

Coronavirus Pandemic in the EU – Fundamental Rights Implications

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

- Law organising the end of the state of health emergency

A “state of health emergency” was initially declared on 23 March to deal with the Covid-19 outbreak,¹ and was extended until 10 July 2020.² A new draft law was introduced defining the conditions for lifting this legal framework, which is under discussion in Parliament at the end of June.³ The Report of the Council of Ministers of 10 June explains that “although the health situation is improving, particular vigilance will remain necessary for several more months”. The draft law therefore organises a transitional phase for the period that will follow.⁴

This text, as amended by the Senate, contains some restrictions of liberties that would remain applicable after the end of the state of health emergency. More precisely, it provides that the Prime Minister would retain the possibility of regulating movement and access to means of transport, the opening of establishments receiving the public, as well as public gatherings until 30 October 2020. The draft law also allows authorities to extend the conservation period of the data collected by the information systems implemented to combat the epidemic.⁵

The situation in the overseas departments of Mayotte and French Guiana, where the virus is actively circulating, requires special protection measures, according to the Government. For this reason, the draft law provides for the maintaining of the state of health emergency in these territories until 30 October 2020.⁶

- Concerns

Concerns arose over the adoption of this draft law organising the end of the state of health emergency.

In a declaration of 23 June, the National Consultative Commission on Human Rights (CNCDH), an independent administrative body whose mission is to advise public authorities on human rights related matters, highlighted *inter alia* that, contrary to what its title suggests, the bill aims to renew some exceptional powers granted to the Executive by the state of health emergency, and that certain measures violate fundamental rights and freedoms. The institution also stressed that certain provisions do not meet the requirements of legal certainty or intelligibility of rules (e.g. they do not clearly identify the establishments that are open to the public or which meeting places may be restricted).⁷

In the same vein, the president of the NGO ‘Ligue des droits de l’Homme’ addressed an open letter to parliamentarians on 16 June. He argued that the bill is not intended to “organise the end” of the state

¹ France, Emergency Law n° 2020-290 of 23 March 2020 to deal with the covid-19 epidemic, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041746313&dateTexte=20200507>

² France, Law n° 2020-546 of 11 May 2020 extending the state of health emergency and supplementing its provisions, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041865244&dateTexte=20200519>

³ France, National Assembly, “Draft law organising the end of the state of health emergency”, 10 June 2020, available at: http://www.assemblee-nationale.fr/dyn/15/textes/115b3077_projet-loi

⁴ France, Government, “End of the state of health emergency”, 10 June 2020, available at: <https://www.gouvernement.fr/conseil-des-ministres/2020-06-10/fin-de-l-etat-d-urgence-sanitaire>

⁵ France, Senate, “Draft Law organising the end of the state of health emergency”, 18 June 2020, available at: <https://www.senat.fr/leg/pjl19-537.html>

⁶ France, Senate, “Draft Law organising the end of the state of health emergency”, 18 June 2020, available at: <https://www.senat.fr/leg/pjl19-537.html>

⁷ France, National Consultative Commission on Human Rights, “Declaration relating to the bill organising the exit from the state of health emergency”, 23 June 2020, available at: https://www.cncdh.fr/sites/default/files/declaration_2020_-_5_-_pjl_fin_eus_juin_2020.pdf?fbclid=IwARI1Fcy8EYIUFIJYOxzqj_zSILCFZUPER3PeU7Gb9O0VMeuxllidGjq0hT5g

of health emergency but in reality to extend it in another form. More precisely, he argued that this project aims to extend for a further period certain exceptional provisions, “without relevant health reasons”. Thereby, he concluded that the “Parliament cannot condone such a misuse of powers nor continue to delegate its powers to the Executive”.⁸

- **Right to vote**

The first round of the 2020 French municipal elections was held on 15 March, with record levels of abstention: 44.66% of the electorate participated according to statistics provided by the Ministry of the Interior.⁹ In application of emergency law n° 2020-290, the second round that was to take place on 22 March was postponed at the latest to June 2020, “if the health situation allows the organisation of electoral operations”.¹⁰ A new decree fixed 28 June 2020 as the date for the elections for the renewal of municipal and community councils, councillors in Paris and metropolitan councillors in Lyon.¹¹ Finally, 41.6% of the electorate participated to the second round.¹² According to the press this is a historically low turnout, twenty percentage points less than for the last local elections in 2014.¹³

The legislative provisions aiming to reschedule the electoral calendar were criticised and brought before the Constitutional Council. By a decision of 17 June, the Constitutional Council held that the postponement of the second round to no later than June 2020 does not violate “the right to vote, the principle of honest voting, or that of equality before the vote”. It found that the legislator intended to prevent the holding of the second round from contributing to the spread of the Covid-19 epidemic. The Constitutional Council also noted that this round could only be held if the health situation allowed it. It concluded, consequently, that the contested provisions do not in themselves favour abstention. It would be up to the election judge (*i.e.* the administrative judges) to potentially assess whether the level of abstention may or may not have affected honest voting (*sincérité du scrutin*).¹⁴

- **Freedom of demonstration and association**

No event bringing together more than 5,000 people can take place on the territory of the Republic until the 31st of August 2020.¹⁵ Moreover, since 11 May, all gatherings, meetings or activities for a non-professional reason that bring together more than 10 people simultaneously on the public highway or in a public place are prohibited. Some exceptions are allowed when gatherings, meetings or activities

⁸ France, Ligue des droits de l’Homme, « Bill organising the end of the state of health emergency », 16 June 2020, available at: <https://www.ldh-france.org/projet-de-loi-organisant-la-fin-de-letat-durgence-sanitaire/>

⁹ France, Ministry of the Interior, “Results and monitoring of participation rates in the first round of the 2020 municipal and community elections”, 15 March 2020, available at: <https://www.interieur.gouv.fr/Actualites/L-actu-du-Ministere/Resultats-et-suivi-des-taux-de-participation-au-premier-tour-des-elections-municipales-et-communautaires-2020>

¹⁰ France, Emergency Law n° 2020-290 of 23 March 2020 to deal with the covid-19 epidemic, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041746313&dateTexte=20200507>

¹¹ France, Decree n° 2020-642 of 27 May 2020, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041923824&categorieLien=id>

¹² France, Ministry of the Interior, “Results and monitoring of participation rates in the first round of the 2020 municipal and community elections”, 28 June 2020, available at: www.interieur.gouv.fr/Elections/Elections-municipales-2020/Resultats-et-suivi-des-taux-de-participation-au-second-tour-des-elections-municipales-et-communautaires-2020

¹³ France, Le Monde, “Turnout down sharply compared to previous elections”, 28 June 2020, available at: www.lemonde.fr/les-decodeurs/article/2020/06/28/municipales-2020-la-participation-en-baisse-par-rapport-au-premier-tour_6044454_4355770.html

¹⁴ France, Constitutional Council, Decision n° 2020-849, 17 June 2020, available at: <https://www.conseil-constitutionnel.fr/decision/2020/2020849QPC.htm>

¹⁵ France, Decree n° 2020-548 of 11 May 2020, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000041866783&dateTexte=20200529>
This text repealed and replaced by the decree n° 2020-663 of 31 May 2020, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041939818&dateTexte=20200605>

are considered to be “essential to the continuity of the life of the Nation”,¹⁶ in places of worship,¹⁷ as well as for professional reasons, establishments open to the public, and passenger transport services.¹⁸

As a result, some demonstrations planned in June were prohibited in France. In particular, despite a ban of the event, 20,000 people gathered in Paris on 2 June in memory of Adama Traore, a 24-year-old black Frenchman who died in a 2016 police operation. On 5 June, the Paris Police Prefecture also banned demonstrations in honour of George Floyd and against police violence,¹⁹ which however took place in Paris and in several places across the country.²⁰ The Minister of the Interior declared to the media that he “ensured there were no police reports” during these protests. He also stated that coming demonstrations in memory of George Floyd as well as those organised by health workers would be tolerated *de facto* and that there would be no sanctions against participants.²¹

After receiving complaints from various associations and unions in this respect, including the NGO ‘Ligue des droits de l’Homme’, the Council of State ruled on 13 June that the prohibition of demonstrations in public is justified only when the virus “barrier measures” cannot be respected or when the event may bring together more than 5,000 people. The jurisdiction notably took into consideration the recommendations of the High Council for Public Health, which does not propose any restriction on movement in public as long as the “barrier measures” are respected (distance of one metre or wearing a mask). It also pointed out that, in accordance with the law,²² any demonstration in public must be the subject of a prior declaration to the municipality or the prefecture, and that it can be prohibited by the police authorities or the prefect if they consider that it is likely to disturb public order, including for health reasons, or when local circumstances justify it. In consequence, the Council of State ordered the suspension of the execution of the relevant provision (Art. 3 of decree n° 2020-663).²³

On 14 June, a new decree reassessed the restrictions.²⁴ Another adopted on 21 June finally provides that gatherings, meetings or activities in public may be authorised by the prefect of the department if

¹⁶ France, Decree n° 2020-548 of 11 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000041866783&dateTexte=20200529>

France, Decree n° 2020-663 of 31 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041939818&dateTexte=20200605>

¹⁷ France, Council of State, Decision n° 440366 and following, 18 May 2020, available at: <https://www.conseil-etat.fr/actualites/actualites/rassemblements-dans-les-lieux-de-culte-le-conseil-d-etat-ordonne-au-premier-ministre-de-prendre-des-mesures-moins-contrainnantes> ; France, Decree n° 2020-618 of 22 May 2020, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041903745&categorieLien=id>

¹⁸ France, Decree n° 2020-663 of 31 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041939818&dateTexte=20200605>

¹⁹ France, Paris Police Prefecture, “Press release: Police prefect bans two rallies on 6 June 2020”, 5 June 2020, available at:

https://twitter.com/prefpolice/status/1268829914624655360?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1268829914624655360&ref_url=https%3A%2F%2Fwww.francetvinfo.fr%2Ffaits-divers%2Fpolice%2Fviolences-policieres%2Fla-prefecture-de-police-de-paris-interdit-deux-rassemblements-prevus-samedi-contre-les-violences-policieres_3996555.html

²⁰ France, Le Figaro, “‘Police violence’: assemblies in France despite bans”, 6 June 2020, available at: <https://www.lefigaro.fr/actualite-france/en-direct-violences-policieres-et-inegalites-raciales-un-samedi-de-rassemblements-en-france-et-aux-etats-unis-20200606>; France, France Info, “Anti-racist demonstrations: several processions all over France”, 6 June 2020, available at: https://www.francetvinfo.fr/faits-divers/police/violences-policieres/manifestations-antiracistes-plusieurs-corteges-partout-en-france_3998455.html

²¹ France, BFM Tv, “George Floyd: despite the ban, Castaner ensures that this Tuesday's gatherings will be tolerated”, 9 June 2020, available at: https://www.bfmtv.com/politique/pour-castaner-la-manifestation-en-memoire-de-george-floyd-est-interdite-en-droit-mais-il-n-y-aura-pas-de-sanction-et-de-proces-verbal-pour-les-participants_AV-202006090089.html;

²² France, Homeland Security Code, Articles L211-2 and L211-3, available at: https://www.legifrance.gouv.fr/affichCode.do?sessionId=B464BA164A160551A27137D9859B9069.tplgfr34s_2?idSectionTA=LEGISCTA000025508382&cidTexte=LEGITEXT000025503132&dateTexte=20200616

²³ France, Council of State, Decision n° 440846, 440856, 441015, 13 June 2020, available at:

<https://www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/conseil-d-etat-13-juin-2020-manifestations-sur-la-voie-publique>

²⁴ France, Decree n° 2020-724 of 14 June 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041991876&categorieLien=id>

the conditions of their organisation are capable of guaranteeing compliance with the social distancing and hygiene measures.²⁵

1.2 Measures affecting the general population

1.2.1 Social distancing

- **Lifting of lockdown measures**

Lockdown measures had been imposed in France to deal with the Covid-19 epidemic. A gradual 'deconfinement' began with an exit strategy rolled out with the key dates of 11 May, 2 and 15 June.

