to ban the wearing of religious clothing in competitive sport. Tabled as an amendment to the Democratizing Sports bill, the proposal would have reinforced an existing discriminatory ban preventing Muslim women from participating in competitive football if they chose to wear a headscarf. An administrative tribunal overruled the protest ban, albeit after the protest itself had been abandoned. Although the amendment was not adopted, parliamentary debates on the subject were marred by discriminatory rhetoric.<sup>1</sup>

At year’s end, France’s highest administrative court, the Council of State (Conseil d’État), was yet to rule on a complaint brought by Les Hijabeuses in November 2021 against the French Football Federation’s discriminatory policy prohibiting women who wear headscarves from participating in competitive football matches.

In June, the Council of State upheld a lower court ruling banning the use of full-body swimwear – so-called “burkinis” – in public swimming pools in Grenoble. The court concluded that Grenoble’s proposed authorization of use of the “burkini” would “undermine equal treatment” for other users of public services. It cited the 2021 law on “republican values”, which critics had feared would lead to human rights violations and, particularly, discrimination against Muslim individuals and associations.

### Antisemitism

In June, a mural was painted in Avignon using overtly antisemitic imagery, symbolism and tropes to depict a political adviser controlling President Macron. Calls for its removal were refused by local authorities on the ground of freedom of expression. It was eventually defaced by members of the public.

## Racial discrimination

In December, the CERD Committee urged France to redouble its efforts to effectively prevent and combat racist hate speech due to “persistent and widespread racist and discriminatory discourse... by political leaders against certain ethnic minorities, in particular Roma, Travellers, Africans, people of African descent, people of Arab origin and non-citizens”. The committee was also concerned about law enforcement’s persistent use of racial profiling.

A class action lawsuit filed in 2021 by a coalition of organizations with the Council of State, arguing that the government had failed to take measures to prevent racial profiling and that systemic racial discrimination by police was ongoing, was pending at the end of the year.

## Impunity

The public prosecutor decided to close the case of a young man who lost his hand during a police operation at a party near Redon when kinetic impact projectiles as well as stun and tear gas grenades were used inappropriately and in a dangerous manner, at night with low visibility. The prosecutor claimed the use of force was necessary and proportionate, in direct contradiction to the findings of a 2021 report by Amnesty International.

There was no progress towards securing justice, truth and reparation for the death of Algerian national Zineb Redouane, who died after she was struck in the face by a tear gas canister fired by police during a protest outside her apartment in December 2018. Despite media reports in 2021 that the inspectorate for the National Police had recommended an administrative sanction against the police officer who fired the canister, the director of the national police refused to apply any sanction and the case appeared to be stalled with the investigating judge.

## Freedom of association and expression

Civil society organizations faced restrictions, including through the 2021 law on “republican values”, and its subsequent Implementing Decree in force since 1 January. Ahead of its introduction, NGOs had warned that the law allowed for disproportionate restrictions of the rights to freedom of association and expression. Several organizations were also threatened with administrative dissolution based on other laws.

In May, the Council of State suspended the dissolution of an anti-fascist organization and two pro-Palestinian organizations, holding that they did not incite “discrimination, hatred or violence, or behaviour likely to provoke acts of terrorism”.

The dissolution of independent media outlet Nantes Révoltée was announced by the minister of the interior in January but no proceedings were initiated. In September, the prefect of the Vienne department urged public authorities in the Poitiers area to withdraw their funding to a festival organized by Alternatiba, a grassroots movement fighting against climate change and social

inequalities, because the programme included civil disobedience workshops, which would allegedly breach the “contract of republican commitment”.

## Refugees' and migrants' rights

In August, the European Court of Human Rights (ECtHR) ruled in two decisions, *R v. France* and *W v. France*, that the government violated the prohibition of torture and inhuman or degrading treatment (Article 3) by inadequately assessing the human rights risks in its deportations to Russia of Chechens whose refugee status in France had been revoked. In December, the ECtHR ruled in *M.K. and Others v. France*, that the government had violated the right of access to a court (Article 6) for destitute asylum seekers, by failing to enforce orders to provide emergency accommodation issued by the urgent applications judge of the Administrative Court.

