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France 2020

The government’s response to COVID-19 raised human rights concerns, including in relation to excessive use of force by police, the right to peaceful assembly and the rights of migrants and asylum-seekers. Human rights defenders continued to face harassment and prosecutions. Following the murder of Samuel Paty, the government introduced counter-terror measures that violated human rights. Thousands of people continued to be prosecuted for the vague offence of contempt of public officials. Racist comments by law-enforcement officials were reported. Arms sales to Saudi Arabia and the United Arab Emirates continued. There remained no measures to monitor compliance with corporate accountability legislation. The government’s response to tackling climate change was inadequate.

Background

To combat the pandemic, on 17 March, the authorities introduced measures severely restricting human rights, including the rights to freedom of movement and to peaceful assembly. Some were eased on 11 May, but on 29 October new lockdown measures were passed in view of the steep increase in COVID-19 cases. On 15 December the authorities imposed a national curfew between 8pm and 6am.

Excessive use of force

Cases of excessive use of force were reported throughout the year. In January, Cédric Chouviat died after a police road stop when officers subjected him to a chokehold. After his death, the Minister of Interior announced a ban on chokeholds but reversed his decision a few days later.

Enforcement of COVID-19 measures further revealed the recurrent unlawful use of force by police, particularly in deprived urban areas with a high proportion of ethnic minority residents. Amnesty International verified at least 15 such incidents between March and April in 15 cities. In some cases, police officers also made racist and homophobic remarks.¹

In September, the Ministry of Interior made public a new strategy for policing assemblies. Rather than prioritizing dialogue and de-escalation practices, the strategy remained focused on the use of force, including the use of dangerous weapons and techniques.

There remained no independent mechanism to investigate cases of unlawful use of force. Very few law enforcement officials were prosecuted in relation to allegations of unlawful use of force during protests in 2018 and 2019. In one such case in June, a police officer was fined for firing a rubber bullet in the face of a protester during a demonstration in 2018.

In November, the National Assembly adopted a law that criminalizes the circulation of images of law enforcement officials that are deemed to threaten their “physical and psychological integrity”, thereby hampering accountability for excessive use of force. The law was pending before the Senate at the end of the year.

Human rights defenders

In June, the authorities decided to prosecute three police officers, one of whom had assaulted a British human rights defender, Tom Ciotkowski, while he was documenting police abuse against refugees in Calais in 2018.² Courts also eventually acquitted three defenders – Pierre Alain Mannoni, Cédric Herrou and Martine Landry – who had been prosecuted for helping and hosting asylum-seekers.³

The government reiterated its intention to make the protection of human rights defenders abroad one of its foreign policy priorities, particularly ahead of the election of France to the UN Human Rights Council. However, no concrete measures were taken during the year and in France during lockdown, human rights defenders providing humanitarian aid to refugees and migrants continued to face harassment and intimidation in Calais and Grande-Synthe. In September, the Prefect of Pas-de-Calais, prompted by the Interior Minister, issued an order prohibiting the distribution of food and beverages to migrants and asylum-seekers in a large area of Calais.

State overreach

In June, the government introduced a bill to extend the administrative control measures set out in the law on internal security and counter-terrorism, set to expire at the end of the year. In December, Parliament approved the extension of the measures until 31 July 2021.

In October, Kamel Daoudi, a man who had been subject to control measures since 2008, was sentenced to one year’s imprisonment because he had missed a curfew.

In October and November, following the murder of Samuel Paty, a teacher who showed cartoons of the Prophet Mohammed to his pupils, the government adopted counter-terror measures that raised human rights concerns. In particular, the government dissolved several organizations and expelled at least 66 foreign nationals without duly assessing the real risk of torture that they would face in their countries of origin.⁴

Freedom of expression

In June, the European Court of Human Rights ruled that the conviction of 11 activists for their involvement in a campaign calling for a boycott of Israeli products (the Boycott, Divestment, Sanctions (BDS) campaign) violated their right to freedom of expression. Since 2010, the authorities have specifically instructed prosecutors to use anti-discrimination laws to silence peaceful BDS campaigners.