Since 11 May, people are allowed out of their homes without having to produce self-certification, but trips to another department of France of more than 100km from home were forbidden. Only some exceptions were possible (notably for those who had to go to work, to school, for medical appointments, and for vital family or judicial reasons).²⁶

From 2 June, travelling further than 100km is also possible. However, the prefect of the department may, if the development of the health situation justifies it, prohibit these trips except when they are made for professional activities, medical appointments, vital family or judicial reasons. The decree of 31 May also defines a new deconfinement map with green and orange areas with regard to their health situation, depending in particular on the incidence rate of new daily cases accumulated over seven days, the reproduction factor of the virus, the rate of occupation of intensive care beds by patients affected by Covid-19, the rate of the positive tests collected three days previously and the number of tests carried out, as well as the particular vulnerability of the regions concerned.²⁷

Since 15 June, the whole country - with the exception of the overseas departments of Mayotte and French Guiana where the virus is still actively circulating - turned into a "green zone".²⁸

- **Barrier measures**

Social distancing and hygiene measures – called "barriers" – still have to be respected regardless of the place and the circumstances. These measures include a physical distance of at least one metre between two people, washing hands regularly, coughing or sneezing into a bent elbow or tissue, and avoiding touching the face.²⁹

- **Facemasks**

Since 11 May, facemasks are compulsory on all public transport, metro (underground), trains, buses, taxis, planes and school buses, or entering some shops. They must be worn systematically by everyone

²⁵ France, Decree n° 2020-759 of 21 June 2020, available at:

https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=4AEB4FD973788CE05BFDF723CA4EEE8C.tplgfr30s_2?cidTexte=JORFTEXT000042020786&idArticle=&categorieLien=id

²⁶ France, Government, "Leaving the house (*Displacement*) certificate", 13 May 2020, available at: <https://www.interieur.gouv.fr/Actualites/L-actu-du-Ministere/Deconfinement-Declaration-de-deplacement>

²⁷ France, Decree n° 2020-663 of 31 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041939818&dateTexte=20200605>

²⁸ France, Decree n° 2020-724 of 14 June 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041991876&categorieLien=id>

²⁹ France, Decree n° 2020-548 of 11 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000041866783&dateTexte=20200529>

France, Decree n° 2020-663 of 31 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041939818&dateTexte=20200605>

when the rules of physical distancing cannot be ensured. Children up to 11 years old and “people with disabilities with a medical certificate justifying this exception” are exempt from this obligation.³⁰

According to Article 46 of decree n° 2020-663, the prefect of the department, on their own initiative or on the proposal of the mayor, may decide to make the wearing of a protective mask compulsory in public areas, depending on local circumstances.³¹

- **Penalties**

Violation of the prohibitions or breaches of the obligations enacted by the decree of 31 May are punished by the provisions of Article L. 3136-1 of the Public Health Code.³² There are no changes concerning the penalties related for example to mask wearing or gatherings, which are still punishable by a €135 fine that can rise to a €3,750 fine and a maximum penalty of a six-month prison term in cases of multiple offending.³³

The Secretary of State for Ecological Transition announced that new penalties will be introduced for those who litter the public highway. Littering with masks, wipes, or gloves should be punished with a €135 fine (instead of €68 currently³⁴). This measure is part of the Circular Economy Roadmap launched in 2018 and “finds a new echo with Covid-19, with the multiplication of waste and new levels of littering linked to the health crisis”.³⁵

1.2.2 Education

- **Steps to reopen educational institutions**

A gradual re-opening of schools began on 11 May on a voluntary basis. Parents were free to keep their children at home, but then had to ensure educational continuity via distance learning.³⁶

³⁰ France, Decree n° 2020-548 of 11 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000041866783&dateTexte=20200529>

France, Decree n° 2020-663 of 31 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041939818&dateTexte=20200605>

³¹ France, Decree n° 2020-663 of 31 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041939818&dateTexte=20200605>

³² France, Article L. 3136-1 of the Public Health Code, available at:

https://www.legifrance.gouv.fr/affichCode.do?jsessionid=CC3F091C7BB178227EED7934F80274BB.tplgfr33s_3?idSectionT A=LEGISCTA000006171186&cidTexte=LEGITEXT000006072665&dateTexte=20200528

³³ France, Ministry of Justice, Circular of 14 May 2020, available at:

<http://www.justice.gouv.fr/bo/2020/20200518/JUSD2011873C.pdf>

³⁴ France, Ministry for the Ecological and Inclusive Transition, “Sanitary guidelines for coronavirus: where do you throw away masks, wipes and gloves?”, 22 May 2020, available at: <https://www.ecologique-solidaire.gouv.fr/consignes-sanitaires-face-au-coronavirus-ou-jeter-masques-lingettes-et-gants-0>

³⁵ France, Le Parisien, “Masks and butts on the ground: the fine should rise to 135 euros”, 7 June 2020, available at: <https://www.leparisien.fr/societe/masques-et-megots-par-terre-l-amende-devrait-passer-a-135-euros-07-06-2020-8331177.php>

³⁶ France, Ministry of National Education, Circular of 5 May 2020, available at:

<https://www.education.gouv.fr/bo/20/Hebdo19/MENE2011220C.htm>

On 11 May, reopening started for day care centres³⁷ and primary schools (kindergartens and elementary schools)³⁸. On 18 May, Grades 6 and 5 of “*collèges*” in the departments classified as green zones reopened as well.³⁹

On 2 June, all “*collèges*” reopened. In orange zones however, the “*collèges*” gave priority to pupils in Grades 6 and 5. For the “*lycées*”, these reopened in green zones. In orange zones, students of general and technological “*lycées*” were received when convened by the educational team for individual interviews or work in small groups, while vocational “*lycées*” gave priority to pupils who needed vocational certifications.⁴⁰

From 22 June, elementary schools and “*collèges*” received all pupils “in a compulsory manner and according to normal presence rules”.⁴¹ The “*lycées*” were still not concerned by this measure, as announced by the Minister of Education.⁴²

The final baccalaureate exam is cancelled. Pupils will be evaluated on their marks during the year under continuous assessment (*‘contrôle continu’*). The marks they received during confinement will not be taken into account.⁴³

Higher education institutions remain closed. In a circular issued on 11 June, the Minister of Higher Education confirmed that universities will reopen physically after summer.⁴⁴

- **Specific groups**

With regard to specific groups, a circular dated 3 June from the Minister of Education stressed that special attention had to be paid to the gradual return to school of children with disabilities, who “have to be schooled to a maximum level”, in order to inform families about the reception methods defined in accordance with the health protocol.

As concerns schools and “*collèges*” of “priority education networks”, particular attention was drawn to pupils who were distant from school during the lockdown period or who have academic difficulties. Beyond the resumption of teaching activities, families also had to be informed about the educational support systems implemented in June (notably homework) and during the summer holidays (summer camps, day leisure centres and some schools staying open to assist children in need of support in the acquisition of basic skills).⁴⁵

³⁷ France, Ministry of Health, “COVID-19 Ministerial Guide Childcare arrangements”, 6 May 2020, available at: <https://ff-entreprises-crèches.com/wp-content/uploads/2020/05/guide-deconfinement-petite-enfance-covid-19.pdf>

³⁸ France, Ministry of National Education, “Deconfinement: update on 7 May”, 7 May 2020, available at: <https://www.education.gouv.fr/deconfinement-point-de-situation-au-7-mai-303594>

³⁹ France, Ministry of National Education, “Information and recommendations for schools, staff and families”, available at: <https://www.education.gouv.fr/coronavirus-covid-19-informations-et-recommandations-pour-les-etablissements-scolaires-les-274253>

⁴⁰ France, Ministry of National Education, “Deconfinement Phase 2: update on 28 May”, 28 May 2020, available at: <https://www.education.gouv.fr/deconfinement-phase-2-point-de-situation-au-28-mai-303813>

⁴¹ France, Presidency of the Republic, “Address to the French people”, 14 June 2020, available at: <https://www.elysee.fr/emmanuel-macron/2020/06/14/adresse-aux-francais-14-juin-2020>

⁴² France, France Info, “Speech by Emmanuel Macron: four questions on the reopening of primary schools and colleges from 22 June”, 15 June 2020, available at: https://www.francetvinfo.fr/sante/maladie/coronavirus/allocution-d-emmanuel-macron-quatre-questions-sur-la-reprise-dans-les-ecoles-primaires-et-les-colleges-a-partir-du-22-juin_4008013.html

⁴³ France, Ministry of National Education, “Questions/Answers - Coronavirus Covid 19”, available at: <https://www.education.gouv.fr/bac-brevet-cap-bep-bts-2020-les-reponses-vos-questions-303348>

⁴⁴ France, Ministry of Higher Education, Circular of 11 June 2020, available at: https://services.dgesip.fr/fichiers/Circulaire_-_Orientations_pour_les_operateurs_MESRI_relatives_a_la_preparation_de_la_rentree_universitaire_2020.pdf

⁴⁵ France, Ministry of National Education, Circular of 3 June 2020, available at: <https://www.education.gouv.fr/bo/20/Hebdo23/MENE2013716C.htm>

- **Protection Measures**

On the basis of the of the ‘Covid-19 Scientific Council’ recommendations,⁴⁶ a health protocol for schools had been established in May.⁴⁷ The decrees n° 2020-724⁴⁸ and n° 2020-759⁴⁹, as well as a new sanitary protocol adopted on 22 June⁵⁰ reassessed some measures of protection.

The wearing of a mask is still “prohibited” for children in kindergartens, “not recommended” in elementary schools (unless they show symptoms related to the virus and until they receive care outside school), and “compulsory” in “*collèges*” and “*lycées*” during their movements. From 15 June however, the rule of wearing a mask no longer applies to staff when they are teaching and are at least one metre away from pupils.⁵¹

Regarding physical distancing rules, in kindergartens no rule for distancing is imposed between pupils of the same class, but physical distance has to be maintained between pupils of different groups. In elementary schools and “*collèges*”, the observation of a physical distance of at least one metre applies “only in classrooms and all enclosed spaces, between the teacher and the pupils and between students when they are side by side or face each other”. In “*lycées*”, a minimum distance of one metre is respected between each person.⁵²

- **Concerns**

On 4 June, the National Consultative Commission on Human Rights (CNCDH) expressed concern over the growing inequalities between children. The independent body, based on interviews carried out by association actors working in the field, noted that some families had to play a role of “teacher, activity organiser or other school supervisor” that they did not feel able to assume. In particular, “families housed in unsanitary conditions, in overcrowded spaces, who do not talk the French language have often been very distraught” by such responsibilities. The ability for families to support their children under these circumstances was varied, and in some cases the obstacles were considerable. To these material, psychological or cultural difficulties were added differences in treatment and instructions depending on the establishments, thus reinforcing inequalities between children.⁵³ The ministry of National Education and Youth is being particularly attentive to supporting students with difficulties:

- a partnership was signed with the French postal services to include homework sent by post;⁵⁴
- computers have been made available with the support of local authorities and businesses;
- teaching staff had personal calls with pupils several times a week;

⁴⁶ France, Covid-19 Scientific Council, “Children, schools and family environment in the context of the COVID-19 crisis”, 24 April 2020, available at:

https://solidarites-sante.gouv.fr/IMG/pdf/note_enfants_ecoles_envIRONNEMENTS_familiaux_24_avri_2020.pdf

⁴⁷ France, Ministry of National Education, “Coronavirus Covid-19 - Reopening of schools, colleges and high schools”, available at: <https://www.education.gouv.fr/coronavirus-covid-19-reouverture-des-ecoles-colleges-et-lycees-303546>

⁴⁸ France, Decree n° 2020-724 of 14 June 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041991876&categorieLien=id>

⁴⁹ France, Decree n° 2020-759 of 21 June 2020, available at:

https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=4AEB4FD973788CE05BFDF723CA4EEE8C.tplgfr30s_2?cidTexte=JORFTEXT000042020786&idArticle=&categorieLien=id

⁵⁰ France, Ministry of National Education, “Reception of all pupils from schools and colleges”, 22 June 2020, available at: <https://www.education.gouv.fr/22-juin-accueil-de-tous-les-eleves-des-ecoles-et-colleges-303546>

⁵¹ France, Ministry of National Education, “Reception of all pupils from schools and colleges”, 22 June 2020, available at: <https://www.education.gouv.fr/22-juin-accueil-de-tous-les-eleves-des-ecoles-et-colleges-303546>

⁵² France, Ministry of National Education, “Reception of all pupils from schools and colleges”, 22 June 2020, available at: <https://www.education.gouv.fr/22-juin-accueil-de-tous-les-eleves-des-ecoles-et-colleges-303546>

⁵³ France, National Consultative Commission on Human Rights, “Letter #8 from the State of Health Emergency Observatory - The right to education”, 4 June 2020, available at: <https://www.cncdh.fr/sites/default/files/obsncndh.lettre8.pdf>

⁵⁴ France, Ministry of National Education, “Teaching continuity: National Education and Post office mobilised to maintain the link with students and their families”, 31 March 2020, available at: <https://www.education.gouv.fr/continuite-pedagogique-l-education-nationale-et-la-poste-mobilisees-pour-maintenir-le-lien-avec-les-303321>

- a renewed initiative called "Learning Nation" has been launched and agreements have been developed with public sector audiovisual players allowing them to identify and broadcast programmes in line with the school curriculum.⁵⁵

The minister of National Education and Youth also decided to use the summer holiday period to meet the needs of children. The idea is simple: use summer camps, day leisure centres and some schools staying open throughout the summer to assist children in need of support in the acquisition of the basic skills.⁵⁶

1.2.3 Work

- **Return to work**

The return to work has been conducted in several steps.

