

# **Coronavirus COVID-19 outbreak in the EU**

## **Fundamental Rights Implications**

**Country:** France

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# 1 Measures taken by government/public authorities

- Please describe the public health and related issues concerning key measures taken by government/public authorities at national and regional level in relation to the Coronavirus Covid-19 outbreak that have an actual or potential impact on fundamental rights.
  - Measures taken by the government related to access to health and medical supplies.
- 1. Since the outbreak of the Covid-19 virus a steep increase in the price of hand sanitizer has been reported to the [press](#). In response, France has capped the price of hydroalcoholic gels to the public and to third party merchants by a [decree](#) issued on 5 March 2020. The price of a 50ml bottle is capped at €2, 100ml at €3, 300ml at €5, and a litre at €15. The [Ministry of the Economy stated to the press](#) that the purpose is to “protect consumers from risks brought about by a clearly abnormal market situation”. The [General Directorate for Competition Policy, Consumer Affairs and Fraud Control](#) is in charge of ensuring that the price ceiling is respected. The French Government has also introduced measures to prevent supplies of face-masks running out. A [decree](#) published on 3 March 2020 stipulates that all face-mask stocks and production will be requisitioned until 31 May 2020, in order to reserve them for those infected with coronavirus and those working in the healthcare sector. It was repealed and replaced by the [decree n° 2020-247](#) of 13 March 2020 relating to the necessary requisitions in the context of the fight against the covid-19 virus. The “[emergency Law](#)”, that was adopted on 23 March to counter the spread of the coronavirus, declares a “state of health emergency” for a 2 month period. This law aims to give a specific legal framework, of legislative value, to the special measures taken previously and the upcoming ones. According to Article 2, the Prime Minister can *inter alia* take temporary measures to control the prices of certain products.
- 2. A concern around access to health and medical supplies has been expressed by [several doctors, according to the press](#). In particular, only persons with the most serious symptoms and who are hospitalized are able to benefit from a test for Covid-19. The NGO [Médecins du Monde](#) declared that if “the state refuses to take adequate measures to respond to the crisis in the health system, especially by reinforcing hospitals, the consequences in terms of public health will be disastrous”. On 23 March, the [Minister of Health](#) promised that 20 million masks will be sent to hospitals and nursing homes.
  - The impact of quarantine measures on free movement. / The proportionality of measures imposed on people to undergo tests.
- 3. Regarding freedom of movement within the country, a [decree](#) was adopted on 16 March ordering the compulsory confinement of all citizens for at least two weeks. This text was replaced by a new [decree](#) on 23 March 2020<sup>1</sup>. Leaving one’s home is thereby forbidden. Only a few exceptions are possible, such as going to work and grocery shopping, or for family reasons if vulnerable people need to be assisted. [Article 2 of the emergency Law](#) aimed to face the spread of the Covid-19 epidemic has reinforced the penalties: a violation of the lockdown is now punishable by a fine ranging from €135 to €3,750 and a maximum penalty of 6 months of imprisonment in cases of multiple offending (instead of the previous fine ranging from €38 to €135).
- 4. The [press](#) has also reported that various municipalities have established night time curfews in their cities. Additional fines can be imposed for those not respecting the measures.
- 5. Concerning freedom of movement outside the country, the [Ministry of the Interior](#) declared that France is carrying out targeted border controls with all neighboring countries, while border crossings with Germany have been limited. In addition, according to an [interministerial press release](#), the external borders of the European area have been closed. As a consequence, French citizens and nationals of the European Union, of the Schengen area and of the United Kingdom are able to enter France in order to get to their homes. However, third-country nationals cannot enter the country for 30 days, except those who have their permanent residence in France. All exits remain authorized.

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<sup>1</sup> This new [text](#) was completed by the [decree n° 2020-344](#) of 27 March 2020 extending the confinement until the 15 April 2020.

