

# **Franet National contribution to the Fundamental Rights Report 2022**

**FRANCE**

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## **Contents**

Franet country study: policy and legal highlights 2021 .....	3
Chapter 1. Equality and non-discrimination.....	4
Chapter 2. Racism, xenophobia and related intolerance .....	7
Chapter 3. Roma equality and inclusion .....	14
Chapter 4. Asylum, visas, migration, borders and integration .....	18
Chapter 5. Information society, privacy and data protection .....	20
Chapter 6. Rights of the child .....	28
Chapter 7. Access to justice .....	32
Chapter 8. .Developments in implementing the Convention on the Rights of Persons with Disabilities .....	35

## Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	In order to better fight against hateful messages published online, the French audiovisual board / <i>Conseil supérieur de l'audiovisuel</i> (CSA) has been given, since August 2021, <a href="#">powers to supervise the moderation processes</a> that platforms have responsibility for.
EU Charter of Fundamental Rights	EU Charter of Fundamental Rights is referred to by judicial authorities, but almost not mentioned during the legislative process.
Equality and non-discrimination	France has gone further this year in the fight against discrimination against LGBT persons, including the possibility for the authorities to <a href="#">dissolve associations that incite hatred and discrimination against them</a> , similar to what already exists for racist associations.
Racism, xenophobia & Roma integration	While the government is preparing its next national anti-racism plan, the year was marked by a <a href="#">class action against discriminatory controls</a> : the applicants went to <a href="#">Court</a> in July.
Asylum & migration	No data available
Data protection and digital society	The year 2021 is marked by the progression of new technologies for security and public health purposes. A law passed by Parliament, currently being examined by the Constitutional Council, introduces, among other things, <a href="#">airborne cameras for the surveillance of demonstrations</a> .
Rights of the child	The new <a href="#">Juvenile Criminal Justice Code</a> came into force on 30 September 2021: all provisions specific to juveniles are now grouped together in a legal document.
Access to justice, including victims of crime	In response to the widespread violence against women, the government <a href="#">announced several series of measures</a> in August 2021 : more investigations, with specialised units in each Department, more extensive access to the hotline, etc.
Convention on the Rights of Persons with Disability	The year 2021 was marked by the <a href="#">review of France by the Committee on the Rights of Persons with Disabilities</a> . The Committee found that France has not yet fully taken into account the new rights-based approach, induced in the Convention, in the development and implementation of public policies.

# Chapter 1. Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

### Dissolution of associations that provoke anti-LGBT hatred

A law enacted in August 2021, strengthening respect for the principles of the Republic, extended the grounds for administrative dissolution of de facto associations or groups.<sup>1</sup> Whereas until then, the Government could dissolve such associations or groups if they provoked or contributed to, through their actions or by the ideas they disseminate, hatred or violence against a person or group of people on account of their origin or supposed race or religion, this is now also the case as regards their sex, sexual orientation or gender identity.<sup>2</sup>

### Campaign to combat LGBT discrimination

On the occasion of the International Day against Homophobia, Transphobia and Biphobia, on 17 May 2021, the Minister of Solidarity and Health, the Minister Delegate to the Prime Minister, responsible for Equality between Women and Men, Diversity and Equal Opportunities, the Interministerial Delegation for Combating Racism, Anti-Semitism and Anti-LGBT Hatred (DILCRAH) and *Santé publique France* joined forces to launch a campaign to combat discrimination related to sexual orientation and gender identity and their impact on health.<sup>3</sup>

The aim was to show the diversity of sexualities and gender identities and to promote their acceptance. From 17 May and for 3 weeks, the "Faced with intolerance, it's up to us to make a difference" campaign was deployed on all channels (TV, VOL, posters, print, digital with the #JeFaisLaDifférence hashtag).

For digital, a series of podcasts entitled "Et alors" ('So what') was produced for broadcast on social networks. These podcasts collect testimonies that show how the journey of the close family circle to the acceptance of an LGBT person can be more or less quick or complicated.

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<sup>1</sup> France, Law 2021-1109 strengthening respect for the principles of the Republic (*Loi 2021-1109 confortant le respect des principes de la République*), 24 August 2021, Article 16, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778)

<sup>2</sup> France, Internal safety code (*Code de la sécurité intérieure*), Article L 212-1, available at: [www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000025505191/2021-09-20/](http://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000025505191/2021-09-20/)

<sup>3</sup> France, Santé publique France, "Faced with intolerance, it's up to us to make a difference" ("*Face à l'intolérance, à nous de faire la différence*"), Press release, 17 May 2021, available at: [www.santepubliquefrance.fr/presse/2021/nouvelle-campagne-contre-les-discriminations-et-violences-subies-par-les-personnes-lgbt-face-a-l-intolerance-a-nous-de-faire-la-difference](http://www.santepubliquefrance.fr/presse/2021/nouvelle-campagne-contre-les-discriminations-et-violences-subies-par-les-personnes-lgbt-face-a-l-intolerance-a-nous-de-faire-la-difference)

The scheme was supplemented by the activation of partnerships involving a number of audiences and sectors: healthcare professionals, the workplace and the family environment, and with significant actions in schools, universities and the sports world.

### Blood donating: ending discrimination based on sexual orientation

The law on bioethics of 2 August 2021 puts an end to the discrimination based on sexual orientation that existed until then for blood donating.<sup>4</sup>

Until then, men were not allowed to donate blood unless they had not had sexual relations with another man during the four months prior to the donation. Henceforth, donor selection may no longer be based on "*any difference in treatment, in particular with regard to the sex of partners with whom donors have had sexual relations, not justified by the need to protect the donor or the recipient*".<sup>5</sup>

The Order of the Minister of Health to take account of this legislative change has not yet been adopted.

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people**

Study on the effect on health of discrimination and violence experienced by LGBT people in France

In May 2021, the *Santé Publique France* (SPF) public body published an assessment, based on French data, of the links between discrimination and health.<sup>6</sup>

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<sup>4</sup> France, Law No. 2021-1017 on bioethics (*Loi No.2021-1017 relative à la bioéthique*), 2 August 2021, Article 12, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043884384](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043884384)

<sup>5</sup> France, Public health code (*Code de la santé publique*), Article L. 1211-6-1, available at: [www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000043895772](http://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043895772)

<sup>6</sup> France, Santé publique France, Extent and effect on health of discrimination and violence experienced by lesbian, gay, bisexual and trans (LGBT) people (*Ampleur et impact sur la santé des discriminations et violences vécues par les personnes lesbiennes, gays, bisexuel·le·s et trans (LGBT) en France*), 17 May 2021, available at: [www.santepubliquefrance.fr/determinants-de-sante/sante-sexuelle/documents/rapport-synthese/ampleur-et-impact-sur-la-sante-des-discriminations-et-violences-vecues-par-les-personnes-lesbiennes-gays-bisexuel-le-s-et-trans-lgbt-en-france#:~:text=Les%20discriminations%20et%20les%20violences,ph%C3%A9nom%C3%A8nes%20de%20renoncements%20aux%20soins](http://www.santepubliquefrance.fr/determinants-de-sante/sante-sexuelle/documents/rapport-synthese/ampleur-et-impact-sur-la-sante-des-discriminations-et-violences-vecues-par-les-personnes-lesbiennes-gays-bisexuel-le-s-et-trans-lgbt-en-france#:~:text=Les%20discriminations%20et%20les%20violences,ph%C3%A9nom%C3%A8nes%20de%20renoncements%20aux%20soins)

More specifically, this study is based on a number of papers published on the subject since 2000: surveys conducted by sociologists, publications by associations and public studies. Some of these studies relate to the perception of homosexuality and trans people, others relate to discrimination and violence against LGBT people, and still others are more directly related to health.

According to this report, LGBTQI+ people would be significantly more likely to experience depressive episodes than the cisgender heterosexual community. "Among lesbian and bisexual people, for example, the prevalence of characterised depressive episodes (CDEs) in the year is twice as high as among heterosexual women (13% vs. 8% respectively) as is the prevalence of suicidal thoughts (13% vs. 5%)", explains the report, from the 2017 Public health barometer (*Baromètre de Santé publique*) figures.

LGBTQI+ people are thought to suffer from poorer sexual health: in addition to the high prevalence of HIV in the gay community and other sexually transmitted infections among lesbians and trans people, access to care is also reportedly a problem.

Faced with insufficiently aware practitioners, 19% of LGBT people surveyed in 2016 said they had been subjected to homophobic remarks. In addition, 49 % said they had not told their doctor about their sexual orientation for fear of judgement.

This lack of access to health care is particularly evident among bisexual and lesbian women, who have significantly fewer gynaecological consultations.

### Discrimination in access to health care

From the Public Defender of Rights' (*Défenseure des droits*) consultations, it appears that in the context of COVID-19, several people belonging to families of travellers infected with the virus have been denied access to isolation sites and access to vaccination seems to be difficult without the help of associations<sup>7</sup>.

Due to a December 2019 circular<sup>8</sup>, coverage of health care costs for inactive community nationals requires them to submit a certificate of termination of rights from the country of origin. According to the Public Defender of rights (*Défenseur des droits*), health insurance funds sometimes refuse to issue certificates of non-affiliation, resulting in long, systematic checks on the non-affiliation of persons in Romania<sup>9</sup>.

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7 France, Public Defender of Rights (*Défenseur des droits*), "Travellers": removing barriers to rights", Report, 2021, available at: <https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rap-gensvoy-num-04.10.21.pdf>

8 France, Director General of Health Insurance (*Directeur général de l'Assurance maladie*), Circular Cir-41/2019, 18 December 2019, available at: <http://www.mediam.ext.cnamts.fr/ameli/cons/CIRCC/2019/CIR-41-2019.PDF>

9 Information provided by the Defender of Rights (Mail, 3 december 2021).

## Chapter 2. Racism, xenophobia and related intolerance

### 2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

Annual report on the fight against racism, anti-Semitism and xenophobia

On 8 July, the National Consultative Commission on Human Rights (CNCDH), the independent national rapporteur on the fight against racism, anti-Semitism and xenophobia since 1990, published its 30th annual report.<sup>10</sup>

In 2020, the CNCDH decided to pay particular attention to the effect of the health crisis on racist and anti-Semitic behaviour, focusing in particular on anti-Asian racism and anti-Semitic abuses on YouTube.

It noted that the health crisis has helped bring to light insidious, "*difficult to quantify*" anti-Asian racism. Although few incidents have led to complaints being filed (the authorities report three cases of personal injury that have been reported to the police), a sociological survey published in December 2020, to which the CNCDH refers, reveals a more widespread phenomenon: over 30% of the people interviewed for this research report said that they had experienced racism (in all its forms) since January 2020, mostly in public spaces and in public transport; nearly half said they had been accused of infecting others, and sometimes experienced insults and denial of rights (in particular, access to shops and leisure facilities), and over 60% of respondents said they felt that racist behaviour and discrimination against people of Asian origin had increased significantly since March 2020.

The CNCDH referred to the way in which the media presented the virus in the first months of its identification, promoting the association, in the collective imagination, of the virus and the country in which it appeared - China -, and often questioning the possible responsibility - both political and cultural - of the country and its inhabitants in the emergence of the pandemic. Some politicians did not hesitate to stigmatize the Chinese.

The CNCDH reviewed the ambivalent stereotypes attached to Asians: often seen as "positive", stereotypes of them as a "model", "well integrated" minority may lead to discrimination in employment, as their so-called "docility" may suggest to

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10 France, National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'homme*), "The fight against racism, anti-Semitism and xenophobia, year 2020" (« *La lutte contre le racisme, l'antisémitisme et la xénophobie, Année 2020* »), 2021, available at: [www.cncdh.fr/sites/default/files/rapport\\_racisme2020\\_basse\\_def.pdf](http://www.cncdh.fr/sites/default/files/rapport_racisme2020_basse_def.pdf)

some employers that they are may lack authority, communication skills, or creativity.

Finally, the CNCDH made three recommendations:

It encouraged the organisation of specific campaigns to raise awareness of access to justice, adapted to the various types of public, the strengthening of victim support mechanisms and the recruitment of translators.