As of 2 June, cafes, bars and restaurants in green zones may receive the public in compliance with certain conditions (e.g. customers must have a seat; a minimum distance of one metre guaranteed between the tables). The staff as well as the clients have to wear a protective mask during their movements within the establishment.⁵⁷

From 15 June, the classification of the whole French metropolitan territory as a "green zone" would allow "a stronger resumption of work", stated the President of the Republic.⁵⁸ Factories and businesses restarted. The new step would "accelerate" this movement. In total, nearly 500 billion euros have been mobilised for the economy, for workers, for entrepreneurs, but also for the most vulnerable.⁵⁹ Cafes, bars and restaurants reopened in Île-de-France as well, which was previously classified as an "orange zone".⁶⁰

On 22 June, a third step of the 'deconfinement' began. Cinemas, tourist residences, and gaming rooms were able to reopen.⁶¹ A national protocol was issued on 24 June providing information and practical measures aimed at protecting the health and safety of employees. The rules of hygiene and physical distancing constitute the basis of this step. Although companies have a role to play in the national testing strategy (e.g. by encouraging workers with symptoms in their workplace to leave immediately, by working with health authorities if they were contacted about "contact tracing"), general test

⁵⁵ France, Ministry of National Education, "Operation Learning Nation: everyone mobilised for school at home!", 20 May 2020, available at: <https://eduscol.education.fr/cid150496/operation-nation-apprenante.html>

⁵⁶ France, Ministry of National Education, "Summer 2020: learning holidays for a million children", 9 June 2020, available at: <https://www.education.gouv.fr/ete-2020-des-vacances-apprenantes-pour-un-million-d-enfants-303933>

⁵⁷ France, Decree n° 2020-663 of 31 May 2020, Article 40, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041939818&dateTexte=20200605>

⁵⁸ France, Presidency of the Republic, "Address to the French people", 14 June 2020, available at: <https://www.elysee.fr/emmanuel-macron/2020/06/14/adresse-aux-francais-14-juin-2020>

France, Decree n° 2020-724 of 14 June 2020, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041991876&categorieLien=id>

⁵⁹ France, Presidency of the Republic, "Address to French citizens", 14 June 2020, available at: <https://www.elysee.fr/emmanuel-macron/2020/06/14/adresse-aux-francais-14-juin-2020>

⁶⁰ France, Decree n° 2020-724 of 14 June 2020, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041991876&categorieLien=id>

⁶¹ France, Government, "Additional deconfinement measures for the summer period", 20 June 2020, available at: <https://www.gouvernement.fr/partage/11630-mesures-supplementaires-de-deconfinement-pour-la-periode-estivale?fbclid=IwAR1ThEItuQNckxaABcf-wycS5-788-efdnkJ1X-JrY1KOqxE-VLvgIwglHM>

France, Decree n° 2020-759 of 21 June 2020, available at: https://www.legifrance.gouv.fr/affichTexte.do?sessionId=4AEB4FD973788CE05BFDF723CA4EEE8C.tplgfr30s_2?cidTexte=JORFTEXT000042020786&idArticle=&categorieLien=id

campaigns are not authorised. In addition, a temperature check at the entrance of establishments is not recommended.⁶²

Furthermore, from 11 July, a date which will mark the end of the state of health emergency in mainland France, river cruises will be authorised again, and stadiums and racetracks will be open to the public.⁶³

- **Partial activity system**

Since the start of the national lockdown, companies may implement the “partial activity” mechanism (also called “partial unemployment”).⁶⁴ The Minister of Solidarity and Health, the Minister of Action and Public Accounts and the Minister of Labour announced the renewal of this special measure for the month of June, in order to take into account the impact of the coronavirus epidemic. The objective is to continue to help private employers in difficulty and protect them against the risk of loss of activity.⁶⁵ As of 1st June, the conditions for the partial activity allowance are reviewed:

- The compensation paid to the employee is unchanged: during partial activity, they receive 70% of their gross salary (approximately 84% of the net salary), and at least the net minimum wage.
- The State and ‘Unédic’ (an association responsible for managing unemployment insurance) assume payment of 85% of the compensation paid to the employee, up to (unchanged) 4.5 the minimum wage. Companies are reimbursed 60% of gross salary, instead of 70% previously.⁶⁶

The Government specified that these special aid measures will not be renewed in July.⁶⁷

- **Postponement of payments**

In a press release dated 2 June, the Minister of Action and Public Accounts announced the extension in June of the deferral measures for social security contributions and tax payments decided on in March, April and May.⁶⁸ This possibility has been renewed for all businesses in difficulty, including micro-entrepreneurs and operators in the agricultural system. For the month of June, the conditions have been adjusted:

- Companies in the general system and in the agricultural system who need to use this mechanism again have to make a request before the due date for payment.
- Companies with fewer than 5,000 employees are able to request from the ‘Union de Recouvrement des cotisations de Sécurité Sociale et d’Allocations Familiales’ (or URSSAF, the

⁶² France, Ministry of Labour, “National protocol of deconfinement for businesses to ensure the health and safety of employees”, 24 June 2020, available at: <https://travail-emploi.gouv.fr/IMG/pdf/protocole-national-de-deconfinement.pdf>

⁶³ France, Government, “Additional deconfinement measures for the summer period”, 20 June 2020, available at: <https://www.gouvernement.fr/partage/11630-mesures-supplementaires-de-deconfinement-pour-la-periode-estivale?fbclid=IwAR1ThEItuQNCkxaABcf-wycS5-788-efdnkJ1X-JrY1KQqxE-VLvgIwglHM>

⁶⁴ France, Decree n° 2020-325 of 25 March 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041755956&categorieLien=id>

⁶⁵ France, Government, “Renewal of partial unemployment for homeworkers in June”, 5 June 2020, available at:

<https://www.economie.gouv.fr/covid19-soutien-entreprises/reconduction-juin-chomage-partiel-salaries-domicile>

⁶⁶ France, Government, “Evolution of partial activity management as of 1 June 2020”, 5 June 2020, available at:

<https://travail-emploi.gouv.fr/actualites/presse/communiqués-de-presse/article/evolution-de-la-prise-en-charge-de-l-activite-partielle-au-1er-juin-2020>

⁶⁷ France, Government, “Renewal of partial unemployment for homeworkers in June”, 5 June 2020, available at:

<https://www.economie.gouv.fr/covid19-soutien-entreprises/reconduction-juin-chomage-partiel-salaries-domicile>

⁶⁸ France, Ministry of Action and Public Accounts, “Gérald Darmanin announces that the possibilities for postponing social security contributions are extended for the month of June, on request”, 2 June 2020, available at:

https://minefi.hosting.augure.com/Augure_Minefi/r/ContenuEnLigne/Download?id=7527227F-7F00-40D8-BBBD-C73ACCFE38E3&filename=1040%20-%20Gérald%20DARMANIN%20annonce%20que%20les%20possibilités%20de%20report%20des%20cotisations%20sociales%20sont%20prolongées%20pour%20le%20mois%20de%20juin%20C%20sur%20demande..pdf

agency collecting and distributing Social Security contributions and charges) a partial or total postponement. This request must be justified and specify the steps taken to reduce the need for deferred payment of contributions (request for a loan guaranteed by the State in particular).

- The payments planned for 5 June and 20 June are automatically postponed for 1,028,000 self-employed workers. 565,000 micro-entrepreneurs are also able to adjust their 31 May and 30 June payments.
- For companies with 5,000 or more employees, the possibility of deferral of payments is granted on request, after prior discussion with the collection agency, and in priority to those who would not have benefited from a state-guaranteed loan. Requests are subject to the non-payment of dividends and the non-repurchase of shares between 27 March and 31 December 2020. In addition, the companies must not have their registered office or one of their subsidiaries in a state or territory that is not a tax-cooperative territory.⁶⁹

- **Financial support**

Two decrees were adopted in May to reward the effort of the staff mobilised in response to the Covid-19 epidemic. Civil and military agents of the State public service can receive a grant of up to €1,000 each (decree n° 2020-570).⁷⁰ Hospital staff treating coronavirus patients during the epidemic can receive one-off and tax-free sums of €1,500 and other health workers €500 (decree n° 2020-568).⁷¹ A new decree adopted on 8 June modifies the scope of this second text. On the one hand, the definition of beneficiaries of the exceptional bonus is supplemented by a list of categories, such as public officials working in personal protection committees, health cooperation groups, public interest groups, as well as those who participated in medical evacuations. On the other hand, agents working in long-term care units and accommodation establishments for dependent elderly people no longer fall under the provisions of the decree n° 2020-568.⁷²

Furthermore, the Board of Directors of 'Action Logement' Group (a major operator in the financing and construction of social and intermediate housing) decided on 11 June to set up an exceptional assistance system for employees faced with a drop in income for the payment of their rent or the repayment of loans for the purchase of their accommodation. This system, endowed with 100 million euros mobilised by 'Action Logement', is effective with retroactive effect from 1 April 2020. Eligible employees whose income is less than 1.5 times the minimum wage can receive a flat-rate assistance of 150 euros monthly for a maximum of 2 months. Only one aid payment per household can be granted. This measure is intended for all employees in the private sector who had a fall in their income of at least 15% following the implementation of the partial unemployment measure or a significant increase in their expenses; job seekers; employees who have experienced additional rent costs due to the health crisis by maintaining a double residence for professional reasons.⁷³

This new benefit complements the range of public assistance already available for people facing difficulties in paying their rent. Since the beginning of the health crisis, the National Agency for

⁶⁹ France, Ministry of the Economy, "Business support – Coronavirus", 15 June 2020, available at:

https://www.economie.gouv.fr/files/files/2020/coronavirus_faq_entreprises.pdf

⁷⁰ France, Decree n° 2020-570 of 14 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041880864&dateTexte=20200520>

⁷¹ France, Decree n° 2020-568 of 14 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041880665&categorieLien=id>

⁷² France, Decree n° 2020-698 of 8 June 2020, available at:

https://www.legifrance.gouv.fr/affichTexte.do?jsessionid=A51BCC1F98829E983ADC2260DE2B4CFF.tplgr27s_2?cidTexte=JORFTEXT000041980117&idArticle=&categorieLien=id

⁷³ France, Ministry in charge of the City and Housing, "The Ministry in charge of the city and housing and housing action offer employees weakened by the crisis aid to pay their rent or home loan", 11 June 2020, available at: <https://www.cohesion-territoires.gouv.fr/le-ministere-charge-de-la-ville-et-du-logement-et-action-logement-proposent-aux-salaries-fragilises>

Information on Housing (ANIL) has been responsible for the support of all households, tenants or owners, who are confronted with difficulties in paying their rent. The “unpaid rents” phone service (0805 16 00 75) allows departmental agencies and their legal advisers to support tenants who need information and to inform them about the aid they can request.⁷⁴

1.2.4 Access to justice

- **Resumption of the activity in courts**

In order to reduce the spread of the Covid-19 virus, courts were closed from 16 March except for the processing of certain litigation (e.g. criminal and civil emergency services of the courts, imprisonment in decent conditions for detainees, reception of minors entrusted to the judicial protection of youth).⁷⁵ The resumption of the activity in courts is done gradually.

From 11 May to 1 June, a first phase was devoted to the processing of priority judicial activity. Priority was given to compulsory hospitalisation and foreigners’ litigation, family judge and children’s judge cases, economic litigation, judgement of priority criminal proceedings, juvenile criminal justice, etc.⁷⁶

On 2 June, a “phase of gradual resumption of activity” started. The pace and scope of the resumption are adapted to the local level, depending on the health context and the situation of the jurisdiction.⁷⁷

- **National Court of Asylum**

Since 24 May, asylum seekers are able to challenge a decision of the French Office for the Protection of Refugees and Stateless Persons (the administrative establishment responsible for examining asylum applications) before the National Court of Asylum (CNDA).⁷⁸ An ordinance adopted on 13 May indicated that all hearings could be held by a single judge and the president of the Court could authorise a magistrate sitting as a single judge to hold a hearing by videoconference.⁷⁹ However, ten associations, including ‘Elena’, ‘Cimade’, ‘Ligue des droits de l’homme’ and the association ‘Avocats pour la défense des droits des étrangers’, filed an appeal before the Council of State to suspend the new rules.

