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The laws on “global security” and “strengthening republican principles” raised concerns in relation to mass surveillance as well as the rights to freedom of expression and freedom of association. The authorities continued to use vague and overly broad criminal provisions to arrest and prosecute peaceful protesters and used dangerous weapons for policing public assemblies. In June, police used excessive force to disperse hundreds of people who had peacefully gathered for a music festival. In July, a coalition of organizations filed a class action lawsuit arguing that the government had failed to take measures to prevent racial profiling and systemic racial discrimination by police. Transgender people continued to be excluded from access to in-vitro fertilization. The authorities forcibly returned ethnic Chechens to Russia despite the high risk of their suffering serious human rights violations in the country. In February, an administrative court ruled for the first time ever that the authorities’ inaction in response to the climate emergency was illegal.

Freedom of expression

In April, parliament passed a “global security” law, which included a provision restricting the right to share images that identified police officers. Concerns were raised that press and human rights defenders could be prevented from sharing information in the public interest on abuses allegedly committed by police. In May, the Constitutional Court ruled that this provision was unconstitutional.

In July, parliament passed a law aimed at “strengthening republican principles”, which entered into force in August. The law criminalized the publication of information on the private or professional life of anyone, including law enforcement officials, where it could result in direct threats against them or members of their families. While the law included a specific provision for the press, it raised concerns over disproportionate restrictions on freedom of expression.

Freedom of assembly

The authorities continued to use vague and overly broad criminal provisions to arrest and prosecute peaceful protesters, including in the context of public assemblies opposing the new “global security” bill. In May, a court acquitted Frédéric Vuillaume, a trade unionist who had peacefully protested against the bill in December 2020. Authorities had charged him for participating in a public assembly that they deemed to threaten public order.

In June, police used excessive force to disperse hundreds of people who had peacefully gathered for a music festival in Redon, Brittany. The police fired weapons, including tear gas and stun grenades, mostly during the night. Serious injuries occurred during the police operation, including the loss of a man’s hand. The incident amounted to a breach of both national and international law, which require the use of force to be necessary and proportionate. At the end of the year, the authorities had failed to launch an effective and independent investigation into the dispersal operation.

In September, President Macron announced measures to ensure accountability for human rights violations committed by police, including parliamentary oversight. However, these fell short of establishing a fully independent oversight mechanism.

Freedom of association

In August, the law on “republican principles” introduced controversial new grounds for dissolving organizations. These included, for example, incitement to discrimination or violence by any member of an organization where the organization’s leaders failed to prevent the incitement. Even prior to this law, the government had been able to dissolve an organization on vague grounds and without requiring prior judicial scrutiny.

The new law also introduced a requirement for organizations seeking public funds to sign a “republican contract” through which they committed to “principles of liberty, equality, fraternity and respect for human dignity”. Making funding subject to these vague principles risked disproportionate restrictions of the rights to freedom of association and freedom of expression.

Discrimination

Racial, ethnic and religious minorities

Civil society organizations continued to report allegations of racial profiling by police. In June, the Paris Appeal Court found that three high-school students from ethnic minority backgrounds had been discriminated against in 2017 when police stopped them to check their identities as they returned from a school trip. In July, a coalition of organizations filed a class action lawsuit to the Council of State arguing that the government had failed to take measures to prevent racial profiling and systemic racial discrimination by police.

Public officials expressed stereotypical views and prejudices against Muslims during public debates on the “republican principles” legislation. Aiming to protect neutrality and “secularism”, the law strengthened the ban on manifesting religion or belief in the public sector, including by non-employee contributors to a public service. Under international human rights law, these were not legitimate aims justifying restrictions to the right to freedom of religion or belief.

LGBTI people’s rights

In June, parliament passed a law on bioethics allowing access to in-vitro fertilization (IVF) irrespective of a person’s sexual orientation or marital status. However, IVF continued to be unavailable to transgender people.

Refugees’ and migrants’ rights

The authorities continued to forcibly return ethnic Chechens to Russia despite high risks of their suffering serious human rights violations there. In April, Chechen police abducted Magomed Gadaev – a refugee and key witness in a high-profile torture investigation against Chechen authorities – two days after his deportation from France to Russia. Magomed Gadaev’s forced return took place despite a ruling by the national asylum court in March against this course of action.