It encouraged the continuation of funds allocated, in the context of the health crisis, to research projects that would make it possible to objectify and analyse anti-Asian racism. It called for an extension of research resources to collect additional data and to better address this phenomenon.

Lastly, the CNCDH pointed out that it was the media's responsibility not only to denounce racist statements, but also to ensure that they did not contribute to the transmission of discriminatory clichés and stereotypes. With this in mind, it called on the French audiovisual board (*Conseil supérieur de l'audiovisuel*), responsible for regulating content broadcast on television and radio, to be more reactive in the fight against anti-Asian racism.

After a decrease in the context of the health crisis, which reduced activity, racist incidents increased at the end of 2020, mainly due to anti-Muslim incidents.

Although the CNCDH Barometer shows this year that a high level of tolerance has been maintained among the French population, it stresses in its report that the fight against racism, anti-Semitism and xenophobia is still relevant today. It reiterates that racism is still largely under-reported and often manifests itself through subtle forms of rejection, which are sometimes difficult for the victims to identify and denounce.

In 2020, the police and gendarmerie registered 5,511 criminal offences committed on the basis of origin, ethnicity, nation, alleged race or religion throughout France.

As in previous years, provocation, insults and defamation (3,531 offences) accounted for the majority (64%) of "racially motivated" crimes registered by the security forces, although this percentage was down compared with 2019. This category mainly included "racist" public insult offences (3,008 offences in 2020, or 55% of all "racist" crimes). This was followed by threats and blackmail (22%), mainly death threats. Violence and criminal offences against individuals (murder, acts of torture or barbarism, etc.) accounted for 6% of "racist" crimes.

In 2020, the security forces registered 227 "racially motivated" discrimination offences (4% of "racist" crimes): as in 2019, in three cases out of five, these were allegations of discrimination in the supply or refusal to supply a good or service (access to housing or access to a place open to the public), and in two cases out of five discrimination in workplace (refusal to hire, hindrance in exercising an economic activity, dismissal, disciplinary measure, etc.).

In its report, the CNCDH referred to the concept of systematic discrimination. Noting its judicial consecration in a judgement of the French employment tribunal (*Conseil des Prud'hommes*) of December 2019, relating to Malian workers on a



construction site, it reconsidered its definition. It then referred to it several times: this was the case, in particular, when it dealt with discrimination in access to social housing, which involves complex mechanisms that involve a range of people and institutions that can give rise to, whether consciously or unconsciously, discrimination. It also relayed ECRI's declaration of 2 July 2020 "on racially motivated police abuse, including in particular racial profiling, and systemic racism".

### Citizen consultation on discrimination (Defender of Rights)

As part of a citizen consultation on discrimination, launched in April 2021<sup>11</sup> by the Minister delegate to the Prime Minister responsible for Equality between Women and Men, Diversity and Equal Opportunities, and the Minister delegate to the Prime Minister responsible for Relations with Parliament and Citizen Participation, the Defender of Rights submitted a report in June<sup>12</sup>. In this report, the Defender of Rights stressed the dual need for action across the 25 legal criteria for discrimination and for specific measures for the most widespread forms of discrimination, which are the most harmful to our social system, in particular by stressing the need to deal with discrimination based on origin. In particular, they reiterated their wish to see the creation of an observatory of discrimination to quantify and analyse discrimination, as measurement is an essential lever for building and guiding a genuine public policy to combat discrimination.

Cross-cutting recommendations:

- Measure inequality and discrimination in order to take action: create an Observatory of Discrimination
- Ensure dissuasive court sanctions against discrimination
- Ensure that the group action mechanism has real scope
- Ensure that organisations are committed to preventing discrimination
- Get organisations to sanction discrimination
- Ensure the transparency, traceability and objectivity of procedures and decisions
- Educate people against discrimination

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11 France, Government, "Initiation of the citizen's consultation on discrimination" (*Lancement de la consultation citoyenne sur les discriminations*), 8 April 2021, available at: [www.gouvernement.fr/lancement-de-la-consultation-citoyenne-sur-les-discriminations](http://www.gouvernement.fr/lancement-de-la-consultation-citoyenne-sur-les-discriminations)

12 France, Public Defender of Rights (*Défenseur des droits*), "Citizen's consultation on discrimination: Defender of rights' Recommendations and proposals" (*Consultation citoyenne sur les discriminations : Recommandations et propositions du Défenseur des droits*), June 2021, available at: [www.defenseurdesdroits.fr/sites/default/files/atoms/files/contrib-consult-15.06.21\\_0.pdf](http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/contrib-consult-15.06.21_0.pdf)

## Specific recommendations:

- Support a policy to prevent and eliminate discrimination based on origin
- Combat discriminatory identity checks
- Stand up for the rights of Roma people
- Guarantee the rights of Travellers
- Provide better protection for victims of sexual harassment
- Ensure non-discrimination during pregnancy, maternity leave and parenthood
- Ensure equal pay and career opportunities
- Extend medically-assisted procreation (MAP) to all
- Guarantee the rights of trans people against discrimination
- Guarantee the rights of people with disabilities and the right to accessibility
- Combat discrimination based on particular economic vulnerability

### Test targeting public works and construction companies

The SOS Racismes association carried out a telephone test targeting the temporary employment agency sector in the construction industry<sup>13</sup>. In May 2021, 69 agencies in the Ile-de-France region were contacted over a few days, including the nine main temporary employment companies.

The method adopted was as follows: a person called on behalf of a fictitious public works and construction company and asked for European profiles only.

45% of the agencies agreed to discriminate at the request of potential customers, or more rarely to be complicit in discrimination by providing résumés to allow the commissioning company to do the sorting itself.

### The discrimination test: Survey in working-class neighbourhoods

Based on a long survey of residents of working-class neighbourhoods (nine neighbourhoods, including one in Montreal, London and Los Angeles), a study

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Article I. <sup>13</sup> France, Chaudière C., Baldacchino J., Bénis O., "It's discrimination but we can do it (*C'est de la discrimination mais on peut le faire*): SOS Racisme catches out nearly one out of two interim agencies" (*SOS Racisme épingle près d'une agence d'interim sur deux*), *France Inter*, 8 October 2021, available at: [www.franceinter.fr/societe/c-est-de-la-discrimination-mais-on-peut-le-faire-sos-racisme-epingle-pres-d-une-agence-d-interim-sur-deux](http://www.franceinter.fr/societe/c-est-de-la-discrimination-mais-on-peut-le-faire-sos-racisme-epingle-pres-d-une-agence-d-interim-sur-deux)

conducted by seven sociology researchers shows that discrimination acts as an assignment process and encourages community withdrawal<sup>14</sup>.

Based on interviews with 245 residents of working-class neighbourhoods, the study looked at the consequences of discrimination experienced by people living in these neighbourhoods: these discriminations were found to be mainly related to "race" (50% of the interviewees' accounts), religion (21%), and territory (13%).

### Report on diversity at the Paris Opera

At the request of the management of the Paris Opera, a historian and the General Secretary of the Human Rights Defender produced a report on diversity at the Paris Opera, which was made public in February 2021.<sup>15</sup>

The report noted a lack of diversity in this cultural institution at all levels (on stage, backstage, in the repertoire, etc.). To reach this conclusion, the authors conducted research on the mainstay works programmed by the Opera, interviews with a hundred or so house employees, artists and technicians, as well as outside personalities. In order to remedy this shortcoming, the report concluded with a number of recommendations, including: diversify recruitment channels, review the composition of juries to make them more diverse, promote little-known creators, and set up a "diversity and inclusion" task force within the Opera.

## **2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive**

### Group action against discriminatory identity checks

In January 2021, a class action suit was filed by six associations against the State to stop discriminatory identity checks.<sup>16</sup>

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14 France, Talpin J., Balazard H., Carrel M., Hadj Belgacem S., Kaya S., Purenne A., Roux G., *The discrimination test - Survey in working class neighbourhoods (L'épreuve de la discrimination - Enquête dans les quartiers populaires)*, PUF, 2021.

15 France, Paris Opera (*Opéra national de Paris*), "Report on Diversity at the Paris Opera" (« *Rapport sur la diversité à l'Opéra national de Paris* »), January 2021, available at: <https://res.cloudinary.com/opera-national-de-paris/image/upload/v1612796873/pdf/ytqct0ielyf6gdqb9npu.pdf>

16 France, Bénézit J., "Race-based identity checks": a group action against the State initiated by six associations " (« *Contrôles d'identité au faciès* » : *une action de groupe contre l'Etat lancée par*

As required by the procedure, the plaintiff associations sent the Prime Minister, the Minister of the Interior and the Minister of Justice a document including testimonies of people who had been subjected to these checks and also police officers recounting their experience.

In order to remedy discriminatory checks, they also submitted a list of measures to be taken. These included: the amendment of the Criminal Procedure Code to explicitly prohibit discrimination in identity checks, the adoption of specific regulations and instructions for checks targeting minors, the creation of a system for recording and assessing data on identity checks and for providing any person checked with proof of the check, and changes to police objectives, instructions and training, in particular with regard to interactions with the general public.

The authorities had four months to respond.

The deadline having expired, the associations moved on to the second stage on 22 July, by filing their petition with the Council of State.

### Anti-discrimination platform

On 12th February 2021, the Government launched an interface for reporting and supporting victims or witnesses of discrimination<sup>17</sup>.

This new service is provided with:

- a telephone number: 39 28 (from 9am to 6pm), contactable by chat (from 9am to 6pm) and accessible to the deaf and hard of hearing;
- an online platform and an application (downloadable from [antidiscriminations.fr](https://antidiscriminations.fr)).

This platform is managed by the Defender of Rights.

Any person who is a victim or witness of discrimination, whatever the reason (disability, origin, sex, age, etc.) or area (employment, housing, access to health, education, etc.), can now contact the legal teams of the Defender of Rights directly and in complete confidentiality.

The officers of the Defender of Rights may:

- Inform the person of their rights through an online response;
- Redirect them to the relevant government services (police, gendarmerie and various platforms) and to partner associations throughout the country;

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*six associations* »), *Le Monde*, 27 January 2021, available at:

[www.lemonde.fr/societe/article/2021/01/27/controles-d-identite-par-les-forces-de-l-ordre-une-action-de-groupe-contre-l-etat-lancee-par-six-associations\\_6067732\\_3224.html](http://www.lemonde.fr/societe/article/2021/01/27/controles-d-identite-par-les-forces-de-l-ordre-une-action-de-groupe-contre-l-etat-lancee-par-six-associations_6067732_3224.html). See the website of the Group action: <https://maruemesdroits.org/action-de-groupe/>

17 France, Public Defender of rights (*Défenseur des droits*), "Antidiscriminations.fr", available at: [www.antidiscriminations.fr](http://www.antidiscriminations.fr)

- Prepare, if necessary, a referral to the Defender of Rights, which may lead to mediation, civil management or criminal proceedings.

### Fighting online hatred

The law reinforcing the respect of the principles of the Republic, of August 2021, reinforced the obligations of platform operators in order to involve them more in the fight against hate speech on the Internet.<sup>18</sup>

In particular, they are required to implement procedures and proportionate human and technological resources in order to:

Inform, as soon as possible, the judicial or administrative authorities of the actions they have taken following injunctions issued by these authorities relating to illegal content;

Acknowledge receipt without delay of requests from judicial or administrative authorities for the communication of data in their possession which may allow the identifying of users who have posted illegal content online, and to inform these authorities as soon as possible of the action taken regarding these requests.

### Awareness raising of the fight against online hatred

The same law provides that juveniles receive a certificate of awareness of the proper use of digital tools at the end of primary and middle school in order to prevent cyber-violence and to develop, from a very early age, digital social skills in accordance with the rules that apply in offline society.

### Dissolution of an extreme right-wing association

On 3rd March 2021, the President of the Republic signed a decree dissolving the "Génération Identitaire" association<sup>19</sup>. According to the decree, this decision was motivated by the fact that *"This association and some of its activists must be considered as participating in hate speech inciting discrimination or violence against individuals because of their origin, race and religion"* and, *"through its military form and organization", Génération Identitaire "can be considered as having the character of a private militia"*.