Thousands of people continued to be prosecuted and convicted for the vague criminal offence of contempt of public officials. In October, following the murder of Samuel Paty, the authorities launched dozens of investigations for the similarly vague offence of “apology for terrorism”.

Freedom of assembly

On 11 May, the government imposed a blanket ban on demonstrations to protect public health. On 13 June, the Council of State overturned the ban. Nevertheless, hundreds of protesters were fined for participating in public assemblies between 11 May and the end of August.⁵ Protesters also continued to be arrested and prosecuted on the basis of vaguely formulated criminal offences such as contempt of public officials, failure to comply with notification requirements and participating in a group with a view to preparing violent acts.

Rights of refugees, asylum-seekers and migrants

The COVID-19 pandemic resulted in further barriers for people on the move in accessing social and economic rights, particularly for those living in informal settlements in Paris and northern France. The government suspended the processing of all asylum applications during lockdown.

In the capital, Paris and northern France, migrants and refugees living in informal settlements continued to be regularly forcibly evicted, including during lockdown, without alternative shelters and access to health care. In Calais, law enforcement officials regularly subjected migrants and refugees to harassment and excessive use of force.

Border police continued to push back migrants and asylum-seekers to Italy; and migrants continued to face administrative detention, without consideration for the protection of their health during the pandemic. Unaccompanied minors continued to suffer barriers in accessing welfare provisions and to be pushed back to Italy.

In July, the Council of State ruled that the returning of a woman and her child to Italy without registering and examining their asylum applications violated her right to seek and enjoy asylum.

France and the UK failed to put in place mechanisms for sharing the responsibility for providing a place of safety for thousands of people who tried to cross the English Channel in small boats.

Discrimination

Sexual and reproductive rights

At year’s end, the Senate was still debating the bill on bioethics that the government had introduced to Parliament in 2019. If passed, the law would provide access to medically assisted procreation to all women, regardless of their sexual orientation or marital status.

Hate crimes

NGOs reported that Roma living in two informal settlements near Paris suffered at least five arson attacks in May. One informal settlement was targeted four times with Molotov cocktails that burned down most of the makeshift houses.

Racism

Media reported racist comments and behaviours by law enforcement officials on social media. The then Minister of Interior condemned such behaviour and called for zero-tolerance concerning racism inside the police.

Irresponsible arms transfers

The government continued to sell arms to Saudi Arabia and the United Arab Emirates despite the high likelihood that these arms would be used to commit human rights violations in the conflict in Yemen. The government failed to provide detailed, comprehensive and up-to-date information on arms transfers authorized by the Prime Minister. On 8 August, Lebanese security forces used weapons acquired from France to police protests that left more than 230 people injured (see Lebanon entry).

Corporate accountability

Many companies still failed to comply with the 2017 French duty of vigilance law requiring companies to conduct human rights due diligence, with only 72 companies of nearly 200 publishing plans on how they intended to respect human rights in their value chains. The authorities again failed to propose measures to ensure a system to monitor compliance with this legislation.

Failure to prevent climate change

The government failed to meet its obligation to adequately tackle the climate emergency. In April, the government's revised national strategy raised the permitted level of greenhouse gas emissions compared to the previous year. In July, the High Council for the Climate, an independent authority, considered that the government's action to tackle the climate emergency was inadequate. Moreover, the government granted financial aid to the most polluting sectors of the economy as part of a COVID-19 business recovery plan.

1. [Europe: Policing the pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe \(EUR 01/2511/2020\)](#)
2. [France: Prosecution of police who assaulted Calais camp volunteer sends message against impunity \(Press release, 11 June\)](#)
3. [France: Acquittal of farmer who helped asylum-seekers shows that solidarity is not a crime \(News story, 13 May\)](#)
4. [France: Counter-terror measures following the murder of Samuel Paty raise human rights concerns \(EUR 21/3281/2020\)](#)
5. [France: Thousands of protesters wrongly punished under draconian laws in pre and post COVID-19 crackdown \(News story, 28 September\)](#)

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