6. In its [opinion](#) “on ethical issues related to the care of patients with Covid-19 and to the binding public health measures that could be taken in the fight against the epidemic”, the [National Consultative Ethics Committee](#), a French advisory council on bioethics issues (an independent body), recalled on 13 March that any general or individual measures taken against the spread of the virus must be “proportionate and strictly necessary” (p. 4) and it highlighted the importance of drawing them up with “pedagogy” and “intelligibility” (p. 6)<sup>2</sup>.
7. Finally, besides the [Gouvernement’s](#) recommendations made since the beginning of the health crisis to avoid gatherings and contact, the [decree of 23 March](#) indicates that social distancing and hygiene measures – called “barriers” – have to be respected regardless the place and the circumstances.
  - The impact of measures limiting public gatherings on right to freedom of peaceful assembly.
8. In France, a series of decrees (on [4](#), [9](#) and [13 March](#)) has been adopted limiting public gatherings and meetings in order to slow the spread of Covid-19 in the country. Since the last one, any gathering, meeting or activity bringing together more than 100 people simultaneously is prohibited, whether held indoors or outdoors<sup>3</sup>. This measure would affect the freedom of assembly. As a result, the principal unions opposing the controversial pension reform plan had called in a [joint statement](#) for the suspension of the legislative process in the light of the health crisis. On the 16 March 2020, all reforms were suspended by the [French President](#).
  - The impact of the organisation of elections on the right to vote.
9. Despite the coronavirus situation, the first round of the 2020 French municipal elections was held on 15 March. [In the media](#), some have criticised the impact on the right to vote, with record levels of abstention: 44.66% of the population participated according to statistics provided by the [Ministry of the Interior](#). Finally, on the 16 March the [President of the Republic](#) postponed the second round of elections that were to take place on 22 March. [Article 19 of the emergency Law](#) reschedules the second round at the latest in June 2020 “if the health situation allows the organization of electoral operations”.
  - Specifically – have the government/public authorities taken into account how certain measures may impact disproportionately on specific groups. Have they made any reference to this, and are any measures in place to address this?
    - The impact of quarantine measures on vulnerable people such as older people, who should not go out to do shopping because they are a group at risk of Covid-19.
10. [Home help in rural areas](#) (ADMR), an associative network of personal services, takes care of some two million elderly people in France. Home helpers nevertheless complain to the [press](#) that they have to work without masks, gloves or hydroalcoholic gel, which is dangerous for both employees and users. On 22 March 2020, the Government launched an [online service](#) to identify volunteers wanting to help the elderly, isolated or destitute. The help offered targets ‘four vital areas’: food and emergency aid; special childcare; contact with isolated vulnerable people; and local solidarity.
  - The impact of measures such as kindergarten and school closures on working women, in particular, who may have to undertake the majority of childcare responsibilities.
11. A [ministerial decree](#) adopted on 14 March 2020 stipulates that all kindergartens, schools and universities had to close “until further notice” due to coronavirus. Consequently, specific difficulties arise for working parents, when they cannot find child care or their request to work from home is denied. In order to respond to this need, the [Government](#) has put a special system into place allowing parents to apply for leave from work. This procedure, first applied to departments with high Coronavirus incidence rates (Oise and Haut-Rhine), was expanded to the whole country on

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<sup>2</sup> More precisely, the CCNE “draws attention to the importance of communicating and explaining clearly and legibly the reasons which lead, at a given moment, to their proposal, as well as to the proportionality, the appropriateness and the time-limited nature of every measure that infringes on citizens’ freedoms”.

<sup>3</sup> According to the [Article 7 of the decree of 23 March](#), this measure is maintained and is in effect until the 15 April 2020.