Founded in 2012, Génération identitaire, whose historical headquarters is located in Lyon, claims to have some 2,800 members but the number of its activists and

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<sup>18</sup> France, Law No. 2021-1109 strengthening the respect of the principles of the Republic (*Loi No. 2021-1109 confortant le respect des principes de la République*), 24 August 2021, Article 42, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778)

<sup>19</sup> France, Decree of 3 March 2021 on dissolving an association, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043210363](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043210363)

sympathizers is estimated by specialists to be more like 800 at the most. Its founding act was the spectacular occupation of the roof of a mosque under construction in Poitiers in 2017 while chanting anti-Muslim slogans.

Requested to hear the association's application for emergency proceedings, the Council of State validated the dissolution decree<sup>20</sup>. Considering that Génération Identitaire promoted an ideology inciting hatred and violence against foreigners and the Muslim religion, and in view of the summer camps it organised to train for combat, the judge considered that its dissolution was not disproportionate in view of the seriousness of the risks to public order and public safety resulting from the association's activities.

## Chapter 3. Roma equality and inclusion

### 3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	<p>No specific plan for Roma inclusion so far.</p> <p>In France, the issue has, for a long time, been addressed from the perspective of the fight against extreme poverty, and more particularly the reduction of shanty towns, regardless of the origin of the people.</p> <p>However, the government now intends to adopt a national Roma strategy.</p> <p>In May 2021, the Interministerial Delegation for Housing and Access to Housing (<i>Délégation interministérielle pour l'hébergement et l'accès au logement</i> - DIHAL) asked the Defender of Rights (<i>Défenseur des droits</i> - DDD) to contribute to the work being done to develop the strategy.</p>
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20 France, Council of State (*Conseil d'Etat*), 3 May 2021, No. 451743, available at: [www.conseil-etat.fr/fr/arianeweb/CE/decision/2021-05-03/451743](http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2021-05-03/451743)

	In December, the Defender of Rights published a report on this subject <sup>21</sup> .
Please add a hyperlink if the strategy is publicly available.	Hyperlink
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Yes/No/Other (please specify)
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Yes Partially No
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes The interested parties were consulted. An online consultation was also opened to the public.
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes The Defender of Rights On the basis of the work carried out by the institution over many years (individual complaints, opinions, general recommendations) and the consultations carried out since the beginning of their mandate with Travellers, associations and institutions concerned, the DDD noted systemic discriminations against Roma people in terms of housing, access to education and health.
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	Yes/No/Other (please specify)

### **3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion**

The interministerial delegation for housing and access to housing / *Délégation interministérielle à l'hébergement et à l'accès au logement* (DIHAL) submitted a progress report in October 2021, three and a half years after the publication of

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21 France, Defender of Rights (Défenseur des droits), "Promoting the effective protection of Roma people rights" (« Pour une protection effective des droits des personnes Roms »), December 2021, available at: [www.defenseurdesdroits.fr/sites/default/files/atoms/files/rap-strat-roms-migrants-num-07.12.21\\_access.pdf](http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rap-strat-roms-migrants-num-07.12.21_access.pdf)

the 25 January 2018 instruction which had high ambitions of a "paradigm shift" in slum clearance<sup>22</sup>.

The instruction advocated a comprehensive, partnership-based approach covering access to rights (housing, health care, school and employment), child protection, women's rights, the fight against delinquency and human trafficking, and law enforcement. It ensures the safety of a site before its clearance, with recommendations to ensure access to water and electricity, fire prevention and pest control.

Three and a half years later, 5 of the 23 departments that received funding from the DIHAL have set up such a strategy. 34 sites have been cleared on the basis of the precepts of the instruction, carrying out a social diagnosis of people's needs, and facilitating their access to employment and housing. About thirty school mediators were deployed in 14 departments.

According to the General Delegate of the National Human Rights Collective (*Collectif National Droits de l'Homme*) Romeurope, progress was also made at the beginning of the health crisis<sup>23</sup>. Municipalities rallied to ensure access to water and electricity: by June 2020, around 90% of slum dwellers had access to water (whereas in December 2018, only 72 of 224 identified sites were connected). The State distributed service vouchers to people so that they could buy food and healthcare products. The school mediators supported children in their distance learning.

The general delegate of Romeurope noted, however, that in some departments, evictions are increasing and no longer meet the instruction's laudable requirements. While he therefore partly shared DIHAL's satisfaction at the national level, he noted that the instruction was not always adhered to in practice.

He added that there was a duality at State level: on the one hand, the policy of the Ministry of Housing, which invests resources in the inclusion of people, and on the other hand, the policy of the Ministry of the Interior, which focuses on repression. According to him, the interdepartmental dimension of the approach is not up to the challenge.

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22 France, Interministerial Delegation for Housing and Access to Housing (*Délégation interministérielle à l'hébergement et à l'accès au logement*), "Slum clearance: progress report" (*Résorption des bidonvilles: point d'étape*), October 2021, available at: [www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2021/10/point\\_detape\\_2019-2020\\_-\\_resorption\\_des\\_bidonvilles\\_vweb.pdf](http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2021/10/point_detape_2019-2020_-_resorption_des_bidonvilles_vweb.pdf)

23 France, R. Lazarova, "The end of slums: a thwarted ambition" (*La fin des bidonvilles : une ambition contrariée*), *La Gazette des communes*, 28 October 2021, available at: [www.lagazettedescommunes.com/771711/la-fin-des-bidonvilles-une-ambition-contrariee/?abo=1](http://www.lagazettedescommunes.com/771711/la-fin-des-bidonvilles-une-ambition-contrariee/?abo=1)



In the same vein, the Observatory of evictions from informal living places (*Observatoire des expulsions de lieux de vie informels*) showed concern about the increase in evictions over the period from 1 November to 31 October 2021<sup>24</sup>.

During this period, 1,330 evictions were registered in metropolitan France (77% in Pas-de-Calais and Grande-Synthe - the problematic area for migrants), compared to 1,079 a year ago, and 1,159 before the health crisis. Cela représente, en moyenne, 472 personnes expulsées par jour, malgré les confinements et les restrictions sanitaires, malgré la campagne de vaccination, forcément mise à mal par ces ruptures.

People were not offered any solution in 91% of evictions. For 14 evictions, they were given stable housing. In only 3 cases, they were directed towards an inclusion system (stabilisation village, inclusion village, etc.).

In its report, the Observatory pointed to the role of the Prefects in the proper execution of the 2018 instruction: because of its non-binding nature, it has given rise to an inconsistent, ad hoc implementation from one area to another.

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24 France, Observatory of evictions from informal living places (*Observatoire des expulsions de lieux de vie informels*), Annual Report, 2021, available at: [www.observatoiredesexpulsions.org/storage/wsm\\_publication/acAqJOI52HtcI7FvZEKELigyadOfIb7dOKP1QcDJ.pdf](http://www.observatoiredesexpulsions.org/storage/wsm_publication/acAqJOI52HtcI7FvZEKELigyadOfIb7dOKP1QcDJ.pdf)

## Chapter 4. Asylum, visas, migration, borders and integration

### 4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
France	Data no available	–	Data no available	–

## 4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
France	–	–	–	–	–	–

## Chapter 5. Information society, privacy and data protection

### 5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

#### Combating online hate speech

An offence of endangering the life of others by disseminating information relating to private, family or professional life was created by the law of 24th August 2021, which strengthens respect for the principles of the Republic. This new offence will be punishable by five years in prison and a fine of 75,000 euros if the victim is a public official, an elected representative or a journalist, or if the victim is a minor.

The National Advisory Commission on Human Rights (*Commission nationale consultative des droits de l'homme*) has expressed reservations about this new offence<sup>25</sup>. Because of the vagueness of its components and the risks that a broad interpretation would present, it found that this new offence seemed to be contrary both to the principle of the legality of offences and penalties, and to respect for freedom of expression and the right to information.

#### Fight against "mirror sites"

In order to fight against mirror sites that reproduce illegal content that has been delisted or blocked by the courts, the law of 24 August 2021, which reinforces respect for the principles of the Republic, introduced a new procedure.<sup>26</sup>

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25 France, National Advisory Commission on Human Rights (*Commission nationale consultative des droits de l'homme*), Second opinion on the bill to strengthen respect for the principles of the Republic, 25th March 2021, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043329207?page=1&pageSize=10&query=confortant+les+principes+cncdh&searchField=ALL&searchType=ALL&sortValue=SIGNATURE\\_DATE\\_DESC&tab\\_selection=jorf&typePagination=DEFAULT](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043329207?page=1&pageSize=10&query=confortant+les+principes+cncdh&searchField=ALL&searchType=ALL&sortValue=SIGNATURE_DATE_DESC&tab_selection=jorf&typePagination=DEFAULT)

26 France, Law No. 2021-1109 strengthening respect for the principles of the Republic (*Loi No. 2021-1109 confortant le respect des principes de la République*), 24 August 2021, Article 39, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778)

In order to ensure full effectiveness, when an enforceable court decision orders the taking down of a website containing certain illegal content (including hate speech, apology for terrorism or child pornography), the administrative authority may now directly order the access providers or hosts to block "mirror" websites, without the need for a court decision for each website URL, as was previously the case.<sup>27</sup>

### Algorithm-based detection of terrorist threats

The law of 30 July 2021 on the prevention of terrorist acts and intelligence was partly intended to perpetuate the use of algorithms for the detection of terrorist threats based on connection data.<sup>28</sup> This provision was first introduced on an experimental basis in the 2015 Intelligence law.

Originally, the Prime Minister could, after consulting with the independent administrative authority, the *Commission de contrôle des techniques de renseignement* (CNCTR), require electronic communications operators and Internet service providers to implement automated processing on their networks in order to detect connections likely to reveal a terrorist threat, given that the algorithms could only involve connection data.

From now on, not only is this use of algorithms perpetuated, but it is extended to complete web addresses ("URLs").<sup>29</sup>

The identification of the person is only allowed if the algorithm has detected data that could characterise a terrorist threat.

Associations, such as Quadrature du Net, have pointed out the opacity of these "black boxes" and the risks of infringement of freedoms brought about by their implementation.

The National Advisory on Human Rights (*Commission nationale consultative des droits de l'homme*) has shared with parliamentarians its concerns about the perpetuation of a mass surveillance tool. Like the French Data Protection Authority

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27 France, Law No 2004-575 relating to the confidence in the digital economy (*Loi No 2004-575 pour la confiance dans l'économie numérique*), 21 June 2004, Article 6-3, available at: [www.legifrance.gouv.fr/loda/id/JORFTEXT000000801164](http://www.legifrance.gouv.fr/loda/id/JORFTEXT000000801164)

28 France, Law No. 2021-998 on the Prevention of Acts of Terrorism and Intelligence (*Loi No. 2021-998 relative à la prévention d'actes de terrorisme et au renseignement*), 30 July 2021, Article 15, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043876100](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043876100)

29 France, Internal safety code (*Code de la sécurité intérieure*), Article L 851-3, available at: [www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000030939246](http://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000030939246)

(*Commission Nationale Informatique et Libertés* (CNIL))<sup>30</sup>, it stressed that, in addition to the risks that such a system poses to privacy, its implementation could have a dissuasive effect on the exercise of freedom of information and expression by users of the Internet and electronic communications networks. The CNCDH added that with the extension of surveillance to website addresses (URLs), the law substantially changed its scope: it is no longer just metadata that are processed, but information about the content of connections.

### Drone Bill (airborne cameras)

While, in May 2021, the Constitutional Council censured the provisions of a law that gave administrative authorities the power to use drones in multiple contexts (in particular, including the seeking out of perpetrators of crime, the supervision of demonstrations, the prevention of acts of terrorism),<sup>31</sup> for want of sufficient guarantees relating to the respect of privacy, last July the government tabled a new bill designed to overcome the decision of the Council. The text is currently under discussion in Parliament.