By its decision of 8 June, the Council of State granted the request concerning the single judge to the National Court of Asylum but rejected the demands against the use of videoconference. On the one hand, the highest administrative court considered that although the law of 23 March 2020 has authorised the Government to modify certain justice procedures during the state of health emergency, the measures taken must be proportionate and justified by the health situation in the country. In the present case, the jurisdiction considered that there was a serious doubt about the proportionate and justified character of the generalisation to all hearings being held by a single judge during the period of

⁷⁴ France, Ministry in charge of the City and Housing, “The Ministry in charge of the city and housing and housing action offer employees weakened by the crisis aid to pay their rent or home loan”, 11 June 2020, available at: <https://www.cohesion-territoires.gouv.fr/le-ministere-charge-de-la-ville-et-du-logement-et-action-logement-proposent-aux-salaries-fragilises>

⁷⁵ France, Ministry of Justice, “Information Coronavirus COVID-19”, 8 April 2020, available at: www.justice.fr/info-coronavirus

⁷⁶ France, Ministry of Justice, Circular of 5 May 2020, p. 24, available at: http://circulaire.legifrance.gouv.fr/pdf/2020/05/cir_44967.pdf

⁷⁷ France, Ministry of Justice, “Information Coronavirus COVID-19”, 11 May 2020, available at: <https://www.justice.fr/info-covid-reprise>

⁷⁸ France, National Court of Asylum, “State of health emergency: adaptation of the procedure rules before the Court”, 19 May 2020, available at: <http://www.cnda.fr/La-CNDA/Actualites/Etat-d-urgence-sanitaire-adaptation-des-regles-de-procedure-devant-la-Cour-complement>

⁷⁹ France, “Ordonnance” n° 2020-558 of 13 May 2020, available at: <https://www.legifrance.gouv.fr/eli/ordonnance/2020/5/13/JUSX2011552R/jo/texte?fbclid=IwAR1M44O8K47AzU7Jw7iLC5Y3Iv7BZHRXUquChBw-WJYssKdFAOenYxW8MuA>

the state of health emergency, given the "particular importance" for asylum seekers of the guarantee of the examination of their appeals by a collegial body. Therefore, the Council of State suspended this measure. It should be noted that the National Court of Asylum had not yet held a hearing applying the suspended provisions which will remain unenforced. On the other hand, the Council of State considered that the applicants did not put forward any argument capable of raising doubt about the legality of the provisions allowing administrative judges to participate in the hearing by means of a videoconference device.⁸⁰

1.2.5 Freedom of movement

- **Border controls**

Since 15 June, France has lifted all traffic restrictions at its European internal borders (land, air and sea) put in place to combat the Covid-19 pandemic.⁸¹

In accordance with the recommendations of the European Commission, France will also proceed with a gradual re-opening of its Schengen external borders from 1 July. According to the Ministry of the Interior, this re-opening will be carried out in a progressive and different manner depending on the health situation of the different countries, and in conformity with the procedures adopted at the European level.⁸²

- **Authorised trips**

During June, all French citizens could still enter France as well as citizens of the European Union and certain categories of third-country nationals. For example, those who have their permanent residence in France or in another country of the European Union, diplomatic mission staff, healthcare workers supporting the fight against Covid-19, flight and cargo crews, foreign nationals ensuring the international carriage of goods, sailors.⁸³

Given the challenges of attracting people to university, the French authorities consider allowing international students to come to France and facilitating the terms of their reception, regardless their country of origin. Their visa and residence permit requests would then be treated with priority.⁸⁴

- **Requirements to enter the country**

The requirements to enter the country evolved during the month of June.

- Until 15 June

People who were travelling to France had to carry a travel certificate, which was a specific document certifying the reason for the journey. This travel certificate was available on the French Ministry of the

⁸⁰ France, Council of State, Decision n° 440717, 440812, 440867, 8 June 2020, available at:

<https://www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/conseil-d-etat-8-juin-2020-juge-statuant-seul-et-recours-a-la-visioconference-a-la-cnda>

⁸¹ France, Ministry of the Interior, "Restrictions of movement at borders", 13 June 2020, available at: <https://www.interieur.gouv.fr/Actualites/Communiqués/La-levée-des-restrictions-de-circulation-aux-frontières-intérieures-européennes-de-la-France>

⁸² France, Ministry of the Interior, "Restrictions of movement at borders", 13 June 2020, available at: <https://www.interieur.gouv.fr/Actualites/Communiqués/La-levée-des-restrictions-de-circulation-aux-frontières-intérieures-européennes-de-la-France>

⁸³ France, Ministry of the Interior, "Travel certificate", 22 May 2020, available at: <https://www.interieur.gouv.fr/Actualites/Infos-pratiques/Attestation-de-deplacement-et-de-voyage>

⁸⁴ France, Ministry of the Interior, "Restrictions of movement at borders", 13 June 2020, available at: <https://www.interieur.gouv.fr/Actualites/Communiqués/La-levée-des-restrictions-de-circulation-aux-frontières-intérieures-européennes-de-la-France>

Interior website. They were also requested to fill out and carry with them a statement certifying they do not have any symptoms of Covid-19 infection.⁸⁵

Incoming travellers could face two-week's quarantine or isolation upon arrival, which was only mandatory for people with symptoms of COVID-19, in a bid to stop the spread of the coronavirus.⁸⁶

In addition to this measure, the Government had set up on 25 May a voluntary two-week quarantine scheme for travelers coming from outside the European area upon arrival in France. Some categories were exempt from this voluntary quarantine system unless they showed symptoms. Such people are those in transit to another country, persons who ensure the international transport of goods, drivers and team members of buses and trains, foreign health professionals contributing to the fight against Covid-19, staff of the French and foreign internal security or defence forces returning from their mission, or on a mission, cross-border workers, people who have a compelling family reason, persons admitted to enter the country for economic reasons if their stay is less than 5 days, etc.⁸⁷

- From 15 to 30 June

The restriction measures (*i.e.* travel certificate, statement certifying they do not have any symptoms of a Covid-19 infection, mandatory quarantine/isolation and voluntary two-week quarantine scheme) continued to apply for people coming from outside the European area.⁸⁸

Since 15 June, all travelers coming from inside the European area (European Union member states, Andorra, Iceland, Liechtenstein, Monaco, Norway, San Marino, Switzerland, Vatican) can enter the country without restrictions, as was the case before 18 March 2020. They are no longer required to have an international travel certificate to enter France and are also exempt from the quarantine or isolation measures upon their arrival in France. Reciprocal restrictions continued to apply however at the borders with Spain and the United Kingdom:

- In agreement with the Spanish authorities, France maintained the restrictions in force until 21 June. Until that date, air passengers from Spain were invited to complete a voluntary two-week quarantine upon arrival in France.
- As of 15 June, travelers from the United Kingdom are no longer subject to entry restrictions linked to the fight against Covid-19 but remain, until further notice, invited to observe a voluntary two-week quarantine upon their arrival.⁸⁹

1.3 Impact of measures on particular groups

1.3.1 Detainees

The health crisis has had a serious impact on several fundamental rights of persons in prisons and detention centres.

⁸⁵ France, Ministry of the Interior, "Travel certificate", 22 May 2020, available at: <https://www.interieur.gouv.fr/Actualites/Infos-pratiques/Attestation-de-deplacement-et-de-voyage>

⁸⁶ France, Decree n° 2020-663 of 31 May 2020, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041939818&dateTexte=20200605>

⁸⁷ France, Government, "Restrictions of movement and implementation of sanitary measures at borders", 22 May 2020, available at: <https://solidarites-sante.gouv.fr/actualites/presse/communiqués-de-presse/article/communiqué-restrictions-de-circulation-et-mise-en-place-de-mesures-sanitaires>

⁸⁸ France, Ministry of the Interior, "Restrictions of movement at borders", 13 June 2020, available at: <https://www.interieur.gouv.fr/Actualites/Communiqués/La-levée-des-restrictions-de-circulation-aux-frontières-intérieures-européennes-de-la-France>

⁸⁹ France, Ministry of the Interior, "Restrictions of movement at borders", 13 June 2020, available at: <https://www.interieur.gouv.fr/Actualites/Communiqués/La-levée-des-restrictions-de-circulation-aux-frontières-intérieures-européennes-de-la-France>

- **Statistic figures**

In total, 66 prison officers and 186 detainees had tested positive for the Covid-19 virus on 3 June, according to the National Prison Administration.⁹⁰ On 4 June, French media confirmed that a massive testing operation carried out at Majicavo Lamir prison by the Mayotte Regional Health Agency (ARS)⁹¹ led to the assessment of 183 people infected with the virus out of a total of 323 detainees.⁹²

- **Reduction of detainees**

According to statements made by the Minister of Justice, French prisons held 58,926 prisoners on 24 May in the 188 French penal establishments against 72,500 on 16 March. Among the approximately 6,600 detainees who had been released early, about 30 persons were reincarcerated.⁹³ Average prison occupancy rate fell from 119 % on 16 March to 96 % on 12 June.⁹⁴

In this respect, the Minister renewed her concern about prison overcrowding. She thereby foresees an extension of the early release system for persons at the end of their sentences tested during the confinement period,⁹⁵ and she proposes to replace short prison sentences by promoting alternatives “such as community service or wearing an electronic bracelet (tag)”.⁹⁶

In the same vein, representatives of around forty national associations and professional legal organisations as well as public figures (journalists, deputies, lawyers, etc.) called on the French President to continue on the path of “a real policy of [ending prison overcrowding] which guarantees individual cells and dignified detention conditions”.⁹⁷

- **Health protection measures**

In a note of 2 June addressed to the prison services, the director of the penitentiary administration recalled that public health measures (barrier gestures, physical distancing, hygiene measures, etc.) are of extreme importance to mitigate the spread of the virus. They “must be regularly reminded, by all means, to staff and the public”. Above all, “they must be applied with the utmost rigour during the deconfinement phase, which runs a risk of recirculation of the virus within penitentiary establishments as well as services”.⁹⁸

⁹⁰ France, International Prison Observatory-French section, “Coronavirus in Prison - The Basics”, available at: <https://oip.org/covid19-en-prison-essentiel/>

⁹¹ France, Mayotte Regional Health Agency, “Coronavirus COVID-19: massive screening at Majicavo Lamir prison”, 31 May 2020, available at: <https://www.mayotte.ars.sante.fr/coronavirus-covid-19-un-depistage-massif-la-prison-de-majicavo-lamir>

⁹² France, France Info, “Covid-19: in Mayotte, 183 detainees tested positive out of a total of 323”, 4 June 2020, available at: <https://la1ere.francetvinfo.fr/covid-19-mayotte-183-detenus-testes-positifs-total-323-839518.html>

⁹³ France, Ouest France, “Prisons. ‘30’ detainees released from Covid-19 epidemic have been returned to prison”, 17 June 2020, available at: <https://www.ouest-france.fr/societe/prison/prisons-une-trentaine-de-detenus-liberes-face-l-epidemie-de-covid-19-ont-ete-reincarceres-6872391>

⁹⁴ France, France Info, “Drop in number of detainees: ‘It is not only the virus, it is also a deliberate policy’, insists Nicole Belloubet”, 12 June 2020, available at: https://www.francetvinfo.fr/economie/emploi/metiers/droit-et-justice/video-baisse-de-nombre-de-detenus-ce-n-est-pas-le-virus-seulement-c-est-aussi-une-politique-deliberee-insiste-nicole-belloubet_4005931.html

⁹⁵ France, Hearing of the Minister of Justice before the Commission of Laws of National Assembly, 14 May 2020, available at: http://videos.assemblee-nationale.fr/video.9048903_5ebceb412cdb8

⁹⁶ France, France Info, “Drop in number of detainees: ‘It is not only the virus, it is also a deliberate policy’, insists Nicole Belloubet”, 12 June 2020, available at: https://www.francetvinfo.fr/economie/emploi/metiers/droit-et-justice/video-baisse-de-nombre-de-detenus-ce-n-est-pas-le-virus-seulement-c-est-aussi-une-politique-deliberee-insiste-nicole-belloubet_4005931.html

⁹⁷ France, Joint open letter, “Put an end to prison overcrowding: ‘Mr. President, the opportunity is there: do not miss it’”, 3 June 2020, available at: https://oip.org/communiqu/e/en-finir-avec-la-surpopulation-carcerale-monsieur-le-president-loccasion-est-la-ne-la-manquez-pas/?fbclid=IwAR0_luYYL15mAOrzreQ-7kzMQqjPdr4D9TYY5qfNDAMr4Zzy8HXNf2Fd9z0

⁹⁸ France, Director of the Prison Administration, “Note to the prison administration services”, 2 June 2020, available at: https://oip.org/wp-content/uploads/2020/06/minju-deconfinement-phase2_02062020.pdf :

The note also indicated that detainees infected with Covid-19 or showing symptoms must remain grouped in units strictly separated from other detention areas and be placed alone in cells. Incoming detainees must remain under observation for a period of at least 14 days in the arrival quarters, and receive a virus test on the seventh day of their stay at the institution.⁹⁹

- **Visits**

In French penitentiary establishments, the deconfinement has been gradual with the resumption of visits (*'parloirs'*) for families and education for minors. From 11 May until 1 June, visits were limited to one person, for one hour maximum, once a week. Families and relatives who came to see detainees had to comply with health rules and sign a charter.¹⁰⁰

On 2 June, the director of the Prison Administration recommended that the “very strict” health security rules defined for the first phase of the deconfinement “must continue to be implemented, without any relaxation”. The terms and conditions of reservations and visiting periods determined in May thereby remain applicable. However, two visitors can henceforth be authorised per detainee. Minors are also allowed but those over 11 years old must wear a suitable protective mask.¹⁰¹