- the 13 March as announced by the [Minister of Labor in a press interview](#). She also clarified on that occasion that parents of children under the age of 16 who cannot work remotely “automatically have the right” to paid sick leave, at the employer’s request to the social security administration.
12. In this context, the [Ministry of national Education](#) is turning to online learning. Courses are accessible online, on a platform called “[my class at home](#)”.
- The impact of measures on the self-employed, for example with respect to non-paid leave/sick leave etc.
13. On 11 March, the [French Economy and Finance Minister](#) offered immediate measures to support businesses, such as eased credit terms from the state investment bank, postponements of social and tax payment deadlines and partial unemployment benefits. According to the [Government’s website](#), it is expected that affected businesses pay compensation equal to 70% of gross salary (about 84% of net) to their employees. It is also noted that “employees with the minimum wage or less are compensated 100%” and that “the company will be fully reimbursed by the state, for salaries up to 6,927 euros gross monthly”. Self-employed workers facing difficulties in their activities can as well request a recalculation of their contributions, a new schedule of their payments, or special financial aid when this is necessary. By a [ministerial decree](#) published on 14 March, France has closed all public places “not indispensable to the life of the Nation”, including restaurants, cafes, cinemas and museums. In response, the state has promised to the [press](#) to launch a support fund for small businesses. Particularly, a lump sum of €1,500 should be attributed mainly to those that had to shut down according to the [Government’s website](#). France has in addition suspended all water, gas, electricity and rent bills for small enterprises in difficulties.
- The impact of measures on people on low incomes, who are less able to self-isolate due to – for example – high density/crowded housing conditions (for example, putting them in institutional isolation).
14. Given the official instructions ordering people to stay in their homes, public authorities have established a connection between lack of stable housing and the public health crisis. On 13 March, France’s [Ministry of Territorial Cohesion and Relations with Local Authorities](#) affirmed that the end date of the “winter break” is extended until the 31 May 2020 (instead of 31 March). Therefore, the prefects are “asked to postpone any assistance from the public forces for the implementation of rental evictions” and the 14,000 accommodation places destined for homeless people open for the winter will be maintained for two more months. In this respect, several [organisations](#), and in particular “[Droit au logement](#)”, have requested stricter measures on housing conditions, such as requisitioning empty homes or gyms for homeless people and residents of high-density housing. On 20 March 2020, the Housing Minister said in a [statement](#) that the state will spend an additional emergency sum of €50 million for accommodation and that hotel rooms would be made available for homeless people.
15. Worries have been expressed by [NGOs in the press](#) with regard specifically to the consequences that the epidemic may have on migrants, given the difficult living conditions experienced by many of these. French authorities have presented a series of proposals which have been found “unsuitable” by humanitarian associations. In the same source, the association “Auberge des Migrants” underlined, for example, that although the state advises hand washing and using clean paper towels, migrants do not always have this possibility and stressed the need to halt evacuations of migrant camps carried out by police forces. Moreover, in a [joint statement](#) several NGOs demand, among others, proper accommodation for these persons. On 19 March 2020, [the prefect of the Île-de-France region announced to the press](#) an imminent operation to provide shelter for around 500 people living at a migrant camp in Paris (Porte d’Aubervilliers). In parallel, in accordance with the requests of [organisations](#) and Independent administrative authorities such as the [Defender of Rights](#) and the [Comptroller General of places of deprivation of liberty](#), administrative detention centers (CRA) are gradually being emptied by the authorities. According to [information provided by associations to the press](#), around 360 people in irregular situation remained detained on 19 March in this type of structure in France. Finally, there are no specific preventive measures concerning the reception centers for refugees/asylum seekers according to the [press](#).