### Health pass

The law on the management of the exit from the health crisis, of 31 May 2021, introduced the health pass.<sup>32</sup>

Initially, it could be required in two situations, as of 2 June:

For people wanting to travel to or from France;

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<sup>30</sup> France, French Data Protection Authority (*Commission Nationale Informatique et Libertés*), Resolution No. 2021-040 of 8 April 2021, concerning a bill on the prevention of acts of terrorism and on intelligence, available at: [www.cnil.fr/sites/default/files/atoms/files/deliberation\\_2021-040\\_du\\_8\\_avril\\_2021\\_portant\\_avis\\_sur\\_le\\_projet\\_de\\_loi\\_relatif\\_a\\_la\\_prevention\\_dactes\\_de\\_terrorisme\\_et\\_au\\_renseignement.pdf](http://www.cnil.fr/sites/default/files/atoms/files/deliberation_2021-040_du_8_avril_2021_portant_avis_sur_le_projet_de_loi_relatif_a_la_prevention_dactes_de_terrorisme_et_au_renseignement.pdf)

<sup>31</sup> France, Constitutional Council (*Conseil constitutionnel*), Decision No. 2021-817 DC, 20 May 2021, available at: [www.conseil-constitutionnel.fr/decision/2021/2021817DC.htm](http://www.conseil-constitutionnel.fr/decision/2021/2021817DC.htm)

<sup>32</sup> France, Law No. 2021-689 on the management of the exit from a health crisis (*Loi No. 2021-689 relative à la gestion de la sortie de crise sanitaire*), 31 May 2021, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043567200](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043567200)

For people wanting to access certain venues, sites or events involving "large gatherings of people" for leisure activities or trade fairs.

First extended to leisure and cultural venues at the end of July,<sup>33</sup> it has been mandatory since 9 August in cafés, bars, restaurants, some shopping centres, retirement homes and long-distance transport.<sup>34</sup>

Since 30th September, children aged 12 and over must present a health pass to access places and events where it is required (cinemas, sports halls, swimming pools, restaurants, cafés, etc.).

In addition, the law extended its application to 15 November 2021.

In July, the Defender of Rights expressed a number of reservations regarding the extension of the health pass<sup>35</sup>.

Firstly, it stressed the lack of democratic legitimacy of this measure, which had not been subject to substantive debate.

It was concerned about the restriction of access to transport and certain activities which could "infringe on the freedom of movement and hinder the daily life of many people, even though a large proportion of young and/or vulnerable people had not yet had access to vaccination".

It regretted in its opinion that the specific situation of minors was not taken into account. It feared unequal access to leisure and culture, which are essential for "the proper development of the child". It also pointed out the risk of stigmatizing unvaccinated children.

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<sup>33</sup> France, Decree No. 2021-955 amending Decree No. 2021-699 of 1 June 2021 prescribing the general measures required for the management of the exit from the health crisis (*Décret n° 2021-955 modifiant le décret n° 2021-699 du 1er juin 2021 prescrivant les mesures générales nécessaires à la gestion de la sortie de crise sanitaire*), 19 July 2021, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043806125](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043806125)

<sup>34</sup> France, Law No. 2021-1040 on the management of the health crisis (*Loi No. 2021-1040 relative à la gestion de la crise sanitaire*), 5 August 2021, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043909676](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043909676)

<sup>35</sup> France, Defender of Rights, Opinion of the Defender of Rights No. 21-11, 20 July 2021, available at: [https://juridique.defenseurdesdroits.fr/doc\\_num.php?explnum\\_id=20864](https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=20864)

It also stressed that "*the map of the lowest rate of vaccinations overlaps with that of poverty, the digital divide, and access to public services*", thus highlighting that the new measures would be likely to hit precarious populations hardest.

In June 2021, the association La Quadrature du Net asked the summary hearing judge of the Council of State to suspend the "health pass", fearing the use of sensitive personal data (civil status, proof of vaccination status or test results).

In a decision of 6th July 2021, the summary hearing judge noted that this measure - whether in paper or digital form - is not required for everyday activities or the exercise of certain fundamental freedoms (demonstration, meeting, freedom to worship). It further noted that its digital version is optional and that the information collected is stored on people's mobile phones, thus limiting its processing or storage on national databases. In conclusion, the Council of State considered that the health pass does not seriously or unlawfully infringe the right to privacy or the right to protection of personal data<sup>36</sup>.

## 5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
National Commission for Information Technology	Contribution to a public consultation	In response to the consultation organised by the European Commission on the draft AI Regulation, CNIL, its counterparts and the European Data Protection Supervisor have adopted an opinion on the text.	Yes  Mainly: privacy and data protection.	EDPB-EDPS, "Joint Opinion5/2021 on the proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial

36 France, Council of State (*Conseil d'Etat*), 6 July 2021, No. 453505, available at: [www.conseil-etat.fr/fr/arianeweb/CE/decision/2021-07-06/453505](http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2021-07-06/453505)



<p>and Civil Liberties (Commission nationale de l'Informatique et des Libertés) and other DPAs</p>		<p>In particular, they highlight the need to broaden the scope of prohibited AI systems and to clarify their definition, as the safeguards envisaged in the proposed Regulation are not considered satisfactory.</p>	<p>But mention also the “chilling effect” of post remote biometric identification on the exercise of the fundamental rights and freedoms, such as freedom of assembly and association and more in general the founding principles of democracy</p>	<p>intelligence (Artificial Intelligence Act)”, 18 June 2021, available at:<a href="https://edpb.europa.eu/system/files/2021-06/edpb-edps_joint_opinion_ai_regulation_en.pdf">[https://edpb.europa.eu/system/files/2021-06/edpb-edps_joint_opinion_ai_regulation_en.pdf]</a></p>
<p>National Consultative Commission on Human Rights (Commission nationale consultative des droits de l'homme)</p>	<p>Contribution to a public consultation</p>	<p>In reaction to the consultation organised by the European Commission on the draft regulation on AI, the CNCDH has published a contribution on the website dedicated to the consultation. The CNCDH considers that fundamental rights are not sufficiently taken into account by the draft regulation.</p>	<p>Yes  Privacy, data protection, fundamental rights of migrants, presumption of innocence</p>	<p>France, National Advisory Commission on Human Rights (<i>Commission nationale consultative des droits de l'homme</i>), Contribution to the Draft of the EU Commission on a European AI regulation, July 2021, available at:  <a href="https://ec.europa.eu/info/law/better-regulation/have-your-">[https://ec.europa.eu/info/law/better-regulation/have-your-</a></p>

			The draft regulation allows the use of emotion sensors for police investigations or border control.	<a href="https://say/initiatives/12527-Intelligence-artificielle-exigences-ethiques-et-juridiques/feedback_fr?p_id=24212003">say/initiatives/12527-Intelligence-artificielle-exigences-ethiques-et-juridiques/feedback_fr?p_id=24212003</a>
Jean-Michel Mis (Deputy)	Parliamentary report	<p>At the request of the Prime Minister, MP Jean-Michel Mis submitted a report on 9 September on new technologies in the field of security.</p> <p>This report draws up an inventory of new technologies that can be used for security purposes, in the more or less long term. Among the technologies mentioned is artificial intelligence, in particular for decision support and operational support for the police.</p> <p>It proposes, at the margin, a number of guarantees in order to maintain a bond of trust between the police and the population.</p>	<p>Yes</p> <p>Privacy, Data protection</p> <p>Facial recognition devices used for security purposes may undermine data protection and privacy.</p>	<p>France, "For a responsible and socially acceptable use of security technologies" (<i>Pour un usage responsable et acceptable par la société des technologies de la sécurité</i>), Report to the Prime Minister by J.-M. Mis, September 2021, available at: <a href="http://www.jeanmichelmis.fr/wp-content/uploads/2021/09/VOL-1_Rapport-mission-parlementaire_BAT-1.pdf">[www.jeanmichelmis.fr/wp-content/uploads/2021/09/VOL-1_Rapport-mission-parlementaire_BAT-1.pdf]</a></p>
<b>National pilot digital ethics committee</b> ( <i>Comité national pilote d'éthique du</i>	Public opinion	<p>On 9th November 2021, the CNPEN released its opinion on the ethical issues relating to chatbots.</p> <p>The main tensions in the ethical issues identified by the committee included the blurring of the boundaries between a machine and a human being, the</p>	<p>Yes</p> <p>Human dignity and discrimination</p>	<p>France, National pilot digital ethics committee (<i>Comité national pilote d'éthique du numérique</i>, "Conversational agents": ethical issues", Notice No. 3, 9 November 2021, available at:[www.ccne-</p>

<p><i>numérique</i> (CNPEN))</p>		<p>imitation of language and emotions by chatbots, and also the ability of conversational agents to manipulate human interlocutors.</p> <p>The CNPEN made a number of recommendations to industry and government.</p>	<p>Chatbots blur the distinction between man and machine.</p> <p>The presence of biases in the setting up of language databases will have discriminatory effects.</p>	<p><a href="http://ethique.fr/sites/default/files/cnpen_avis3_fr-nov2021_0.pdf">ethique.fr/sites/default/files/cnpen_avis3_fr-nov2021_0.pdf</a></p>
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## Chapter 6. Rights of the child

### 6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>Since 1 January 2021, exceptional solidarity aid of €150 is allocated to beneficiaries of financial aid for social inclusion and employability (AFIS) for the months of November or December 2020. If they have one or more children, these beneficiaries are also entitled to a payment of €100 for each dependent child.<sup>37</sup></p> <p>A December 2020 report noted two major problems that were accentuated during the March-May lockdown: the lack of computer equipment in some families, and the difficulties for other families to use the equipment they had<sup>38</sup>.</p> <p>However, it noted that many initiatives had been launched at the beginning of the lockdown and helped to bridge, at least partially, certain equipment gaps from which school populations could suffer. However, the report authors stressed that the assessing of these initiatives was made all the more difficult due to the fact that they may have been very localized, circumstantial and spontaneous, thereby remaining "under the radar" of institutional observation.</p> <p>In May 2021, the "Allo Enfance en Danger" hotline (119) set up a chat room on Mondays, Tuesdays, Thursdays and Fridays from 3pm to 7pm and Wednesdays from 1pm to 7pm<sup>39</sup>.</p>
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37 France, Decree No. 2020-1803 granting exceptional solidarity aid in connection with the health crisis to beneficiaries of financial aid for social inclusion and employability (*Décret portant attribution d'une aide exceptionnelle de solidarité liée à la crise sanitaire aux bénéficiaires de l'aide financière à l'insertion sociale et professionnelle*), 30 December 2020, Article 2, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000042840991](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042840991)

38 France, Ministry of National Education, General Inspectorate of Education, Sport and Research (*Ministère de l'éducation nationale, Inspection générale de l'éducation, du sport et de la recherche*), "Census and analysis of digital actions during the Covid-19 period" (*Recensement et analyse des actions numériques pendant la période Covid-19*), December 2020, available at: [www.education.gouv.fr/recensement-et-analyse-des-actions-numeriques-pendant-la-période-covid-19-322865](http://www.education.gouv.fr/recensement-et-analyse-des-actions-numeriques-pendant-la-période-covid-19-322865)

39 France, National child in danger hotline (Service national d'accueil téléphonique de l'enfance en danger), "Setting up of the 119-Child in danger chat room for children and adolescents" (Lancement du tchat du 119-Allô Enfance en Danger à destination des enfants et des adolescents), Press release, 3 May 2021, available at: [www.allo119.gouv.fr/sites/default/files/upload/content/actualites/cp-snated119-lancement-tchat-1.pdf](http://www.allo119.gouv.fr/sites/default/files/upload/content/actualites/cp-snated119-lancement-tchat-1.pdf)