- **Activities**

Some restrictions relating to walks and gatherings continue to apply, as indicated in the note of 2 June. The head of the establishment must limit the number of people simultaneously being in the same yard and, if necessary, increase the frequency of rotation of the walks to achieve this. Gatherings must stay strictly limited in common areas: laundry room, kitchen, office, etc.¹⁰²

However, certain activities can resume, very gradually, in compliance with health rules, organisational capacities of establishments, availability of partners who run the activities, and finally the priority nature of the activity to the needs of the penitentiary population. In particular, activities involving physical contact or those that do not allow physical distancing cannot be authorised.¹⁰³

- **Access to face-masks**

The penitentiary establishments have received several supplies of single-use masks (called “general public”) for the detainees when they are in contact with outside workers, or have to temporarily leave the establishments: for judicial and medical visits, national or international administrative transfers, education, professional training and prison work, disciplinary committee, visits and care interviews, etc.¹⁰⁴

⁹⁹ France, Director of the Prison Administration, “Note to the prison administration services”, 2 June 2020, available at: https://oip.org/wp-content/uploads/2020/06/minju-deconfinement-phase2_02062020.pdf :

¹⁰⁰ France, Director of the Prison Administration, “Note to the prison administration services”, 6 May 2020, available at: <https://oip.org/wp-content/uploads/2020/05/minju-deconfinement-6mai2020.pdf>

¹⁰¹ France, Director of the Prison Administration, “Note to the prison administration services”, 2 June 2020, available at: https://oip.org/wp-content/uploads/2020/06/minju-deconfinement-phase2_02062020.pdf

¹⁰² France, Director of the Prison Administration, “Note to the prison administration services”, 2 June 2020, available at: https://oip.org/wp-content/uploads/2020/06/minju-deconfinement-phase2_02062020.pdf

¹⁰³ France, Director of the Prison Administration, “Note to the prison administration services”, 2 June 2020, available at: https://oip.org/wp-content/uploads/2020/06/minju-deconfinement-phase2_02062020.pdf

¹⁰⁴ France, Director of the Prison Administration, “Note to the prison administration services”, 2 June 2020, available at: https://oip.org/wp-content/uploads/2020/06/minju-deconfinement-phase2_02062020.pdf

The French penitentiary administration also contributed to the effort by producing its own masks. Thanks to manufacturing facilities employing detained persons, the administration now provides masks to all the employees and detainees.¹⁰⁵

- **Tests for Covid-19**

The sanitary protocol for penitentiary establishments organises two different types of testing:

- Individual testing of people with symptoms and their contact cases

Priority tests are organised for any detainee with symptoms suggestive of Covid-19 as well as for 'contact cases'. Those who test positive are subject to an isolation measure. This means that if there is one or a few suspected/confirmed cases of Covid-19, each person is put in a separate cell. If there are numerous cases, then shared cells are used with other detainees infected with Covid-19, within the limits of the reception capacities of the cells. The isolated persons receive daily health monitoring, and have no right to visits ("parloirs"). The showers and exits are different from the other prisoners. Severe cases of Covid-19 are hospitalised. Concerning the professionals involved in detention, the objective is that anyone who presents symptoms suggestive of Covid-19 go to their local doctor to get tested.

- Collective testing strategy within penal establishments

When a first case appears in a detention facility, all staff should be systematically tested. Testing of detainees must also be implemented.¹⁰⁶

1.3.2 Women

The rights of women remain particularly affected by the health crisis. While the specific context of confinement constituted a breeding ground favourable to domestic and intra-family violence due to close proximity, stress and anxiety,¹⁰⁷ the deconfinement phase did not put an end to these issues, according to the Secretary of State for Gender Equality.¹⁰⁸

- **Sexist and domestic violence**

The confinement period generated a significant increase in reports of gender-based and domestic violence.¹⁰⁹ Several measures in the battle against sexist and domestic violence have been conducted by the French authorities to allow people facing abuse to call for help during the lockdown. Among them, the violence reporting service 'arretionslesviolences.gouv.fr' ('let's stop violence') is operated 24 hours a day and 7 days a week by trained police and gendarmes; an alert phone number and an SMS alert number are available for reporting domestic violence for anyone since 1 April; 'pop-up' advice

¹⁰⁵ France, LCI, "Over 6,000 cloth masks are produced by detainees every day", 10 May 2020, available at: <https://www.lci.fr/population/coronavirus-plus-de-6000-masques-en-tissu-sont-produits-chaque-jour-par-des-detenus-2152951.html>

¹⁰⁶ France, Ministry of Health, "Organisation of the health response by the health units in the prison environment in collaboration with the prison services in the context of deconfinement", 19 May 2020, available at: https://solidarites-sante.gouv.fr/IMG/pdf/covid-19_mesures_detention_deconfinement.pdf

¹⁰⁷ France, Ministry of the Interior, "The Government fully mobilised against domestic and intra-family violence", 25 March 2020, available at: <https://www.interieur.gouv.fr/fr/Actualites/Communiqués/Le-Gouvernement-pleinement-mobilise-contre-les-violences-conjugales-et-intrafamiliales>

¹⁰⁸ France, Secretary of State for Equality between Women and Men (SEEFH), "Secretary of State for Equality between Women and Men budget increases over 5 million euros", 10 June 2020, available at: <https://www.egalite-femmes-hommes.gouv.fr/cp-le-budget-du-seeffh-augmente-de-plus-de-5-millions-deuros-10-06-20/>

¹⁰⁹ France, Secretary of State for Equality between Women and Men (SEEFH), "Secretary of State for Equality between Women and Men budget increases over 5 million euros", 10 June 2020, available at: <https://www.egalite-femmes-hommes.gouv.fr/cp-le-budget-du-seeffh-augmente-de-plus-de-5-millions-deuros-10-06-20/>

France, HuffPost, "Domestic violence: Schiappa obtains a 13% budget extension", 10 June 2020, available at: https://www.huffingtonpost.fr/entry/schiappa-pour-faire-face-aux-violences-conjugales-obtient-une-rallonge-budgetaire-de-13-fr_5ee0df99c5b6f8b28d375c96

centres in grocery stores¹¹⁰ and pharmacies could provide help to victims, where the alert is immediately given to the police;¹¹¹ an orientation service devoted to the eviction of the violent spouse was opened on 6 April.¹¹²

According to the Secretary of State for Gender Equality, these measures are to be maintained after the lifting of lockdown. As their sustainability and development appear particularly important in the period of deconfinement, the Prime Minister decided to assign an additional budget to the Programme 'Equality between women and men': more precisely, 3 million euros will be provided to local associations, and 1 million will allow the sustainability in 2020 of accommodation places for perpetrators of violence. The "precautionary reserve" (which corresponds to loans that can be mobilised to deal with the contingencies arising during management) of 1.2 million euros will also be raised in order to finance the sustainability in 2020 of support mechanisms for perpetrators of violence. In total, this represents an increase of 13% of the budget specific to the Secretary of State responsible for equality between women and men. The Secretary announced that "this increase of 5 million euros in all for this year [...] will be used entirely to support the actions of associations carried out through the Domestic Violence campaign to better protect women".¹¹³

The Domestic Violence campaign ('*Grenelle des Violences conjugales*'), which was launched in 2019 by the Prime Minister, gave rise to 102 local events and mobilised more than 4,550 people (associations, justice professionals, police, doctors, lawyers, families of victims).¹¹⁴ It led in particular to the implementation of several new measures. For example, the Secretary of State declared on 7 June that filing complaints by victims unable to move will become easier. Moreover, a location service for emergency accommodation places has been made available to the police to facilitate the sheltering of victims of domestic violence. On 9 June, the Secretary of State also announced the opening of 1,000 new accommodation places dedicated to women victims of violence all over the country.¹¹⁵

In addition, the Secretary of State for Gender Equality envisages the development of a network of "safe houses", with the code "ask for Angela", allowing victims of domestic violence and street harassment to ask for help. This plan, already implemented in several cities in France, aims to go further and better protect women. She indicated that during the lockdown period, new places were identified to protect women from domestic violence, involving pharmacies, shopping centres, hypermarkets, etc. Thus, she declared that the Government with UN Women and their 'HeForShe' system will create a partnership throughout the country. More precisely, "women will be able to enter all the labelled places - bars, restaurants, shops or pharmacies - when they are followed, and feel unsafe on the street, and simply say 'I want to see Angela'".¹¹⁶

¹¹⁰ France, Ministry of Justice, "COVID 19: Adaptation of exceptional practices and systems", 23 April 2020, available at: <http://www.justice.gouv.fr/haute-fonctionnaire-a-legalite-femmes-hommes-12939/covid-19-adaptation-des-pratiques-et-dispositifs-exceptionnels-33079.html>

¹¹¹ France, Ministry of the Interior, "Engagement of pharmacies to allow the reception of victims of domestic violence", 27 March 2020, available at: <https://www.interieur.gouv.fr/fr/Actualites/Communiqués/Engagement-des-pharmacies-pour-permettre-l-accueil-des-victimes-de-violences-intrafamiliales>

¹¹² France, Ministry of Justice, "COVID 19 and perpetrators of domestic violence: End cohabitation when it is dangerous", 8 April 2020, available at: <http://www.justice.gouv.fr/haute-fonctionnaire-a-legalite-femmes-hommes-12939/covid-19-et-auteurs-de-violences-intrafamiliales--33058.html>

¹¹³ France, Secretary of State for Equality between Women and Men (SEEFH), "Secretary of State for Equality between Women and Men budget increases over 5 million euros", 10 June 2020, available at: <https://www.egalite-femmes-hommes.gouv.fr/cp-le-budget-du-seeffh-augmente-de-plus-de-5-millions-deuros-10-06-20/>

¹¹⁴ France, Legal and Administrative Information Department, "Grenelle of Domestic Violence", available at: <https://www.vie-publique.fr/en-bref/272008-grenelle-contre-les-violences-conjugales-les-mesures-annoncees>

¹¹⁵ France, Secretary of State for Equality between Women and Men (SEEFH), June, available at: https://twitter.com/Egal_FH

¹¹⁶ France, France Info, "Plan against street harassment: 'Women can enter all labelled places' if 'they feel unsafe', says Marlène Schiappa", 28 May 2020, available at:

The Secretary of State for Gender Equality also foresees an acceleration in criminal law responses. The Government's desire is that street harassment can be dealt with by an immediate appearance in the courts in the event of reoffending aggravated by criminal acts. "The defendant will be detained until his appearance, which has to take place the same day, and he will be escorted to court", she explained.¹¹⁷ In French law, an immediate appearance is a rapid procedure decided upon by the prosecutor to allow for an immediate judgement at the end of the police custody ('*garde a vue*'). The public prosecutor can initiate this procedure if she considers that the charges are sufficient and that the case is ready to be heard. The alleged perpetrator must, in the presence of their lawyer, agree to this immediate judgement. The procedure can be applied for certain crimes. The victim has the same rights as in a traditional procedure.¹¹⁸

- **Inequalities at work and at home**

In a study published on 16 June, the National Institute for Demographic Studies (or INED, a public research organisation specialised in the study of populations) revealed that the coronavirus has increased inequalities between women and men at work, in several areas.¹¹⁹ In view of the deconfinement, many initiatives have been undertaken to remedy these social issues.

- Statistics

According to the National Institute for Demographic Studies, although the confinement has led to the cessation of many businesses, this did not impact French men in the same way. It is for women that the situation has deteriorated the most.

- Among those who were working on 1st March 2020, only two in three women continue to work two months later, compared to three in four men.

Additionally, the practice of homeworking "highlights deeper inequalities in living conditions, which unfold in the home and in the private sphere", notes the Institute. Lockdown has added an amount of unpaid work to women, often compelled to be responsible for care for their children.