16. The health crisis is also raising concerns over measures taken to anticipate the outbreak in prisons according to the [press](#), even if few cases have been registered so far. A meeting was held on the 9 March between prison administrations and representative organisations of supervisors and a protocol has been defined, including preventive isolation. On the 17 March, the [Minister of Justice announced in a press interview](#) the distribution of 100,000 face-masks in prisons and the strengthening of preventive measures. It was decided specifically to suspend visits and activities held indoors (education, socio-cultural activities, sport). The Comptroller General of Prisons (“[Contrôleur Général des lieux de privation de liberté](#)”), an independent public institution in charge of the control of conditions for the management and conveying of people who are deprived of liberty, recalls nevertheless the risks that may arise from detention in overcrowded conditions and deplores a lack of resources. As a result, it recommends a reduction in the prison population, as well as the temporary closure of centers of administrative detention. In order to unclog prisons, the [Minister of Justice stated to the press](#) that short prison sentences are postponed. On 23 March 2020, [she also declared to the press](#) that 5,000 prisoners who are at the end of their sentences would be released. Furthermore, according to the [unions’ comments to the media](#), the preventive isolation of some prisoners has deteriorated their detention conditions. It has to be noted though that the isolation conditions depend on every penitentiary establishment. In the prison of Colmar for example, when a detainee has symptoms all members of the same cell are isolated and have to stay together 23 hours a day. According to the same source, the unions also complain about the lack of tests carried out on detainees.
17. As regards nursing homes, the Government has suspended all visits to Hospital Establishments For Dependent Senior Citizens (EHPAD), and to Long Term Care Units (USLD) according to a [press release](#) issued on 11 March 2020. It has also given specific [instructions](#) on the behaviour to adopt by employers and directors of establishments or services for the elderly and disabled. However, [health professionals for the elderly expressed to the press](#) their concern about the health situation. In particular, they warn about the death rate in the event of a generalisation of the epidemic in Hospital Establishments for Dependent Senior Citizens and demand to be provided with a sufficient number of face-masks.
18. More generally, in its [opinion](#) of 13 March, the [National Consultative Ethics Committee](#) strongly recommended that the public authorities take into account “the question of social inequalities ahead of the development of the epidemic risks, [...]”, as these crisis situations may exacerbate the difficulties encountered by these populations” (p. 6).

## 2 Impact of the outbreak on certain national or ethnic communities

- Please report incidents of xenophobic speech, acts of harassment, and violent attacks against the following since the beginning of the Coronavirus Covid-19 outbreak. Please check official statistics (including police and relevant Ministry data), one relevant civil society organisation, as well as incidents reported by the most prominent media in the country:
    - Persons of Asian<sup>4</sup> origin or perceived as being of Asian origin, or coming from a country identified as having widespread coronavirus such as Iran (who may also be EU citizens).
    - Italians and other EU nationals from Member States<sup>5</sup> where the virus is reported/perceived to be widespread.
19. With the emergence of the Coronavirus outbreak, racist and xenophobic speech has become widespread in the media. On 26 January, a [French regional newspaper](#) published a front page image

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<sup>4</sup> Note: ‘Asian origin’ can encompass people from or having their origins in countries such as China, Japan, South Korea, etc.

<sup>5</sup> Note: With respect to discrimination on the grounds of nationality, please include any evidence of whether the measure targets individuals coming from specific areas within a country with high Coronavirus incidence rates, or whether the measure targets everyone with a specific nationality.

of a woman of Asian origin wearing a face-mask, accompanied with the title “Yellow Alert”, as well as an article with the headline “New Yellow Peril?”, referring to an expression used in the 19th century to target East Asians. This content has been deplored by the [Association of Young Chinese in France](#) and on [social media](#). On 29 February, a French television channel aired a satirical advert in the framework of a comic TV show for “corona pizza” making fun of Italy’s national dish. Three days later, speaking to the press, the [Italian Foreign Minister called](#) the controversial clip “tasteless and unacceptable”.