	<p>A 119-hotline team of listeners and child protection professionals, take turns to answer written requests. All of them have been trained in this new "profession" involving exchanging and collecting information in writing. These exchanges are made within the framework of the legal remit of the service: prevention remit (listening, advising, guidance, etc.) and the remit involving sending information of concern to the departmental units for collecting information of concern (<i>cellules de recueil des informations préoccupantes</i> (Crip)). Confidentiality is assured and at any time the young chatter can "leave the conversation in an emergency".</p>
<p>Measures to protect children from violence</p>	<p>A Child Protection Bill was introduced in the National Assembly last June.<sup>40</sup> After its adoption in July by the deputies, it is currently being debated in the Senate.</p> <p>Articles 4 to 6 aim to better protect children against violence: check the criminal records of professionals working with juveniles, both before and during the performance of their duties; add a section on preventing and combating maltreatment to statements of educational aims; establish a national reference system for risk situations, by decree after consultation with the High Authority for Health (<i>Haute Autorité de santé</i>).</p> <p>A law enacted on 28th April 2021 to protect minors from sexual crimes and offences introduced new offences and a double threshold of non-consent<sup>41</sup>.</p> <ul style="list-style-type: none"> <li>- the crime of rape of a minor under 15 years of age, punishable by 20 years' imprisonment;</li> <li>- the crime of incestuous rape of a minor (under 18 years of age), punishable by 20 years' imprisonment;</li> <li>- the offence of sexual assault on a minor under 15 years of age, punishable by 10 years' imprisonment and a fine of 150,000 euros;</li> <li>- the offence of incestuous sexual assault on a minor (under 18 years of age), punishable by 10 years' imprisonment and a fine of 150,000 euros.</li> <li>-</li> </ul> <p>Judges no longer have to establish "violence, coercion, threat or surprise" (factors required by the penal code to qualify an act of sexual penetration as rape) to establish and punish the rape or sexual assault of a minor. The question of the child's consent no longer arises under the age of 15 and 18 in cases of incest.</p>

40 France, Bill on the Protection of Children (*Projet de loi relatif à la protection des enfants*), available at: [www.assemblee-nationale.fr/dyn/15/textes/l15b4264\\_projet-loi#](http://www.assemblee-nationale.fr/dyn/15/textes/l15b4264_projet-loi#)

41 France, Law No. 2021-478 of 21 April 2021 to protect minors from sexual crimes and incest, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043403203](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043403203)

	<p>A clause has been introduced to safeguard sexual relations where the perpetrator and the minor are less than five years apart in age (e.g. a relationship between a minor of 14 years of age and a young adult of 18 years of age). This clause does not apply in cases of incest or when the relationship is not consensual or takes place in the context of prostitution.</p> <p>A consecutive statutory limitation principle</p> <p>The law does not change the statutory limitation period for sex crimes against minors: it remains unchanged at 30 years from the victim's coming of age, i.e. until the age of 48. It does, however, introduce a new aspect: the statutory limitation period for the rape of a child can now be extended if the same person subsequently rapes or sexually assaults another child until the statutory limitation period for that new offence expires. This principle of a consecutive statutory limitation also applies to sexual offences against minors (sexual assault and abuse).</p> <p>Still on the subject of statutory limitations, in order to encourage people who have knowledge of child abuse to report it, the statutory limitation period for the offence of failing to report abuse has been extended. It is increased to 10 years from the victim's coming of age in cases of sexual assault or abuse and to 20 years from the victim's coming of age in the case of rape (instead of 6 years previously from the time of the offence).</p>
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## 6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	<p>The new Juvenile Criminal Justice Code (JCJC) will come into effect on 30 September 2021.<sup>42</sup></p> <p>This reform is supposed to simplify and speed up the trial of juvenile offenders and limit their pre-trial detention. It also introduces a presumption of non-discernment for juveniles under the age of 13, defining discernment as follows: "Juveniles are capable of discernment if they have</p>
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<sup>42</sup> France, Law No. 2021-218 ratifying Ordinance No. 2019-950 of 11 September 2019 on the legislative part of the juvenile criminal justice code (*Loi n°2021-218 ratifiant l'ordonnance n° 2019-950 du 11 septembre 2019 portant partie législative du code de la justice pénale des mineurs*), 26 February 2021, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043189286](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043189286)

	<p>understood and intended their act and are able to understand the meaning of the criminal proceedings to which they are subject".</p> <p>Even before this reform, juvenile criminal law affirmed the primacy of education over repression.</p> <p>The new juvenile criminal justice code follows the same logic, and even intends to strengthen it.</p> <p>Educational care arrangements are strengthened. The new code creates a single educational measure that can be adjusted and adapted over time. It allows the personality and development of the minor to be taken into account. The judicial educational measure may thus include modules (integration, reparation, health, placement, prohibition to appear in places or to come into contact with the victim or co-perpetrators). The conditions for the use of safety measures (e.g. pre-trial detention) have been tightened.</p> <p>The purpose of the law is to establish a rapid determination of guilt in order to promote educational measures as soon as possible. The text should make it possible to reduce pre-trial detention by tightening the conditions for its use.</p> <p>The finance bill for 2022 provides for the creation of 51 jobs in 2022 for the judicial protection of young people<sup>43</sup>.</p> <p>The government is to submit a report in September 2023 on the implementation of the reform of juvenile criminal justice. There is no specific information about the 2023 report that will present the assessment of the implementation of the juvenile criminal justice reform.</p>
Policy developments	<i>Ongoing research</i>

43 France, Finance bill for 2022, available at: [www.assemblee-nationale.fr/dyn/15/textes/l15b4482\\_projet-loi#](http://www.assemblee-nationale.fr/dyn/15/textes/l15b4482_projet-loi#)

Other measures or initiatives	<p>In February 2021, the Controller General of prisons (<i>Contrôleur général des lieux de privation de liberté</i>) published a report on the fundamental rights of juveniles in detention.<sup>44</sup></p> <p>Without claiming to be exhaustive - given the diversity of the facilities - but based on the observations made during its inspections, the CGLPL draws up a worrying assessment of the situation of juveniles in detention.</p>
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## Chapter 7. Access to justice

### 7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

No specific measures.

### 7.2 Measures addressing violence against women

#### Announcement of measures

Following the submission of the final inspection report on the Mérignac femicide (4 May) and the progress report of the inspection mission on the Hayange femicide (20 May), the Prime Minister asked ministers to implement an arsenal of six new measures:<sup>45</sup>

- Increasing the use of anti-rapprochement bracelets (BAR);
- Deployment of 3,000 serious danger telephones (TGD);
- Control of arms acquisition and possession;

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44 France, Controller General of prisons (*Contrôleur général des lieux de privation de liberté*)(2021), Report on the fundamental rights of juveniles in detention (*Rapport Droits fondamentaux des mineurs*), available at: [www.cglpl.fr/wp-content/uploads/2021/03/CGLPL\\_Rapport-Droits-fondamentaux-des-mineurs-enferm%C3%A9s\\_web.pdf](http://www.cglpl.fr/wp-content/uploads/2021/03/CGLPL_Rapport-Droits-fondamentaux-des-mineurs-enferm%C3%A9s_web.pdf)

45 France, Prime Minister (*Premier ministre*), "Violence against women. The Government makes a commitment" (« *Violences faites aux femmes. Le Gouvernement s'engage* »), Press Release, 3 September 2021, available at: [www.gouvernement.fr/sites/default/files/document/document/2021/09/dossier\\_de\\_presse\\_-\\_mesures\\_contre\\_violences\\_faites\\_aux\\_femmes\\_-\\_03.09.2021.pdf](http://www.gouvernement.fr/sites/default/files/document/document/2021/09/dossier_de_presse_-_mesures_contre_violences_faites_aux_femmes_-_03.09.2021.pdf)



- Creation of a register on perpetrators of domestic violence;
- Local governance of the policy against domestic violence;
- Creation of an inter-ministerial unit to combat violence against women and girls.

In response to the scale of violence against women, the government announced several series of measures last August.

These measures are divided into three areas: improving reporting; improving investigations; improving protection.

Improving reporting:

- In order to improve the follow-up of these situations, the Government emphasizes the order given to police and gendarmes to report them to the prosecutor. Aim: that 100% of observations become a complaint or a report, while definitively banning the use of statements for information (*les mains courantes*);
- to facilitate reporting, victims can visit [moncomissariat.fr](http://moncomissariat.fr), [magendarmerie.fr](http://magendarmerie.fr) or the platform for reporting sexual and gender-based violence [arretonslesviolences.gouv.fr](http://arretonslesviolences.gouv.fr).
- In addition, the Government has announced that an application will soon be available.

Improving investigations:

- Throughout France, the processing of complaints of domestic violence is a priority. In other words, they are treated ahead of all other crimes (burglary, drugs, pickpocketing, etc.);
- in each department, specialised teams for combating domestic violence will be set up, together with a specialised officer in each police station and each gendarmerie brigade to follow up cases.

Improving protection:

The new register of persons charged with domestic violence will be connected to the national register of individual prohibited from acquiring and possessing weapons and will be available for consultation by the police and gendarmes.

[Access to the hotline for women victims of violence](#)

Since 28th June 2021, the 3919 helpline for women victims of violence, can be contacted 24 hours a day every day of the year, in particular by people who are deaf or have language difficulties<sup>46</sup>.

### Domestic violence in 2020

According to the statistical services of the Ministry of the Interior, the police and gendarmerie services registered a 10% increase in domestic violence, which involved 159,400 people of all sexes in 2020<sup>47</sup>.

In 2020, 102 women had been killed by beatings from their spouses or ex-spouses; down from 146 in 2019.

The majority of victims, as in 2019, suffered deliberate physical violence with complete work incapacity or otherwise.

Domestic violence increased by 10% during the first lockdown (17th March-11th May 2020 - if the date on which the offences were committed is considered - compared to the same period in 2019.

This violence decreased by 13% over the second lockdown period (30th October-15th December 2020), even if these figures are not final, the ministry stressing, "*since they only take into account the offences committed during lockdowns that were brought to the attention of the police and gendarmerie by the beginning of January 2021*".

### Information on the release from prison of an abusive spouse or ex-spouse and surveillance measures

The Government adopted a decree on 24 December 2021, designed to ensure that victims of domestic violence are informed of the release of their spouse or ex-spouse from prison<sup>48</sup>. The text also specifies that the competent judicial authority must consider the need to decide on surveillance measures and strengthen the victim's protection by providing them with a serious danger telephone or requiring offenders to wear an electronic bracelet to enforce a restraining order.

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46 France, Minister responsible for equality between women and men, diversity and equal opportunities (*Ministère chargé de l'égalité entre les femmes et les hommes, de la diversité et de l'égalité des chances*), Press release, 30 August 2021, available at: [www.egalite-femmes-hommes.gouv.fr/cp-3919-30-08-2021-grenelle-des-violences-conjugales-extension-24h-24-et-7j-7-des-horaires-du-3919/](http://www.egalite-femmes-hommes.gouv.fr/cp-3919-30-08-2021-grenelle-des-violences-conjugales-extension-24h-24-et-7j-7-des-horaires-du-3919/)

47 France, Ministry of the Interior (*Ministère de l'Intérieur*), "Express information (*Info rapide*) No.19: Domestic violence registered by the security services in 2020" (*les violences conjugales enregistrées par les services de sécurité en 2020*), 22 November 2021, available at: <https://www.interieur.gouv.fr/Interstats/Actualites/Info-rapide-n-19-Les-violences-conjugales-enregistrees-par-les-services-de-securite-en-2020>

48 France, Decree No. 2021-1820 of 24 December 2021, on the surveillance measures applicable to perpetrators of domestic violence offences upon their release from prison, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000044572011](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000044572011)

# Chapter 8. Developments in implementing the Convention on the Rights of Persons with Disabilities

## 8.1 CRPD policy & legal developments

### Renewal of the employment incentive

The exceptional incentive for the hiring of a disabled worker, which was introduced in October 2020,<sup>49</sup> and extended for the first time until 30 June 2021, has finally been extended until 31 December 2021.<sup>50</sup> With a maximum amount of €4,000 for a full-time position, it aims, in an economic context made tougher by the health crisis, to boost their recruitment. It is allocated to companies and associations (market sector or otherwise) in the private sector, regardless of their size and business sector, which hire, between 1 September 2020 and 31 December 2021, an employee acknowledged as a disabled worker (RQTH), in a permanent or fixed-term contract of at least three months and paid up to twice the SMIC.