- 48% of women who work from home have to work with their children present, compared to 37% of men.
- On average, a quarter of women have a small isolated room to work in, compared to 41% of men. Most of the time, women had to share their workspace with their children or other household members.
- 29% of women managers have a specific room dedicated to work compared to 47% of men managers.¹²⁰

- Measures and initiatives

In considering deconfinement and the economic recovery, the Secretary of State in charge of Equality launched cooperation with 'France Active' (a network of associations engaged in social and solidarity

https://www.francetvinfo.fr/sante/maladie/coronavirus/plan-contre-le-harcelement-de-rue-les-femmes-pourront-rentre-dans-tous-les-lieux-labellises-si-elles-se-sentent-en-insecurite-indique-marlene-schiappa_3984617.html

¹¹⁷ France, France Info, "Plan against street harassment: 'Women can enter all labelled places' if 'they feel unsafe', says Marlène Schiappa", 28 May 2020, available at: https://www.francetvinfo.fr/sante/maladie/coronavirus/plan-contre-le-harcelement-de-rue-les-femmes-pourront-rentre-dans-tous-les-lieux-labellises-si-elles-se-sentent-en-insecurite-indique-marlene-schiappa_3984617.html

¹¹⁸ France, Legal and administrative information department, "What is an immediate appearance?", available at: www.service-public.fr/particuliers/vosdroits/F32129

¹¹⁹ France, National Institute for Demographic Studies, "Work and Its Facilities: What the Covid-19 Pandemic has changed for the French", July 2020, available at: <https://www.franceactive.org/actualites/les-entrepreneures-a-la-relance/>
https://www.ined.fr/fichier/s_rubrique/30315/579.population.societes.juillet.2020.confinement.france.fr.pdf

¹²⁰ France, National Institute for Demographic Studies, "Work and Its Facilities: What the Covid-19 Pandemic has changed for the French", July 2020, available at: <https://www.franceactive.org/actualites/les-entrepreneures-a-la-relance/>
https://www.ined.fr/fichier/s_rubrique/30315/579.population.societes.juillet.2020.confinement.france.fr.pdf

economy) to promote women in business. On 16 June, they started a joint information campaign on social media for the 30,000 women supported by this network and who will be able to benefit from specific financial assistance and advice.¹²¹

On 10 June, the Secretary of State sent a practical guide to businesses, employers' organisations and consular networks called 'For a resumption of activity with women and men', listing 15 good practices to be implemented. To support the recovery, "it is necessary that [women] feel good within the company, which is linked to the issues of life balance and gender equality", she explained.¹²² More precisely, these good practices are centred around four general objectives:

1. Allow women and men to reconcile work / family life
 - Inform parents about their rights in order to allow young parents to parent in good conditions. Employers must help create the conditions for better sharing of domestic and educational tasks so as not to widen professional inequalities between women and men.
 - Adapt work organisation: flexible hours; teleworking; facilitate part-time work; sign a time charter by banning, for example, meetings before 9 a.m. or after 6 p.m.; fund childcare helpers, develop concierge services, etc.
 - During the deconfinement phase, implement staggered work schedules.
 - Speak with single-parent families and arrange their returning/working time according to constraints they may encounter (reopening or not of schools and day care centres, childcare arrangements, etc.).
2. Fight against domestic violence to let nothing escape
 - Provide all employees of the company with the assistance and support systems put in place to combat domestic violence.
 - Allow women victims of violence to carry out their procedures by adjusting their working time, whether during the violence, at the time of separation or after separation (procedures linked to health, looking for new accommodation, etc.).
 - Inform all staff representatives, human resources managers and employees of the right to return-to-work assistance for employees who have resigned and been obliged to change their place of residence after having filed a complaint for domestic violence.
 - Develop educational tools to fight against violence.
3. Protect women in the face of sexual harassment
 - Build an action plan against sexism in the workplace in order to send a clear message on the unlawfulness of such practices.
 - Require the distribution of all documents and tools with help measures intended for employees as well as a clear reminder of the law in force (posters, internal regulations, welcome booklet).
 - Review the recruitment and evaluation processes in order to eradicate any criteria or stereotype that could lead to discriminating against women in access to a post/promotion.
 - Create a listening and support unit for employees who feel the need to speak and report behaviour that has no place in the workplace, in order to better protect employees and punish the perpetrators.
4. Reach professional equality between women and men
 - Revalue the "feminised" professions in conjunction with the social partners, genuinely improve their working conditions when they are difficult and readjust their salaries.
 - Introduce a period for discussion on women's access to positions of responsibility within the company.

¹²¹ France, Secretary of State for Equality between Women and Men (SEEFH), "Launch of a communication campaign with France active to promote women's entrepreneurship", 11 June 2020, available at: <https://www.egalite-femmes-hommes.gouv.fr/lancement-dune-campagne-de-communication-avec-france-active-pour-valoriser-lentreprenariat-des-femmes/>

¹²² France, Le Figaro, "Marlène Schiappa wants to help women entrepreneurs", 10 June 2020, available at: <https://www.lefigaro.fr/societes/marlene-schiappa-veut-aider-les-femmes-entrepreneurs-20200610>

- Calculate and publish the index of professional equality between women and men.¹²³

Finally, the Secretary of State for Gender Equality announced her wish to extend paternity leave to one month, compared to the 11 days provided by law, as 300 French companies have already done.¹²⁴ This measure was welcomed by the associations. The president of the ‘Parents & Feminist’ association noted that “it is women who campaign for the extension of paternity leave. They are not asking because fathers lack rights, but because it would allow women to recover better and share tasks”. He specified nevertheless that in order to have a real impact on inequalities in the family and professional sphere, “paternity leave must be of the same length as maternity leave”.¹²⁵

1.3.3 Older people

The health crisis has raised several challenges for older people, whether they live in residential settings or alone at home.

- **Data/statistics**

According to the National Public Health Agency (*‘Santé publique France’*, a public establishment under the supervision of the Ministry of Health), until 23 June the most seriously affected people by this epidemic are patients aged over 65 years. This category represents more than 93% of deaths.¹²⁶

- Infected by COVID-19 in institutional settings

Between 1 March and 22 June, 34,338 cases of Covid-19 have been confirmed in residential facilities for the elderly (EHPAD, senior residences, etc.).

Between 8 and 21 June, among all the Accommodation Establishments for the Elderly (EHPA) in France, 1.2% declared at least one new confirmed case of Covid-19 among residents or staff.¹²⁷

- Deaths in relation to COVID-19 in institutional settings

Between 1 March and 22 June, 3,666 older people died in hospital and 10,405 in institutional settings.¹²⁸

- **Targeted testing of residents and staff in residential care homes**

Issued on 16 June, a protocol of “return to normal” in accommodation for elderly persons recommends a “testing reflex” in Social and medico-social establishments (ESMS), Long-term care units (USLD) and independence residences. It is specified that tests must be offered to:

¹²³ France, Secretary of State for Gender Equality, “For a resumption of activity with women and men: 15 good practices”, 10 June 2020, available at: www.prefectures-regions.gouv.fr/grand-est/content/download/70366/457166/file/Plaquette+-+Pour+une+reprise+de+1%27activit+avec+les+femmes+et+les+hommes.pdf

¹²⁴ France, Le Parisien, “Marlène Schiappa: ‘We must rethink the question of family leave’”, 7 June 2020, available at: <https://www.leparisien.fr/politique/marlene-schiappa-il-faut-repenser-la-question-des-conges-familiaux-06-06-2020-8331072.php>

¹²⁵ France, Elle, “Paternity leave, an instrument of gender equality”, 10 June 2020, available at: <https://www.elle.fr/Societe/Les-enquetes/Le-conge-paternite-instrument-de-l-egalite-femmes-hommes-3867360>

¹²⁶ France, National Public Health Agency, “COVID-19: epidemiological update of 25 June 2020”, p. 19, available at: <https://www.santepubliquefrance.fr/maladies-et-traumatismes/maladies-et-infections-respiratoires/infection-a-coronavirus/documents/bulletin-national/covid-19-point-epidemiologique-du-25-juin-2020>

¹²⁷ France, National Public Health Agency, “COVID-19: epidemiological update of 25 June 2020”, p. 10 available at: <https://www.santepubliquefrance.fr/maladies-et-traumatismes/maladies-et-infections-respiratoires/infection-a-coronavirus/documents/bulletin-national/covid-19-point-epidemiologique-du-25-juin-2020>

¹²⁸ France, National Public Health Agency, “COVID-19: epidemiological update of 25 June 2020”, p. 10, available at: <https://www.santepubliquefrance.fr/maladies-et-traumatismes/maladies-et-infections-respiratoires/infection-a-coronavirus/documents/bulletin-national/covid-19-point-epidemiologique-du-25-juin-2020>

- new permanent and temporary professionals working in the establishment, two days before their intervention within the establishment;
- professionals from the establishment upon return from leave;
- residents or employees with any symptoms;
- persons applying for admission to an establishment, at the pre-admission stage.¹²⁹

- **Lifting of restrictions on visits to residential care settings**

On 11 March, all visits to Establishments for Dependent Senior Citizens (EHPAD) were suspended. Although the residents of these establishments could receive visits again from their relatives since 19 April, visits were strictly supervised.¹³⁰ During the month of June, the resumption of visits to residential care settings was facilitated in two stages.

- From 5 to 22 June

The Health Minister stated on 2 June that almost 45% of Establishments for Dependent Senior Citizens were still reporting at least one case of Covid-19. He therefore stressed the necessity to observe the greatest vigilance in the application of the health measures. However, he added that this imperative must be reconciled with the free choice of people wishing to see their relatives. It was thus decided to further relax the applicable guidelines. The following were authorised:

- visits by more than two people at a time, when the visit is not made in the room;
- room visits for up to two people at a time, when security conditions allow;
- visits by minors, provided that they could wear a mask.¹³¹

This updated protocol indicated additionally that handwashing, physical distance and the wearing of a surgical mask remained mandatory for all visitors. Two imperatives had to be followed:

- respect the barrier gestures and physical distancing measures;
- guarantee two-way circulation: at no time should visitors and residents meet in the establishment.¹³²

Beyond the national recommendations, it was recalled that it was up to the directors of the establishments to decide on the measures applicable locally, after consultation with the care team and in particular the coordinating doctors. These measures had to be defined according to the health situation of the establishment and in compliance with the recommendations in force in the region concerned. It was also recommended to consult, as far as possible, the social life councils of the establishments.¹³³

- Since 22 June

¹²⁹ France, Ministry of Health, “Return to normal in accommodation for elderly persons (EHPAD, USLD and independence residences)”, 16 June 2020, available at: <https://solidarites-sante.gouv.fr/IMG/pdf/deconfinement-retour-normale-etablissements-hebergement-pa-covid-19.pdf>

¹³⁰ France, Ministry of Health, “Protocol relating to the applicable rules for the confinement in social and medico-social establishments and services and long-term care units”, 20 April 2020, available at: https://solidarites-sante.gouv.fr/IMG/pdf/protocole_relatif_aux_consignes_applicables_sur_le_confinement_dans_les_essms_et_unites_de_soins_de_longue_duree.pdf

¹³¹ France, Ministry of Health, “Additional relaxing of visiting conditions in establishments for the elderly”, 2 June 2020, available at: <https://solidarites-sante.gouv.fr/actualites/presse/communiqués-de-presse/article/assouplissement-supplémentaire-des-conditions-de-visite-dans-les-etablissements>

¹³² France, Ministry of Health, “Protocol relating to the instructions applicable on containment in establishments hosting elderly persons and long-term care units”, 4 June 2020, available at: <https://solidarites-sante.gouv.fr/IMG/pdf/deconfinement-protocole-consignes-essms-personnes-agees-usld-covid-19.pdf>

¹³³ France, Ministry of Health, “Protocol relating to the instructions applicable on containment in establishments hosting elderly persons and long-term care units”, 4 June 2020, available at: <https://solidarites-sante.gouv.fr/IMG/pdf/deconfinement-protocole-consignes-essms-personnes-agees-usld-covid-19.pdf>

An additional phase of progressive and secure deconfinement was initiated from 22 June in accommodation establishments for the elderly, pursuant to the announcement made by the French President¹³⁴. To this end, a new protocol entitled “Return to normal in accommodation for elderly persons” was released on 16 June. It indicated mainly that the directors of establishments which no longer declare possible or confirmed cases of Covid-19 had to establish, until 22 June, plans for this gradual return to “normal”, in consultation with the nursing teams and in particular the coordinating doctors of the Establishments for Dependent Senior Citizens.¹³⁵

These return to “normal” plans had to be adapted to the situation of each establishment but had to organise “as a priority and as soon as possible, the resumption of visits by relatives without an appointment”. More precisely, the protocol stated that the management of the establishments had to present the stages for the following measures:

- making an appointment prior to a visit (for example, a stage can be reached quickly with the establishment of time slots for visits without an appointment);
 - compliance with a secure visiting circuit (e.g. prohibition of two-way circulation);
 - physical distancing with materials (e.g. ground markings).¹³⁶
- **Lifting of restrictions on outings in residential care settings**

The Ministry of Health also decided to relax the previous guidelines issued on 10 May relating to the resumption of outings in residential care homes.¹³⁷ The protocol of “return to normal” in accommodation for elderly persons provides that individual and group outings will resume from 22 June according to “the local context and the situation of the establishment”. The management of the establishments must specify the steps for the following measures:

- limitation of the reasons and the size of groups of collective outings;
 - limitation of reasons, geographic limitations and special protocol for individual outings outside the establishment.¹³⁸
- **Support measures related to work**

In his address on 14 June, the French President stated that “we must get our economy back on track whilst continuing to protect the most vulnerable”.¹³⁹ Criteria determining populations most at risk have not changed. According to the list issued by the Ministry of Health and detailed in decree n° 2020-521 of 5 May 2020, people over 65 years old are included.¹⁴⁰ They can ask their doctor for an isolation

¹³⁴ France, Presidency of the Republic, “Address to the French people, 14 June 2020”, available at: <https://www.elysee.fr/emmanuel-macron/2020/06/14/adresse-aux-francais-14-juin-2020>