20. According to information provided by the [press](#), people of Asian descent are most affected by racism in public spaces. There are numerous reports of being subject to harassment and violent attacks. For example, a Japanese restaurant owned by Chinese owners in Boulogne-Billancourt was [vandalised](#) with racist tagging which read “Coronavirus, get out, virus”. Some people have been [“expelled”](#) from the RER (high-speed train service linking Paris to the suburbs) by other users because they were wearing respirator masks allegedly revealing they had the virus. Children of Asian origin have been [ostracised and bullied](#) in the suburbs of Paris. On 29 January, a Chinese student was [attacked](#) in a supermarket in Strasbourg. On 5 February, a high school girl was [insulted and punched](#). On 22 February, a Chinese man was [beaten](#) while walking out of a nightclub in Biarritz. [Anti-Asian animosity](#) related to the outbreak has also increased incidents of racism towards Vietnamese, Japanese or South Korean communities’, including the [humiliation](#) of a Parisian woman of Vietnamese-Cambodian origin on a bus. Moreover, several stigmatizing and xenophobic acts or behavior have been denounced on social networks by people using the hashtag #JeNeSuisPasUnVirus, as reported by [Amnesty International](#).
21. In this regard, a ‘compilation of feedback from the field by the French intelligence services’ was communicated to the President of the Republic on 27 February underlining the risk, among others, of stigmatising people of Asian origin, according to a [newspaper article](#). In addition, the organisation “[SOS Racisme](#)” launched a [campaign](#) combatting anti-Asian prejudices.
22. Incidents concerning EU nationals have also been reported. In Martinique, the press mentioned that on 29 March protesters tried to [prevent](#) the landing of a plane coming from Italy (Milan) and [blocked](#) a bus carrying tourists from Germany and Belgium who were supposed to embark on a cruise.
- Please report incidents of alleged discrimination on the grounds of nationality in access to goods and services, employment, healthcare and any other sector against. For example - universities barring Asians or Italians from accessing courses; coronavirus tests applied to specific nationalities; quarantine measures applied to specific groups etc. Please consult information sources from equality bodies, one relevant civil society organisation, as well as incidents reported by the most prominent media in the country.
23. Neither civil society organisations nor public human rights institutions have publicly denounced specific discriminatory treatment on the grounds of nationality. However, several [media outlets](#) have reported an incident that took place on 3 March in Rennes in which a Chinese student was targeted by a bus driver who shouted “Corona” several times. An internal investigation was opened by the company.

### 3 Impact on privacy and spread of disinformation

24. No cases of violation of privacy and/or data protection rights have been publicly reported by human rights institutions or by the media in France so far. Thus, the [decree](#) of 9 March “adapting the conditions for receiving cash benefits from health insurance and taking charge of telemedicine procedures for people exposed to Covid-19” has been criticised. As noted in an [article](#), some specialists in the protection of health data consider that the decree “goes against the recommendations on data protection and speeches on digital sovereignty from the National Commission for Data Protection”.
25. The [National Commission for Data Protection](#), an independent French administrative regulatory body whose mission is to ensure that data privacy law is applied to the collection, storage, and use

of personal data, published a [note](#) on 6 March entitled “Coronavirus (Covid-19): reminders from the CNIL on the collection of personal data”. The purpose is to highlight principles governing measures implemented to limit the spread of the virus and on the conditions under which personal data, especially health data, can be used. The institution states in particular that employers “must not collect in a systematic and generalized way, or through individual inquiries and requests, information relating to the search for possible symptoms presented by employees and their relatives”. As regards thermal imaging cameras, the [Minister of Health](#) declared to the press the Government’s opposition to the use of this technology in order to identify potential Covid-19 carriers travelling from China, considering this solution “a false security measure”.

26. The French Government has launched a campaign to counter the spread of disinformation online surrounding the outbreak and to instead diffuse accurate information. As such, public authorities have responded to fake news online. [France’s health department](#) has *inter alia* released guidance with respect to methods of treating and preventing the virus which were falsely spread online, such as using cocaine or spraying chlorine on the skin. An [official website](#) has been designed for this purpose and this includes information about coronavirus, frequently asked questions and links. The [Government](#) also partnered on 28 February with mainstream media outlets (Google and Qwant) and social media (Facebook, Twitter, Instagram, TikTok, LinkedIn) to fight coronavirus misinformation online. The [press release](#) issued on this occasion indicates that these private companies have taken measures to tackle bad advice and misinformation about the virus by promoting the governmental information when individuals search for news about the virus and removing or reducing the visibility of fake information and advertisements that could endanger the public.