### Acknowledgement of disability in diplomas and professional certifications

In order to improve the implementation of standards ensuring accessibility for people with disabilities, since 1 September 2021, all new diplomas and professional certifications must consider disability in competency frameworks.<sup>51</sup>

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<sup>49</sup> France, Decree No. 2020-1223 of instituting aid for hiring disabled workers (*Décret n° 2020-1223 instituant une aide à l'embauche des travailleurs handicapés*), 6 October 2020, available at: [www.legifrance.gouv.fr/loda/id/JORFTEXT000042401631/](http://www.legifrance.gouv.fr/loda/id/JORFTEXT000042401631/)

<sup>50</sup> France, Decree No. 2021-864, amending Decree No. 2020-1223 of 6 October 2020, instituting hiring assistance for disabled workers (*Décret n° 2021-864 modifiant le décret n° 2020-1223 du 6 octobre 2020 instituant une aide à l'embauche pour les travailleurs handicapés*), 30 June 2021, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043728067](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043728067)

<sup>51</sup> France, Decree No. 2021-389 on the conditions for registering professional certifications and other certifications and authorisations in national registers and adjusting the composition of juries for the validation of prior learning due to the Covid-19 epidemic (*Décret n° 2021-389 relatif aux conditions d'enregistrement des certifications professionnelles et des certifications et habilitations dans les répertoires nationaux et adaptant la composition des jurys de validation des acquis de l'expérience en raison de l'épidémie de covid-19*), 2 April 2021, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000043328853](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043328853)

### For an inclusive school

According to the government, more than 400,000 children with disabilities have been enrolled in regular schools since the start of the 2021 school year.<sup>52</sup>

From the beginning of the 2021 school year, initial training for all teachers of special educational needs has become compulsory, with at least 25 hours of training.

The assistants of pupils with disabilities (AESH) benefit from 60 hours of job-related training. This year's figure is 125,500, up from 117,000 last year.

### Campaign to raise awareness

A major national awareness campaign on disability has been taking place from mid-October 2021 to January 2022, in order to "speed up changes in society's view of disability and to remove prejudices as an indispensable corollary of the transformation projects undertaken since 2017".<sup>53</sup>

It is broadcast on television, in the press, on billboards, in the cinema and on the Internet, with a budget of 4 million euros.

This campaign is based on 3 films presenting scenes from everyday life, directed by the famous actor and film-maker Yvan Attal<sup>54</sup>: the canteen, the date, and the dress, illustrate a society in which the relationship to the person focuses on the personality (what they are, like or do) and not on the disability.

The other aspect of the campaign is based on 10 portraits taken by photographer Sylvie Lancrenon in collaboration with people with disabilities who share the same life as everyone else. These portraits highlight their commonalities with all citizens rather than their disability.

### Extension of the period of the disability compensation benefit

The disability compensation benefit (*prestation de compensation du handicap* (PCH)) is a financial aid paid by the department to reimburse expenses related to the loss of self-sufficiency of disabled people. It includes 5 forms of aid: human, technical, home improvement, transportation, animal (guide or

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52 France, Secretariat of State for the Disabled (*Secrétariat d'Etat chargé des personnes handicapées*), Press release, 26 August 2021, available at: <https://handicap.gouv.fr/presse-actualites/nos-publications/communiqués-de-presse/article/une-rentree-scolaire-2021-pour-tous>

53 France, Prime Minister (*Premier ministre*), Interministerial committee on disability (Comité interministériel du handicap), Press release, 5 July 2021, available at: [www.gouvernement.fr/sites/default/files/document/document/2021/07/dp\\_comite\\_interministeriel\\_du\\_handicap\\_05.07.2021.pdf](http://www.gouvernement.fr/sites/default/files/document/document/2021/07/dp_comite_interministeriel_du_handicap_05.07.2021.pdf)

54 France, Government, "Seeing the person and not their disability" (*Voyons les personnes avant le handicap*), October 2020, available at: <https://handicap.gouv.fr/voyons-les-personnes-avant-le-handicap>

assistance dog). Its allocation depends on level of independence, age, resources and residence. The PCH is awarded for life when the disability cannot be improved.

On 27th October 2021, the implementing decree<sup>55</sup> of the law of 6th March 2020 aimed at improving access to the PCH, was finally issued.

At present, the maximum periods of attribution are determined according to the type of aid provided by the disability compensation benefit: 3 years for technical aids and exceptional expenses, 5 years for animal aid, vehicle modification and additional costs related to transport; 10 years for human aid, specific expenses and home improvements.

From 1st January 2022, the maximum period for the allocation of all the aspects of the disability compensation benefit (PCH) will become 10 years for all types of aid.

## **8.2 CRPD monitoring at national level**

On Wednesday 18, Friday 20 and Monday 23 August, the United Nations (UN) Committee on the rights of people with disabilities reviewed the report of France concerning the implementation of the International Convention on the Rights of People with Disabilities (CRPD).

In the course of this review, the Defender of Rights (DDD) and the National Consultative Commission on Human Rights (CNCDH), which is responsible for assessing the implementation of the Convention, made a number of observations.

While on the one hand, the DDD recognised a number of advances, such as, for example, the full recognition of the right of all protected adults to vote or to marry, on the other it noted serious shortcomings.<sup>56</sup> In this respect, while welcoming the political ambition to make disability a priority issue, the Human Rights Defender considers that France has not yet fully taken into consideration the new rights-based approach induced by the CRPD in establishing and implementing public policies.

The DDD regrets that in many areas there are significant gaps between the ambition, the objectives pursued and the effectiveness of their implementation. There are still many obstacles to the self-sufficiency and inclusion of people with

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<sup>55</sup> France, Decree No. 2021-1394 of 27 October 2021 on the period of the disability compensation benefit, available at: [www.legifrance.gouv.fr/jorf/id/JORFTEXT000044264834](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000044264834)

<sup>56</sup> France, Defender of Rights (*Défenseur des droits*), Parallel Report of the Defender of Rights, as part of the Examination of the initial report by France on the implementation of the CRPD, July 2021, available at: [www.defenseurdesdroits.fr/sites/default/files/atoms/files/parallel\\_report\\_ddd\\_examination\\_of\\_the\\_initial\\_report\\_by\\_france\\_on\\_the\\_implementation\\_of\\_the\\_crpjuly\\_2021.pdf](http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/parallel_report_ddd_examination_of_the_initial_report_by_france_on_the_implementation_of_the_crpjuly_2021.pdf)

disabilities due, on the one hand, to the lack of universal accessibility and, on the other, to insufficient or inappropriate responses to the specific needs of the people concerned, which may prevent them from participating effectively in society on an equal basis with others.

In 2020, disability was, for the fourth consecutive year, the main reason for referrals to the Human Rights Defender with regard to discrimination, accounting for 21% of complaints.

Sharing the same observations as the DDD, the CNCDH called on France to transpose into its domestic law the definition of disability given by the Convention, as the definition in the 2005 law hinders the recognition of people with disabilities as subjects of rights rather than objects of care.<sup>57</sup>

The CNCDH also underlined the difficulty for people with disabilities to have access to a judge or to lodge a complaint. Lastly, it expressed its concern about the rise of a security discourse around the dangerousness of mental disability, to which hospitalization and forced treatment are attached.

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<sup>57</sup> UNO, Committee on the Rights of Persons with Disabilities, "Experts of the Committee on the Rights of Persons with Disabilities Raise Questions about the Medical Approach to Disability Used in France", Press Release, 16 August 2021, available at: [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27399&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27399&LangID=E).

## Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;"><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p style="text-align: center;"><b>Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</b></p>
<b>Title (original language)</b>	Campagne contre les discriminations et les violences subies par les personnes LGBT+
<b>Title (EN)</b>	Campaign against discrimination and violence against LGBT+ people
<b>Organisation (original language)</b>	Ministre des Solidarités et de la Santé, Ministre déléguée auprès du Premier ministre, chargée de l'Égalité entre les femmes et les hommes, de la Diversité et de l'Égalité des chances, Délégation Interministérielle à la Lutte Contre le Racisme, l'Antisémitisme et la Haine anti-LGBT (DILCRAH) Santé publique France
<b>Organisation (EN)</b>	Minister for Solidarity and Health, Minister delegate to the Prime Minister, responsible for Equality between Women and Men, Diversity and Equal Opportunities, Interministerial delegation for Combating Racism, Anti-Semitism and Anti-LGBT hatred (DILCRAH) Santé publique France
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Public

<b>Reference (incl. URL, where available)</b>	<a href="http://www.santepubliquefrance.fr/presse/2021/nouvelle-campagne-contre-les-discriminations-et-violences-subies-par-les-personnes-lgbt-face-a-l-intolerance-a-nous-de-faire-la-difference">www.santepubliquefrance.fr/presse/2021/nouvelle-campagne-contre-les-discriminations-et-violences-subies-par-les-personnes-lgbt-face-a-l-intolerance-a-nous-de-faire-la-difference</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	17 May 2021 For three weeks.
<b>Type of initiative</b>	Raising awareness campaign
<b>Main target group</b>	People
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>Distancing themselves from an indignation-based approach to discrimination, the public authorities have launched a wide-ranging campaign with a positive and inclusive approach to LGBT people. Its aim is to show the diversity of sexualities and gender identities and to promote their acceptance to further engage all audiences.</p> <p>From 17 May and for 3 weeks, the "Faced with intolerance, it's up to us to make a difference" campaign was deployed on all channels (TV, VOL, posters, print, digital with the #JeFaisLaDifférence hashtag) with the desire to reach out to all French people.</p> <p>The creative premise of the campaign film is based on the song "We, the Lovers" ("<i>Nous les amoureux</i>"), a hymn paying tribute to the repressed love of gay couples. In 120 seconds, the film shows society's</p>



	<p>progress on the issue of plural sexualities and celebrates the daily life of LGBT+ people included in an accepting France. At the end of the spot, a message prompts viewers to consult the new Questionsexualité.fr website, which provides access to reference information on sexuality and is to address discrimination issues. Link to the video: <a href="https://www.youtube.com/watch?v=Sms3orcCWmo">https://www.youtube.com/watch?v=Sms3orcCWmo</a></p> <p>For digital, a series of podcasts entitled "Et alors" (so what) was produced for broadcast on social networks. These podcasts collect testimonies that show how the journey of the close family circle to the acceptance of an LGBT person can be more or less quick or complicated.</p>
<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>This approach, based on the experiences of LGBT people, can obviously be used in other awareness-raising campaigns in other EU countries.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>The video and podcasts are still available and can be used as a support for other training and awareness-raising actions.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>-</p>
<p><b>Give reasons why you consider the practice as</b></p>	<p>-</p>

<p><b>transferable to other settings and/or Member States?</b></p>	
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	-
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	-

Thematic area	<p style="text-align: center;"><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</b></p>
<b>Title (original language)</b>	Plateforme "antidiscriminations"
<b>Title (EN)</b>	"Antidiscriminations" platform
<b>Organisation (original language)</b>	Ministre déléguée auprès du Premier ministre chargée de l'Égalité entre les femmes et les hommes, de la Diversité et de l'Égalité des chances
<b>Organisation (EN)</b>	Minister delegate to the Prime Minister responsible for Equality between Women and Men, Diversity and Equal Opportunities
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Gouvernement

<b>Reference (incl. URL, where available)</b>	<a href="https://www.antidiscriminations.fr/">https://www.antidiscriminations.fr/</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	12 February 2021
<b>Type of initiative</b>	Interface for reporting and supporting victims or witnesses of discrimination
<b>Main target group</b>	Victims and witnesses of discrimination
<b>Indicate level of implementation: Local/Regional/National</b>	National

<p><b>Brief description (max. 1000 chars)</b></p>	<p>This new service is accessible from the website, a phone number (39 28), a chat room, and deaf or hard of hearing access.</p> <p>Through this platform, people who are victims or witnesses of discrimination, whatever the reason (origin, disability, gender, etc.) or area (employment, housing, access to a service, etc.), can be listened to, supported and guided free of charge by legal experts.</p> <p>The management of this platform has been assigned to the Public Defender of rights (<i>Défenseur des droits</i>), as an independent administrative authority.</p>
<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>This platform deploys a team of legal experts specialised in non-discrimination law.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>This platform is intended to be lasting over time.</p>

<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The platform is intended to facilitate the informing of victims and increase the number of reports of discrimination to the Public Defender of rights (<i>Défenseur des droits</i>).</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>See above.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>—</p>

<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>In his annual activity report, the Public Defender of rights (<i>Défenseur des droits</i>) will report on the number of requests made to his teams via this platform.</p>
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Thematic area	<p style="text-align: center;"><b>ROMA EQUALITY AND INCLUSION</b></p> <p><b>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</b></p>
<b>Title (original language)</b>	« Fiche pratique – Comment agir & se mobiliser face à une procédure d’expulsion »
<b>Title (EN)</b>	"Practical file - How to act & mobilise in front of an eviction procedure"
<b>Organisation (original language)</b>	Collectif National Droits de l’Homme Romeurope
<b>Organisation (EN)</b>	National Collective Human Rights Romeurope
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	Private
<b>Reference (incl. URL, where available)</b>	<a href="http://www.romeurope.org/wp-content/uploads/2021/04/Fiche-expulsion_VF.pdf">www.romeurope.org/wp-content/uploads/2021/04/Fiche-expulsion_VF.pdf</a>



<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	15 April 2021
<b>Type of initiative</b>	Provide tools for people who support people living in slums
<b>Main target group</b>	People who work in slums with the population
<b>Indicate level of implementation: Local/Regional/National</b>	The practical file provide information to act locally
<b>Brief description (max. 1000 chars)</b>	<p>This practical sheet aims to equip those who are involved in taking steps and actions to delay or even prevent evictions from squats and shanty towns.</p> <p>It is established chronologically, step by step, and on the basis of good practices shared by the members of the CNDH Romeurope.</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The sheet is part of a national context marked by specific legal provisions. While a comparable approach - equipping people working with slum dwellers to avoid evictions - in other countries is obviously possible, it would have to be tailored to the legal framework of each country.