¹³⁵ France, Ministry of Health, “Implementation of the following phase of deconfinement in accommodation establishments for the elderly (EHPAD and USLD)”, 16 June 2020, available at: https://solidarites-sante.gouv.fr/actualites/presse/communiqués-de-presse/article/communiqué-de-presse-ehpad-16-juin-2020?fbclid=IwAR2c_5ZkCp1aSMgIyM5be0LOzTxTTVweRdknzOLiUKxGPUDM9CkSUUIStNg

¹³⁶ France, Ministry of Health, “Return to normal in accommodation for elderly persons (EHPAD, USLD and independence residences)”, 16 June 2020, available at: <https://solidarites-sante.gouv.fr/IMG/pdf/deconfinement-retour-normale-etablissements-hebergement-pa-covid-19.pdf>

¹³⁷ France, Ministry of Health, “Establishments hosting elderly people: changes linked to deconfinement”, 10 May 2020, available at: https://solidarites-sante.gouv.fr/IMG/pdf/deconfinement-etablissements-hebergeant-personnes_agees-covid-19.pdf

¹³⁸ France, Ministry of Health, “Return to normal in accommodation for elderly persons (EHPAD, USLD and independence residences)”, 16 June 2020, available at: <https://solidarites-sante.gouv.fr/IMG/pdf/deconfinement-retour-normale-etablissements-hebergement-pa-covid-19.pdf>

¹³⁹ France, Presidency of the Republic, “Address to the French people, 14 June 2020”, available at: <https://www.elysee.fr/emmanuel-macron/2020/06/14/adresse-aux-francais-14-juin-2020>

¹⁴⁰ France, Decree n° 2020-521 of 5 May 2020, available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041849680&categorieLien=id>

certificate which allows them to benefit from ‘partial activity’ status and sick leave compensation. People living with vulnerable persons may benefit from the same provisions.¹⁴¹

Working from home and “partial activity” should still be preferred for populations most at risk. The employer does not in principle have the right to accept a return to work or to impose it. In cases of a physical return to work, the employer is responsible, as confirmed the Ministry of Labour to the media on 4 June.¹⁴² In cases where employees are not able to work remotely, they can benefit from “partial unemployment”, provided they present the isolation certificate to their employer.¹⁴³ Law n° 2020-473 of 25 April 2020 specifies that these measures are valid “until a date fixed by decree and no later than 31 December 2020”.¹⁴⁴

2 Selected issues emerging during the COVID-19 crisis

2.1 Incidents of xenophobic speech, acts of harassment and violent attacks against specific minority groups on the grounds of race or ethnic origin

The current health crisis and the lockdown have exacerbated the discrimination suffered in particular by people of foreign origin or perceived as such.¹⁴⁵ Racist acts and xenophobic speech have been reported against people of Asian origin.

Several accounts on social networks denounced stigmatising and xenophobic acts via the hashtag #JeNeSuisPasUnVirus.¹⁴⁶ Some media outlets also reported in May racist behaviour against people of Asian descent.¹⁴⁷ For its part, the Association of Young Chinese in France (AJCF) collected a significant number of testimonies and videos posted on social networks. It noted that children and young people were stigmatised or harassed because of their origins. For this reason, the association sought to denounce these incidents and is in contact with the Ministry of Education.¹⁴⁸ According to the report of the Public Defender of Rights published on 22 June, anti-Asian racism has taken on a “new dimension, from insults and assaults in public places to harassment of children at school”.¹⁴⁹

¹⁴¹ France, Decree n° 2020-549 of 11 May 2020, available at:

https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=6DD99889B0178A6A7151B6FA2AABA24D.tplgfr38s_3?cidTexte=JORFTEXT000041865522&dateTexte=&oldAction=rechJO&categorieLien=id&idJO=JORFCONT000041865241

¹⁴² France, Le Parisien, “Deconfinement: “I have an isolation certificate, can I break it to return to work?””, 4 June 2020, available at: <https://www.leparisien.fr/economie/emploi/deconfinement-je-dispose-d-un-certificat-d-isolement-puis-je-le-rompre-pour-reprendre-le-travail-04-06-2020-8329596.php>

¹⁴³ France, Legal and administrative information department, “Vulnerable employees and their relatives can benefit from the partial activity system”, 7 May 2020, available at: <https://www.service-public.fr/particuliers/actualites/A14008>

¹⁴⁴ France, Law n° 2020-473 of 25 April 2020 of amending finances for 2020, Article 20, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041820860>

¹⁴⁵ France, Public Defender of Rights, “Synthesis. Discrimination and origins: the urgency to act”, 22 June 2020, p. 1, available at: <https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rap-origine-num-15.06.20.pdf>

¹⁴⁶ France, Amnesty International, “Coronavirus: seven human rights impacts”, 5 February 2020, available at: <https://www.amnesty.org/fr/latest/news/2020/02/explainer-seven-ways-the-coronavirus-affects-human-rights/>

¹⁴⁷ France, HuffPost, “Anti-asian racism, another symptom of coronavirus”, 15 May 2020, available at: https://www.huffingtonpost.fr/entry/on-mappelle-coronachinois-le-racisme-anti-asiatique-autre-symptome-du-coronavirus_fr_5ebe66a1c5b650cdf669990?fbclid=IwAR1266pF67IRkYpTdR7xtA-ucp8pqEli6A-hg8TASyr-llZ5RNjOvnePQcU

¹⁴⁸ France, Association of Young Chinese in France, “The Covid-19 crisis in France: position and actions of the AJCF”, 1 March 2020, available at: <https://www.lajcf.fr/la-crise-du-covid-19-en-france-position-et-actions-de-lajcf/>

¹⁴⁹ France, Public Defender of Rights, “Synthesis. Discrimination and origins: the urgency to act”, 22 June 2020, p. 1, available at: <https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rap-origine-num-15.06.20.pdf>

2.2 Instances of infringement of privacy and/or data protection rights related to the pandemic and concerns

The spread of Covid-19 virus has generated numerous privacy and data protection questions. Digital tools in particular can help to identify possible transmissions between carriers of the virus and people with whom they have been in close proximity. They can also allow the identification of possible new outbreaks and contribute to the evaluation of the population's immunity. Nevertheless, the design, implementation and use of these tools in the context of the pandemic may raise issues of protection of privacy and personal data.¹⁵⁰

2.2.1 Instances of infringement

The FRA contacted the National Commission for Information Technology and Liberties (the 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) to enquire about instances of infringement of privacy and data protection rights related to the Covid-19 pandemic. The National Commission reported to have received about twenty complaints since the beginning of the health crisis. On 24 June, some of them had been processed, others remain under investigation.

The complaints deal with various subjects, but two main themes emerge:

- Supervisory measures taken by employers with regard to their employees¹⁵¹
Employers are monitoring the health of their employees to find out if they have symptoms of Covid-19.
 - Sometimes, they have used health questionnaires that need to be completed by employees, who had to specify for example their daily body temperature. This has also been required from persons living with them when the employees work remotely.
 - In some cases, the employers have installed thermal imaging cameras at the entrance of work buildings to measure the temperature of individuals.

- Mask distribution operations by local authorities, more specifically by the municipalities¹⁵²
As some municipalities had a limited supply of masks, they sought to ensure that the people who request them have their residence in the municipal area.
 - Some municipalities have asked citizens to fill in an online questionnaire on their official website, which included personal data (identity of the citizen, contact details).
 - Personal data have also been collected during mask distribution operations (identity of the citizen, contact details).¹⁵³

2.2.2 'StopCovid' application and digital tools for tracing contact

On 2 June, the French Government released its contact-tracing app called 'StopCovid' to accompany the second phase of easing lockdown measures.¹⁵⁴ The decree of 29 May stipulates the creation of a mobile application that aims to inform people who have been in contact with someone infected with Covid-19

¹⁵⁰ France, National Pilot Committee for Digital Ethics, "Ethical issues concerning digital tools for deconfinement", 14 May 2020, p. 3, available at: https://www.ccne-ethique.fr/sites/default/files/a_la_une/cnpen-ethique-numerique-deconfinement-2020-05-14.pdf

¹⁵¹ France, National Commission for Information Technology and Liberties (CNIL), "Coronavirus (COVID-19): reminders from the CNIL on the collection of personal data by employers", 7 May 2020, available at: <https://www.cnil.fr/fr/coronavirus-covid-19-les-rappels-de-la-cnil-sur-la-collecte-de-donnees-personnelles-par-les>

¹⁵² France, National Commission for Information Technology and Liberties (CNIL), "COVID-19: data processing associated with mask distribution operations", 1 May 2020, available at: <https://www.cnil.fr/fr/covid-19-les-traitements-de-donnees-associes-aux-operations-de-distribution-de-masques>

¹⁵³ Interview with the National Commission for Information Technology and Liberties / CNIL (*Commission nationale de l'informatique et des libertés*), 24 June 2020.

¹⁵⁴ France, Government, "StopCovid", 2 June 2020, available at: <https://www.economie.gouv.fr/stopcovid>

and who uses the same application through “the conservation of the history of pseudonyms issued via Bluetooth technology”. Downloading and using the application is “voluntary and free”. The ‘public interest mission’, under Article 6 of the GDPR, is its legal basis. The contact data are conserved for fifteen days from the time they are recorded by the application. The data entered in the application by people diagnosed or tested positive for the covid-19 virus who decide to send the history of their contacts at risk to the server (for example the date of onset of symptoms) are not conserved. The shared authentication key and the permanent random identifier are stored until the user uninstalls the ‘StopCovid’ application, and at the latest six months after the cessation of the state of health emergency. Data processing is carried out for a period not exceeding six months after the cessation of the state of health emergency. Data are stored for fifteen days from their registration by this application.¹⁵⁵

Three weeks after its launch, the ‘StopCovid’ application had been downloaded 1.9 million times, but it had been uninstalled 460,000 times, according to the Secretary of State in charge of Digital issues. 14 users received an alert message indicating a risk of contamination by the new coronavirus and 68 infected people used the application to warn other users.¹⁵⁶ However, some concerns have been reported to the media that the digital tracing application’s activity would not be limited to the collection of identifiers of people crossed within a metre and for a period of fifteen minutes. The National Commission for Information Technology and Liberties indicated that checks were in progress in this regard.¹⁵⁷

Concerning digital tools for tracing contact more generally, the Government sought the opinion of the National Pilot Committee for Digital Ethics, created by the National Consultative Ethics Committee on the request of the Prime Minister. In its 14 May response, the body noted that the crisis situation initiated by the Covid-19 pandemic has led to an unprecedented increase in the use of digital technology as well as the creation of new tools. One of the risks of such devices is their perpetuation or their use for purposes other than the management of health crises. For this reason the Committee emphasised that “it is necessary that the public authorities are able to control the activation, the adaptation of the parameters or the deactivation of these tools according to the evolution of the health situation”.¹⁵⁸

2.2.3 Information systems aimed to combat the Covid-19 epidemic

The Law n° 2020-546 of 11 May that initiated the lifting of the national lockdown provided for the establishment of “information systems” relating to people affected by the virus or who have been in contact with infected persons for the purpose of combating the Covid-19 epidemic. Personal health data of the persons concerned may be processed and shared, even without their consent.¹⁵⁹ The main

¹⁵⁵ France, Decree n° 2020-650 of 29 May 2020, available at: <https://www.legifrance.gouv.fr/eli/decret/2020/5/29/SSAZ2012567D/jo/texte?fbclid=IwAR0rcvF0Xsvhlw7hjA8i1tKPrsYbwf9cZAnXkbarpbh1yuno1vZDj6VXBDg>

¹⁵⁶ France, France Info, “StopCovid: only 14 cases of risk of contamination have been reported since the application was put into service”, 23 June 2020, available at: https://www.francetvinfo.fr/sante/maladie/coronavirus/stopcovid-seuls-14-cas-de-risque-de-contamination-ont-ete-signales-depuis-la-mise-en-service-de-l-application_4018981.html

¹⁵⁷ France, Le Monde, “The StopCovid app collects more data than advertised”, 16 June 2020, available at:

https://www.lemonde.fr/pixels/article/2020/06/16/l-application-stopcovid-collecte-plus-de-donnees-annonce_6043038_4408996.html?fbclid=IwAR3bURjCT_iBA6uk0Cq-D5FsI0t-dNjGaj-5K_IPzTo9VUFoaECN5Hi7T8k

France, National Commission for Information Technology and Liberties (CNIL), “SI-DEP, Contact Covid and StopCovid: the CNIL launches its control campaign”, 4 June 2020, available at: <https://www.cnil.fr/fr/si-dep-contact-covid-et-stopcovid-la-cnil-lance-sa-campagne-de-controles>

¹⁵⁸ France, National Pilot Committee for Digital Ethics, “Ethical issues concerning digital tools for deconfinement”, 14 May 2020, p. 8, available at: https://www.ccne-ethique.fr/sites/default/files/a_la_une/cnpen-ethique-numerique-deconfinement-2020-05-14.pdf