In September, the National Consultative Commission on Human Rights (CNCDH) raised concerns regarding a speech that President Emmanuel Macron had made during the Taliban’s takeover of Afghanistan. President Macron emphasized the need to ensure protection of asylum seekers while countering “irregular migration” from Afghanistan. The CNCDH called on the government to facilitate the establishment of a European mechanism to ensure shared responsibility for protecting Afghan nationals fleeing to Europe and the suspension of forcible returns to Afghanistan. Following the fall of Kabul on 15 August, France continued to issue deportation orders to Afghan nationals. In September, the Ministry of Interior confirmed that at least 20 Afghans had been sent to other EU countries under the Dublin regulation since the Taliban took power in Afghanistan. On 29 September, four Afghan men were deported to Bulgaria. The Bulgarian government continued to treat applications of Afghan asylum seekers as unfounded, refusing to consider them.

Migrants and asylum seekers continued to experience degrading treatment, particularly in Calais where police and local authorities restricted their access to humanitarian assistance and subjected them to harassment, but also in Menton and Briançon where migrants were denied the right to apply for asylum. On 24 November, at least 27 people drowned attempting to reach the UK by boat from Calais. Attempted crossings continued to increase in the absence of effective access to asylum procedures in France as well as in the context of barriers to family reunification and no other safe and legal routes to claim asylum in the UK.

Human rights defenders

In September, a court convicted a police officer who had physically assaulted Tom Ciotkowski, a human rights defender, in Calais in 2018. In the same month, an appeal court acquitted seven human rights defenders who had been convicted for facilitating entry and circulation of irregular migrants in Briançon in 2018.

Mass surveillance

In April, the law on “global security” extended the use of CCTV and included a provision allowing authorities to make use of drones to video-record people in a wide range of circumstances, with few exceptions and without any independent oversight. In May, the Constitutional Court ruled that the latter provision was unconstitutional.

In July, the government proposed a new bill on criminal responsibility and national security, which again included a provision allowing video recordings by drones in a wide range of circumstances. While the provision explicitly ruled out the use of facial recognition technologies, it fell short of subjecting the use of drones to an independent oversight mechanism. At the end of the year, the bill was still pending before parliament.

Freedom of movement

In May, the Riom Appeal Court confirmed the administrative control measures in place against Kamel Daoudi and his conviction for missing a curfew in 2020, having agreed in February to release him on bail while re-examining his case. Kamel Daoudi had been subject to administrative control measures restricting his rights to freedom of movement and private life since 2008.

Detainees' rights

In June, the European Committee for the Prevention of Torture (CPT) raised concerns over violence and abuse suffered by people in pre-charge detention, including alleged racist and homophobic insults by police.

The CPT also expressed concerns over overcrowding and other conditions in French prisons, as well as the detention of mentally ill people in regular prisons due to a lack of suitable facilities.

Irresponsible arms transfers

In September, civil society organizations launched court proceedings to ensure transparency and access to information on arms transfers from France to Saudi Arabia and the United Arab Emirates, which had a substantial risk of being used to commit or facilitate serious violations of international human rights or humanitarian law in the conflict in Yemen. The government and parliament failed to reach an agreement to establish a parliamentary oversight mechanism on arms transfers.

Corporate accountability

In September, the Senate adopted an amendment to the bill on “trust in the judicial system” to give commercial courts competence to hear disputes over the corporate duty of vigilance – a legal duty obliging larger companies to publish annual vigilance plans to address any adverse impacts of their activities on human rights and the environment. Civil society organizations expressed concern as they had called for civil courts to have competence on these matters. On 21 October, a joint committee rejected the Senate’s amendment, thereby ensuring that companies’ human rights and environmental impacts would be adjudicated in the Paris civil court. In December, a Court of Cassation ruling recognized the jurisdiction of civil courts in the first legal action brought under the duty of vigilance law.

Failure to tackle climate crisis

In February, an administrative court ruled for the first time ever that the authorities’ inaction in failing to tackle the climate emergency was illegal and that the government could be held responsible for not fulfilling its commitments.

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