<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>By taking ownership of the information in the sheet, slum workers will be able to anticipate and better challenge abusive slum evictions.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>See above</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>See above</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>This practical sheet has been produced on the basis of feedback from members of the Romeurope association.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>Romeurope will benefit from the feedback of its members in making improvements to the document.</p>

Thematic area	<p style="text-align: center;"><b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</b></p>
<b>Title (original language)</b>	"Guide pratique RGPD – Délégués à la protection des données"
<b>Title (EN)</b>	"Practical guide GDPR – Data Protection Officer"
<b>Organisation (original language)</b>	Commission nationale de l'informatique et des libertés (CNIL)
<b>Organisation (EN)</b>	
<b>Government / Civil society</b>	French Independent Supervisory Authority
<b>Funding body</b>	Public
<b>Reference (incl. URL, where available)</b>	<a href="http://www.cnil.fr/sites/default/files/atoms/files/guide_pratique_rgpd_-_delegues_a_la_protection_des_donnees.pdf">www.cnil.fr/sites/default/files/atoms/files/guide_pratique_rgpd_-_delegues_a_la_protection_des_donnees.pdf</a>

<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	16 November 2021
<b>Type of initiative</b>	Tool for the implementation of the GDPR
<b>Main target group</b>	Data Protection Officers
<b>Indicate level of implementation: Local/Regional/National</b>	Local

<p><b>Brief description (max. 1000 chars)</b></p>	<p>In this guide, the CNIL has gathered the main useful knowledge about the DPO.</p> <p>This tool is organized as four parts:</p> <ul style="list-style-type: none"> <li>The DPO's role</li> <li>The DPO's appointment</li> <li>The exercising of the DPO's job</li> <li>CNIL support for the DPO</li> </ul> <p>Each topic is illustrated by case studies and answers to frequently asked questions on the subject. The reader can also make use of practical tools such as a sample engagement letter.</p> <p>This guide provides essential and accurate information about DPOs, from their appointment to the completion of their assignment. The CNIL has been particularly careful to provide clear information on how to ensure that DPOs can carry out their tasks independently, with no conflicts of interest and with real effectiveness for the organization.</p>
<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>Regardless of certain aspects specific to French legislation, this guide could easily be used by DPOs working in an EU country, since the GDPR is the main reference framework.</p>

<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>This guide will provide practical aid for implementing the GDPR within companies.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>—</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>See above</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The CNIL has designed this guide with the help of many professional associations.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>No information about this aspect.</p>



Thematic area	<p style="text-align: center;"><b>RIGHTS OF THE CHILD</b></p> <p style="text-align: center;"><b>Please provide a promising practice related to the topics addressed in the chapter.</b></p>
<b>Title (original language)</b>	Tchat du 119
<b>Title (EN)</b>	119 chat room
<b>Organisation (original language)</b>	Enfance en danger
<b>Organisation (EN)</b>	Childhood in danger
<b>Government / Civil society</b>	This organization brings together representatives of the State, departments, and child protection associations
<b>Funding body</b>	Public
<b>Reference (incl. URL, where available)</b>	<a href="http://www.allo119.gouv.fr/besoin-daide?tchat=1#tchat">www.allo119.gouv.fr/besoin-daide?tchat=1#tchat</a>

<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>3 May 2021</p>
<p><b>Type of initiative</b></p>	<p>Chat with childcare professionals</p>
<p><b>Main target group</b></p>	<p>Children</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>National</p>
<p><b>Brief description (max. 1000 chars)</b></p>	<p>The telephone service ("119") provides a chat room for children at risk. It is also available for young people under 21 years of age. A 119-hotline team of listeners who are child protection professionals, take turns to answer written requests. Confidentiality is assured and at any time the young chatter can "leave the conversation in an emergency". The chat room is open on Mondays, Tuesdays, Thursdays and Fridays from 3pm to 7pm and on Wednesdays from 1pm to 7pm (the phone line remains open 24/7).</p>
<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>This good practice requires the existence of an online platform dedicated to child protection.</p>

<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>This chat is intended to supplement the hotline which has been available for many years.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>It will be possible to measure the extent to which young people have used this chat.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>See above</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The chat includes childcare professionals and is part of an already well-tested intervention framework through the hotline.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>No information is available on this subject, but the professionals responsible for this chat will be able to identify possible difficulties and improvements to be made.</p>

<b>Thematic area</b>	<b>ACCESS TO JUSTICE</b> <b>Please provide one example of a promising practice related to the topics addressed in the chapter.</b>
<b>Title (original language)</b>	Guide juridique "Logement et violences conjugales"
<b>Title (EN)</b>	Legal Guide "Housing and domestic violence"
<b>Organisation (original language)</b>	Fédération Nationale Solidarité Femmes
<b>Organisation (EN)</b>	National Federation Women Solidarity (which is in charge of the hotline 3919)
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	The Federation is partly funded by the government
<b>Reference (incl. URL, where available)</b>	<a href="http://www.solidaritefemmes.org/assets/upload/Guide-juridique.pdf">www.solidaritefemmes.org/assets/upload/Guide-juridique.pdf</a>

<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	19 February 2021
<b>Type of initiative</b>	Juridical guide for women victims of domestic violence
<b>Main target group</b>	Women victims of domestic violence
<b>Indicate level of implementation: Local/Regional/National</b>	National

<p><b>Brief description (max. 1000 chars)</b></p>	<p>This guide aims to provide a practical tool, through its clear legal content which is accessible to all with no particular prerequisites. It will thus at least allows the applicable law to be reviewed. However, it is not all inclusive in terms of the local mechanisms and "good practices" that may exist within social housing associations.</p> <p>This guide provides access to the applicable law regarding housing in cases of violence. It has several objectives:</p> <ul style="list-style-type: none"> <li>- To answer questions raised by women victims of domestic violence, whether they are at the beginning of the process of leaving an abusive relationship or are already supported by specialised associations: <ul style="list-style-type: none"> <li>• How can victims stay at home without the partner or ex-partner?</li> <li>• How can victims leave without being penalised?</li> <li>• How can victims access rehousing in the social housing stock, where victims of violence are among the priority groups under certain conditions?</li> </ul> </li> <li>- To provide women with access to better knowledge of their rights by taking into account the latest legislative changes.</li> </ul>
<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>The accessible legal information approach is obviously transposable to other national contexts. However, the guide cannot be used in itself as it provides information within the French legal framework.</p>

<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>The guide is provided to women who are supported by one of the 73 Women's Solidarity (<i>Solidarité Femmes</i>) associations and is also available online. The 3919 hotline (hotline for victims of violence) listeners also use it to inform women.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>This document can be a useful aid for women who are not aware of the legal framework and their rights.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>See above</p>



<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>—</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>—</p>

<b>Thematic area</b>	<p><b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b></p> <p><b>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</b></p>
<b>Title (original language)</b>	Kit de bonnes pratiques handicap
<b>Title (EN)</b>	Disability best practice kit
<b>Organisation (original language)</b>	Direction générale de la cohésion sociale
<b>Organisation (EN)</b>	General Directorate for Social Cohesion
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Ministry of Social Affairs and Health
<b>Reference (incl. URL, where available)</b>	<a href="https://handicap.gouv.fr/accompagnement-des-personnes-en-situation-de-handicap-un-kit-pedagogique-pour-les-professionnels">https://handicap.gouv.fr/accompagnement-des-personnes-en-situation-de-handicap-un-kit-pedagogique-pour-les-professionnels</a>

<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>August 2021</p>
<p><b>Type of initiative</b></p>	<p>Training tool</p>
<p><b>Main target group</b></p>	<p>Social workers</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>National</p>
<p><b>Brief description (max. 1000 chars)</b></p>	<p>The General Directorate for Social Cohesion (<i>Direction générale de la cohésion sociale - DGCS</i>) provides social workers with an educational kit which "is intended to provide a support for trainers in developing the content of their actions, considering recent developments in public policies in the disability field".</p> <p>It invites initial and on-going training bodies in social work and, more broadly, all those involved in the life lived by people with disabilities, to use it.</p> <p>This kit pays "special attention" to complying with good practices and the prevention of all forms of abuse. It includes three aspects, the first of which is of the cross-cutting type and the other two targeting autism and multiple disabilities.</p>

<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>This tool cannot be reused as such in other countries, as it is part of a national public policy. However, a number of good practices, particularly in relation to the prevention of abuse, could be shared with social workers in other countries.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>Training organisations are invited to use this document as a turnkey tool to ensure that training is fully compliant with legal requirements.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>It will be included in the National Resource Centre for Social Work at the beginning of the 2021 school year and will be the subject of information for all partners responsible for disability. There will be a need to study the extent to which training organisations have taken up this kit.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>See above</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The kit was designed by working groups of experts.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>It will be regularly updated to reflect changes in public policy and advances in research and scientific knowledge.</p>

## Annex 2 – Case Law

<p><b>Thematic area</b></p>	<p><b>EQUALITY AND NON-DISCRIMINATION</b>  <b>Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</b></p>
<p><b>Decision date</b></p>	<p>30 March 2021</p>
<p><b>Reference details</b></p>	<p>High administrative Court (Conseil d'Etat), n° 436727, available at: [https://juricaf.org/arret/FRANCE-CONSEILDETAT-20210330-436727].</p>
<p><b>Key facts of the case</b>   <b>(max. 500 chars)</b></p>	<p>A national of the Democratic Republic of Congo (DRC) had applied for refugee status in 2018, fearing persecution if she returned to her home country because of her sexual orientation. On 27 February 2019, the French office for the protection of refugees and stateless persons - <i>Office français de protection des réfugiés et apatrides</i> (OFPRA) denied her refugee status and the benefit of subsidiary protection. The woman appealed to the French asylum court (<i>Cour nationale du droit d'asile</i>), which upheld OFPRA's decision on 19 September 2019. She therefore finally appealed to the Council of state (<i>Conseil d'Etat</i>).</p>

<p style="text-align: center;"><b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b></p>	<p>Although homosexuality does not have to be a criminal offence in order to benefit from protection under the right to asylum, detailed information must be provided to OFPRA to allow it to assess the reality of the risk of the person's persecution. In this case, the judge found that while the asylum seeker's homosexuality had been established, she did not provide evidence of the existence of such persecution.</p>
<p style="text-align: center;"><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>Belonging to a "social group", as defined by the Geneva Convention, is not sufficient to obtain refugee status. The asylum seeker must prove that they face a risk of persecution in their country of origin.</p>
<p style="text-align: center;"><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Council of State (<i>Conseil d'Etat</i>) rejected the asylum seeker's appeal.</p>
<p style="text-align: center;"><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>"[The French asylum court (<i>Cour nationale du droit d'asile</i>)] based its decision on the fact that neither the documents in the case file nor the asylum seeker's statements allowed the establishing of the alleged facts and fears, given that she had lived in the Congo for several years without being threatened or pressured, and only mentioned a feeling of solitude and rejection by her family". « [la Cour nationale du droit d'asile] s'est fondée sur la circonstance que ni les pièces du dossier ni les déclarations de la requérante ne permettaient de tenir pour établis les faits allégués et les craintes évoquées alors qu'elle avait vécu de manière habituelle au Congo pendant plusieurs années sans faire l'objet de menaces et de pressions et ne faisait état que d'un sentiment de solitude et du rejet par sa famille ».</p>