Border police continued to summarily return people to Italy, including unaccompanied minors, without due process or examination of their individual circumstances. Law enforcement carried out racial profiling against people boarding or inside trains or crossing the border by foot or car. People crossing the border at night were detained outside of any legal framework before being handed over to the Italian police in the morning. Dozens of people died while attempting increasingly dangerous crossings.

Thousands of people continued to attempt to cross the English Channel in small boats due to a lack of safe and legal pathways to the UK.<sup>2</sup>

According to UNHCR, the UN refugee agency, 118,994 refugees had arrived in France from Ukraine up to the end of October.

## Cruel, inhuman or degrading treatment

On 24 February, the UN Committee on the Rights of the Child condemned France's failure to repatriate French children enduring life-threatening conditions in Syrian detention camps for Islamic State (ISIS) suspects and their families, violating their rights to life and freedom from inhuman and degrading treatment.

In July, France repatriated 35 children, seven of whom were unaccompanied minors, and 16 mothers who were detained in camps in north-east Syria. In September, the ECtHR condemned France in its *H.F. and Others v. France* decision for refusing to repatriate two women citizens held in the camps whose partners were suspected ISIS fighters.

France continued to operate a case-by-case approach to repatriation while dozens of other nationals, including children, women and men, remained held in dangerous, overcrowded conditions.

## Failure to tackle climate crisis

In September, the Council of State reaffirmed the right to live in a healthy environment as a fundamental right.

In October, the Council of State fined the government EUR 20 million for two six-month periods from July 2021 to July 2022 in which it failed to meet its legal commitment to comply with European standards on air quality. The fines were made payable to environmental campaign groups. By the end

of the year, the state had failed to take adequate air quality improvement measures to ensure that pollution targets were met “in the shortest time possible”.

Also in October, the cities of Paris, New York and Poitiers as well as Amnesty International France, joined an ongoing lawsuit brought by a civil society coalition against TotalEnergies in 2017. The grounds for the lawsuit were the company's failure to meet the objectives of the Paris Agreement and to exercise meaningful due diligence with regard to the climate crisis – as required by the French Duty of Vigilance law.

## Right to truth, justice and reparation

In November, the Paris Criminal Court delivered a historic judgment convicting a former Liberian rebel commander, Kunti Kamara, for war crimes committed in Liberia between 1989 and 1996, including complicity in crimes against humanity and as a direct perpetrator of torture and “barbaric acts”.

Concerns remained regarding the interpretation of universal jurisdiction in French law. The interpretation, one of the most restrictive in the world, continued to render the exercise of universal jurisdiction effectively void for most crimes under international law.

## Irresponsible arms transfers

In June, a coalition of NGOs filed a criminal complaint to the Paris judicial court against French arms companies Dassault Aviation, Thales Group and MBDA France, citing their possible complicity in war crimes and crimes against humanity as a result of transfers of arms to Saudi Arabia and the United Arab Emirates for use in Yemen. The government, and parliament, made no progress towards reaching an agreement to establish a parliamentary oversight mechanism on arms transfers.

## Inhumane detention conditions

In June, the French section of the International Prison Observatory and Amnesty International called for a national action plan to urgently address overcrowding and inhumane conditions in French prisons, as highlighted by an ECtHR judgment in 2020.

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1. [\*France: Prefecture of Police Tries to Suppress Women Footballers' Protest against Lawmakers' Latest Attempt to Undermine Muslim Women in Sport\*](#), 10 February
  2. [\*France: Rights under pressure: Amnesty International Submission to the 43rd Session of the UPR Working Group\*](#), 1 May 2023, 26 October

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