¹⁵⁹ The lack of consent from the persons concerned was found to be in accordance with the Constitution by the Constitutional Council, which considered that these provisions pursue the objective of health protection, an objective recognised as having

objectives of this provision are the identification of people infected or at risk of being infected by Covid-19, epidemiological surveillance at national and local levels and research into ways of controlling the spread of coronavirus.¹⁶⁰ The decree of 12 May created these information systems and detailed their implementation.¹⁶¹

The draft law organising the end of the state of health emergency allows extending the conservation period of the data collected until 30 October 2020. This extension can only be decided on, after public notices from the National Commission for Information Technology and Liberties and the Covid-19 control and liaison committee, by decree of the Council of State.¹⁶² The NGO “Ligue des droits de l’Homme” stressed that Article 2 of this text poses a problem in that it “operates a delegation of competence in favour of regulatory power”, a situation that does “not allow for a democratic debate”.¹⁶³ The constitutionality of this text, finally adopted by the Parliament, was challenged before the Constitutional Council whose decision was pending at the start of July.¹⁶⁴

2.2.4 “Smart” cameras and thermal imaging cameras

In the context of the Covid-19 epidemic, and more particularly in the period of deconfinement, the deployment of “smart” and thermal cameras is envisaged with the aim to facilitate the management of the health crisis or its consequences by public and private actors.¹⁶⁵ According to the National Commission for Information Technology and Liberties, it appears nevertheless that certain systems do not comply with the legal framework applicable to the protection of personal data.¹⁶⁶

More precisely, the national body noted that the fight against the Covid-19 virus has led some actors to consider deploying such “intelligent” cameras aimed in particular at measuring temperature, detecting the presence of, or even ensuring compliance with, social distancing or wearing a mask. It recalled however that the use of “smart” cameras is not currently provided for in a specific legal text and insists consequently on the need to supply adequate legal support. Regarding thermal imaging cameras, the National Commission for Information Technology and Liberties warned of the risk of not locating infected people since some are asymptomatic or may have taken antipyretic drugs (which reduce body temperature without treating the causes of fever) and pointed out that health authorities expressed reservations about this device.¹⁶⁷

constitutional value (France, Constitutional Council, Decision n° 2020-800 DC, 11 May 2020, available at: <https://www.conseil-constitutionnel.fr/decision/2020/2020800DC.htm>)

¹⁶⁰ France, Law n° 2020-546 of 11 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041865244&dateTexte=20200519>

¹⁶¹ France, Decree n° 2020-551 of 12 May 2020, available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041869923&categorieLien=id>

¹⁶² France, Senate, “Draft Law organising the end of the state of health emergency”, 18 June 2020, available at:

<https://www.senat.fr/leg/pjl19-537.html>

¹⁶³ France, Ligue des droits de l’Homme, « Bill organising the end of the state of health emergency”, 16 June 2020, available at:

<https://www.ldh-france.org/projet-de-loi-organisant-la-fin-de-letat-durgence-sanitaire/>

¹⁶⁴ France, Constitutional Council, Decision n° 2020-803 DC, 9 July 2020, available at: <https://www.conseil-constitutionnel.fr/decision/2020/2020800DC.htm>

¹⁶⁵ On 26 June, the Council of State ordered the municipality of Lisses to cease the use of thermal cameras deployed within the premises of municipal services (including schools) as part of the fight against the spread of Covid-19. It considered that these were a manifestly illegal breach of the right to privacy, unlike the fixed camera installed in the municipal building, the use of which is not compulsory (France, Council of State, Decision n° 441065, 26 June 2020, available at: <https://www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/conseil-d-etat-26-juin-2020-cameras-thermiques-a-lisses>).

¹⁶⁶ France, National Commission for Information Technology and Liberties (CNIL), “The CNIL calls for vigilance on the use of so-called ‘smart’ cameras and thermal cameras”, 17 June 2020, available at: <https://www.cnil.fr/fr/la-cnil-appelle-la-vigilance-sur-lutilisation-des-cameras-dites-intelligentes-et-des-cameras>

¹⁶⁷ France, National Commission for Information Technology and Liberties (CNIL), “The CNIL calls for vigilance on the use of so-called ‘smart’ cameras and thermal cameras”, 17 June 2020, available at: <https://www.cnil.fr/fr/la-cnil-appelle-la-vigilance-sur-lutilisation-des-cameras-dites-intelligentes-et-des-cameras>

2.3 Measures taken to counter the spread of disinformation online

Many fake news and conspiracy theories circulate on the internet and social media, which can have serious consequences and lead individuals to ignore barrier gestures and thus participate in the spread of the virus, as underlined by the French Government.¹⁶⁸ Given the scale of this phenomenon, several public and private initiatives have been undertaken to counter the spread of disinformation online.

2.3.1 Public sector initiatives

In this respect, the national authorities launched a campaign to counter the spread of disinformation online and to instead diffuse accurate information. The Government as well as different Ministries published on their websites information about Covid-19 and measures to curtail the epidemic.¹⁶⁹ The public authorities regularly issued statements on their websites or to social networks with calls for caution against fake news. For instance, the Government spokesperson tweeted on 30 April: “The Covid-19 crisis promotes the spread of fake news. More than ever, it is necessary to trust reliable and verified sources of information”.¹⁷⁰ Several Ministers also took the initiative to occasionally respond on social media to news items which were falsely spread online.¹⁷¹

A telephone service intended to inform citizens has also been established and operates 24 hours a day and 7 days a week.¹⁷² According to a parliamentary report, the state released nine million euros for this specific measure.¹⁷³

Furthermore, a dedicated Government Information Service unit (‘SIG’)¹⁷⁴ is responsible, among other things, for “media analysis”, scrutinising social networks to find inaccurate or misleading information and, above all, quantifying the interactions they generate, in order to be able to decide whether it “is a subject to be tackled”.¹⁷⁵

2.3.2 Media initiatives

Many fact-checking platforms have been created by journalists. French media such as Agence France-Presse (AFP), Le Monde, Liberation and France Info have indeed created websites dedicated to verifying information circulating on the internet (e.g. ‘AFP Factual’¹⁷⁶; ‘Checknews’¹⁷⁷; ‘Les Décodeurs’¹⁷⁸; ‘Vrai

¹⁶⁸ France, Ministry of Europe and Foreign Affairs, “Cross-Regional Statement on ‘Infodemic’ in the Context of COVID-19”, 12 June 2020, available at: <https://onu.delegfrance.org/Declaration-interregionale-sur-l-infodemie-dans-le-contexte-du-COVID-19>

¹⁶⁹ France, Government, “The answers to your questions about the COVID-19 coronavirus”, 9 June 2020, available at: <https://www.gouvernement.fr/info-coronavirus/francais-simplifie-falc>

¹⁷⁰ France, Government spokesperson, 30 April 2020, available at: https://twitter.com/SibethNdiaye/status/1255829823198564352?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cwtm%5E1255829823198564352&ref_url=https%3A%2F%2Fwww.leparisien.fr%2Fpolitique%2Fdesinfox-coronavirus-le-gouvernement-retire-la-rubrique-controversee-anti-fake-news-de-son-site-05-05-2020-8311386.php

¹⁷¹ France, Ministry of Solidarity and Health, available at: <https://twitter.com/MinSoliSante>

¹⁷² France, Legal and administrative information department, “Coronavirus (Covid-19): useful numbers”, 16 March 2020, available at: <https://www.service-public.fr/particuliers/actualites/A13894>

¹⁷³ France, National Assembly, Report on the bill for the regulation of the budget and approval of the accounts for the year 2019”, 27 May 2020, available at: http://www.assemblee-nationale.fr/dyn/15/rapports/cion_fin/115b3011-a15_rapport-fond#_Toc256000022

¹⁷⁴ France, Government, “SIG Organisation”, available at: <https://www.gouvernement.fr/organisation-du-sig>

¹⁷⁵ France, BFM TV, “Coronavirus: government challenge facing the proliferation of ‘fake news’”, 24 April 2020, available at: https://www.bfmtv.com/politique/gouvernement/coronavirus-le-gouvernement-face-a-la-proliferation-des-fake-news_AN-202004240222.html

¹⁷⁶ France, Agence France-Presse, “Coronavirus: checks made by AFP”, 18 June 2020, available at: <https://factuel.afp.com>

¹⁷⁷ France, Libération, “Checknews”, available at: <https://www.liberation.fr/checknews.100893>

¹⁷⁸ France, Le Monde, “Decoders”, available at: <https://www.lemonde.fr/les-decodeurs/>

ou Faux'¹⁷⁹). A collaborative platform against disinformation, 'Hoaxbuster.com', also allows for flushing out fake news or hoaxes which can be sent by email.¹⁸⁰ In addition, several media outlets have published articles with advice on ways to fight against fake news.¹⁸¹ Articles have also been published to clarify for example conspiracy theories about the coronavirus pandemic.¹⁸²

2.3.3 Digital platforms initiatives

In the private sector, mainstream media outlets (Google and Qwant) and social media (Facebook, Twitter, Instagram, TikTok, LinkedIn) have taken measures to fight coronavirus disinformation online.

Since the start of the health crisis, many sites that partnered with the Government have been promoting official information.¹⁸³ When individuals search for news about the virus on Twitter a panel appears offering "information and recommendations on Covid-19", referring to government recommendations. For several weeks on Google, the search engine included UN World Health Organisation's recommendations in the results for searches about the pandemic. Facebook also opened its advertising program free of charge to public health organisations or strengthened its partnerships with media involved in fact-checking.¹⁸⁴

Some sites also removed or reduced the visibility of fake information and advertisements that could endanger the public.¹⁸⁵ In May, Google decided to suspend many applications referring to Covid-19 from its 'Play Store' (application store). The main purpose was to combat fake news and avoid the proliferation of questionable applications. More precisely, when someone types the words "coronavirus" or "covid" in the search bar of Play Store on smartphones managed by Android, no suggestion is made to the user, except for a few applications validated by official bodies, such as the UN-World Health Organisation or the Red Cross. Many developers were thus excluded from the Android system which equips many smartphones. Some criticised this initiative and considered it as an attack on freedom of expression.¹⁸⁶ In addition, Twitter announced that depending on the potential danger of the messages (moderate or strong) and the type of problems they raise (unverified, disputed or misleading information), the network moderator may respond with warnings, and can withdraw misleading and dangerous information.¹⁸⁷

¹⁷⁹ France, France Info, "True or fake", available at: <https://www.francetvinfo.fr/vrai-ou-fake/>

¹⁸⁰ France, Hoaxbuster, available at: <https://www.hoaxbuster.com>

¹⁸¹ France, Le Monde, "Coronavirus: our guide to distinguish false rumours from real advice", 16 June 2020, available at: https://www.lemonde.fr/les-decodeurs/article/2020/03/13/coronavirus-petit-guide-pour-distinguer-les-fausses-rumeurs-des-vrais-conseils_6032938_4355770.html ; France, France Info, "New world. How to fight the epidemic... of fake news", 14 April 2020, available at: https://www.francetvinfo.fr/replay-radio/nouveau-monde/nouveau-monde-comment-lutter-contre-lepidemie-de-fake-news_3892155.html

¹⁸² France, France Info, "These conspiracy theories that connect 5G and the coronavirus", 11 April 2020, available at: https://www.francetvinfo.fr/sante/ces-theories-du-complot-qui-connectent-la-5g-et-le-coronavirus_3903681.html; France, L'Express, "5G, viruses, vaccines, Bill Gates: 'It's a bit like the semantic package of conspiracy'", 8 May 2020, available at: https://www.lexpress.fr/actualite/societe/5g-virus-vaccins-bill-gates-c-est-un-peu-le-package-semantique-du-conspirationnisme_2125640.html

¹⁸³ France, Government, "Coronavirus COVID-19: mobilisation of social networks and search engines", 28 February 2020, available at: <https://www.economie.gouv.fr/coronavirus-mobilisation-reseaux-sociaux-moteurs-de-recherche>

¹⁸⁴ France, France Inter, "Posts deleted, stricter rules: Facebook and Twitter face fake news on the coronavirus", 1st April 2020, available at: <https://www.franceinter.fr/posts-supprime-regles-plus-strictes-facebook-et-twitter-face-aux-fake-news-sur-le-coronavirus>

¹⁸⁵ France, France Info, "New world. How to fight the epidemic... of fake news", 14 April 2020, available at: https://www.francetvinfo.fr/replay-radio/nouveau-monde/nouveau-monde-comment-lutter-contre-lepidemie-de-fake-news_3892155.html

¹⁸⁶ France, France Info, "Covid-19: under the guise of fighting fake news, Google removes many applications from its Play Store", 26 May 2020, available at: https://www.francetvinfo.fr/sante/maladie/coronavirus/covid-19-sous-couvert-de-lutter-contre-les-fake-news-google-supprime-de-nombreuses-applications-de-son-play-store_3980609.html

¹⁸⁷ France, Siècle Digital, "Twitter steps up fight against disinformation on Covid-19", 13 May 2020, available at: <https://siecledigital.fr/2020/05/13/twitter-etiquettes-avertissement-desinformation-coronavirus/>