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> <b>Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</b>
<b>Decision date</b>	8 June 2021
<b>Reference details</b>	Appeal Court of Paris (Cour d'appel de Paris), no public access. Press release : <a href="http://www.cours-appel.justice.fr/sites/default/files/2021-06/COMMUNIQUE%20CA.pdf">www.cours-appel.justice.fr/sites/default/files/2021-06/COMMUNIQUE%20CA.pdf</a>
<b>Key facts of the case</b>  <b>(max. 500 chars)</b>	<p>On 1 March 2017, three male high school students, respectively of Moroccan, Comorian and Malian origin, returning with their class and professor from a two day school trip to visit the European Commission in Brussels, were the only persons controlled by police on the platform descending from the Thalys train.</p> <p>The three young people, after having unsuccessfully questioned the Ministry of the Interior in the following days about the reason for this check, brought an action for liability against the State for serious misconduct, considering that they had been subjected to it solely because of their ethnic origin.</p> <p>At first instance, the Paris Court of Justice had found that, given the composition of the class, which included 13 girls and five boys, all of whom were from visible minorities, the only three boys checked had not provided any evidence to support their claim that they had been subjected to differential treatment on account of their ethnic origin.</p> <p>The three boys appealed against this decision.</p>



<p style="text-align: center;"><b>Main reasoning/argumentation</b></p> <p style="text-align: center;"><b>(max. 500 chars)</b></p>	<p>In cases of discrimination, the burden of proof is shifted in favour of the victims. As the Defender of Rights suggested in their observations, the Court of Appeal assessed the sample checked not in relation to the entire class, but in relation to the entire population that got off the train and was not checked, in order to find that, in targeting these three boys, there was a sufficient indication of a selection based on their physical characteristics alone. Then, not finding the opposite demonstration - incumbent on the State - in the police report submitted, which lacked the evidential value of an official report since it had been drawn up two months after the events, the Court held that the check had been discriminatory and consequently found the State guilty of serious misconduct.</p>
<p style="text-align: center;"><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>This decision provides an important clarification of the procedures of the comparison intended to assess the existence of discrimination.</p>
<p style="text-align: center;"><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>Each of the three plaintiffs received 1500 euros in damages, together with 2000 euros to cover their legal fees.</p>
<p style="text-align: center;"><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>"the concurrent checks of a first pupil as he got off the train and of two other pupils in the hall of the Thalys train platform at the Gare du Nord were carried out on three young men who were part of a group of 18 students, including 13 girls, and who were respectively of Comorian, Malian and Moroccan origin without it appearing, as noted by the witnesses, that people not from 'visible minorities' coming from the same train were checked at the same time".</p> <p>« les contrôles concomitants d'un premier élève à sa descente du train et de deux autres élèves dans le hall de la zone des trains Thalys de la gare du Nord ont été opérés sur trois jeunes gens de sexe masculin faisant partie d'un groupe de 18 élèves dont 13 filles et que ceux ci étaient d'origine comorienne, malienne et marocaine sans qu'il apparaisse, ainsi que relevé par les témoins, que des personnes non issues de 'minorités visibles' provenant du même train aient été dans le même temps contrôlées ».</p>

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> <b>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.</b>
<b>Decision date</b>	7 June 2021
<b>Reference details</b>	France, Council of State ( <i>Conseil d'Etat</i> ), Decision No. 393099, 7 June 2021, n° 452849 available at: <a href="http://www.legifrance.gouv.fr/ceta/id/CETATEXT000043741130">www.legifrance.gouv.fr/ceta/id/CETATEXT000043741130</a>
<b>Key facts of the case</b>  <b>(max. 500 chars)</b>	<p>On 31 March 2021, a municipality in the south of France installed two barriers consisting of three concrete bollards anchored to the ground and set in staggered rows on the municipal road near the two plots of land owned by Mr H and Ms W. Mr H and Ms W, who belong to the Traveller community, had been using the two plots of land they own for the past fifteen years to set up their two caravans, which they used as their home, with their three children, when they are not travelling, especially in winter. They had no other place of residence. Their children also attended school in the municipality.</p> <p>The two sets of concrete bollards installed by the municipality made it practically impossible for their caravans to access these sites: following the installation of these barriers, Mr H and Mrs W could no longer take out the caravan that was installed on their land, nor could they bring in their second caravan, which they had to park elsewhere, even though they needed their two caravans to house their children.</p> <p>At the request of Mr H and Ms W, the urgent applications judge of the administrative court, dealing with the case on the basis of Article L. 521-2 of the Code of Administrative Justice, ordered the municipality, through two orders of 12 May 2021, to remove these two barriers within a period of eight days and set a fine of 100 euros per day of non-compliance. The municipality of Mougins appealed against these two orders.</p>

<p style="text-align: center;"><b>Main reasoning/argumentation</b></p> <p style="text-align: center;"><b>(max. 500 chars)</b></p>	<p>The judge ruling in the summary proceedings had to decide both whether a fundamental freedom was infringed in this case and whether there was any urgency to put an end to such infringement. Finally, the judge had to assess the proportionate nature of the infringement of the fundamental freedom.</p> <p>The judge first considered that the free access of residents to the public road to be an appurtenance of the right of ownership which had the characteristics of a fundamental freedom. He then referred to the effect of the concrete bollards on the family's life: they were now unable to move their caravans in and out of their property, even though they used them as their family home and their lifestyle was based on frequent travel. There was therefore an urgent need to put a stop to this infringement of a fundamental freedom.</p> <p>Finally, although the municipality invoked a road safety objective, the judge ruled that it could have used another way to close the municipal road to heavy-good vehicle traffic while allowing the continued access of caravans.</p>
<p style="text-align: center;"><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The free access of residents to the public road was considered to be an appurtenance of the right of ownership which had the characteristics of a fundamental freedom as defined in Article L. 521-2 of the code of administrative justice.</p> <p>The deprivation of any access to the public highway was considered to be a serious, manifestly illegal infringement of this freedom, which could justify the urgent applications judge's taking all necessary safeguard measures under this article.</p>
<p style="text-align: center;"><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Council of State (<i>Conseil d'Etat</i>) turned down the municipality of Mougins' appeal against the ruling of the administrative court which ordered it to remove the two concrete bollards installed on the road.</p>
<p style="text-align: center;"><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>"(...) while the municipality (...) argued that the two bollards it had installed met a road safety objective, in slowing down truck traffic and closing the municipal road to heavy-goods vehicles, these bollards were placed on either side of the plots of land owned by Mr H. and Ms W. in such a way as to completely bar the entry or exit of a vehicle towing a caravan".</p> <p>« (...) si la commune (...) fait valoir que les deux dispositifs de plots qu'elle a fait installer répondent à un objectif de sécurité routière, ralentir la circulation des camions et interdire aux plus lourds l'accès au chemin communal, ces plots ont été placés de part et d'autre des parcelles de M. H. et Mme W. de telle sorte qu'ils en interdisent complètement l'entrée ou la sortie à un véhicule tractant une caravane »</p>

<b>Thematic area</b>	<b>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</b> Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
<b>Decision date</b>	<i>No specific developments in this thematic area.</i>

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> <b>Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</b>
<b>Decision date</b>	21 April 2021
<b>Reference details</b>	France, Council of State ( <i>Conseil d'Etat</i> ), Decision No. 393099, 21 April 2021, available at: <a href="http://www.legifrance.gouv.fr/ceta/id/CETATEXT000043411127">www.legifrance.gouv.fr/ceta/id/CETATEXT000043411127</a>
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	<p>Telecommunications operators (mobile telephone operators, Internet service providers and hosting companies) are obliged (Article L. 34-1, III of the French Postal and Electronic Communications Code (CPCE) and Article 6 of Law No. 2004-575 of 21 June 2004) to keep their users' connection data in a general, undifferentiated way.</p> <p>Associations have asked the Prime Minister to repeal decrees that provide for the keeping of these data and organise their handling for the purposes of intelligence and criminal investigations, referring in particular to the case law of the CJEU (Tele2 ruling).</p> <p>As their request remained unanswered, they appealed against the Prime Minister's implicit decision to reject them.</p> <p>In 2018, the Council of State referred the matter to the Court of Justice of the European Union (CJEU), inviting it to clarify the scope of the rules derived from European law (Dir. 2002/58 on privacy and electronic communications and the General Data Protection Regulation - GDPR).</p>

<p style="text-align: center;"><b>Main reasoning/argumentation</b></p> <p style="text-align: center;"><b>(max. 500 chars)</b></p>	<p>The Council of State reiterated that the French Constitution remains the supreme standard of national law: it therefore stresses that it is up to the Council of State to ensure that the enforcement of European law, as specified by the CJEU, does not in practice compromise constitutional requirements that are not guaranteed in an equivalent way by European law. It determined that the constitutional requirements of safeguarding the fundamental interests of the Nation, preventing public order offences, combating terrorism and tracking down the perpetrators of criminal offences do not enjoy protection under Union law equivalent to that provided by the Constitution. It therefore considered that it should ensure that the limits set by the CJEU did not jeopardise these constitutional requirements.</p> <p>The Council of State noted that the general retention is indeed justified by a threat to national security. In accordance with the Court's requirements, French law requires the government to carry out, under the supervision of the administrative court, a periodic review of the existence of such a threat. It ruled, however, that the general retention of data obligation was illegal (other than non-sensitive data: marital status, IP address, accounts and payments) for purposes other than national security, including the prosecution of criminal offences.</p> <p>However, it accepted that the "rapid retention" method allowed by European law could be based on the stock of data retained in a generalised way for national security purposes, and used for the prosecution of criminal offences.</p> <p>With regard to the distinction drawn by the Court between serious and ordinary crime, for which it does not accept any retention or use of connection data, the Council of State reiterated that the principle of proportionality between the seriousness of the offence and the significance of the investigative measures implemented, which governs criminal procedure, also justifies the use of connection data being limited to the prosecution of offences of a sufficiently serious type.</p> <p>With regard to the use of data retained for intelligence purposes, the Council of State noted that the planned prior control by an independent authority is not sufficient, since the opinion issued by the National Commission for the supervision of intelligence techniques (<i>Commission nationale de contrôle des techniques de renseignement</i> - CNCTR) before any authorisation is not binding. On this point, therefore, the Council of State admitted that national law must change.</p>
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<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>In its reply to the preliminary question referred to it by the Council of State, the CJEU stated that the generalised and undifferentiated retention of the metadata of the entire population for one year could only be justified on the basis of <i>"safeguarding national security"</i> if the State <i>"is facing a serious , (...) real and present or foreseeable threat"</i>.</p> <p>For its part, the Council of State finds that this threat has been uninterrupted since 2015. But to take account of the CJEU ruling, it calls on the government to provide for a periodic review of this national security threat. Each year, the government will have to justify this situation in a reasoned decree.</p> <p>However, the Council of State has opened up the possibilities far beyond the terrorism to which the Luxembourg Court referred. The Council of State lists the following as threats to national security: terrorism, <i>"the risk of espionage and foreign interference, in particular because of its military capabilities and commitments, and its technological and economic potential"</i>, and <i>"serious threats to public security, linked to an increase in the activity of radical and extremist groups"</i>.</p> <p>Ultimately, the Council of State's ruling does not change the amount of information that operators are required to keep on each citizen connected to the telephone or the Internet.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Council of State ordered the Prime Minister to amend the regulatory framework to meet these requirements within six months.</p>

<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p><i>"the constitutional requirements mentioned in point 9 [The safeguarding of the fundamental interests of the Nation, the prevention of public order offences, in particular threats to the safety of people and property, the fight against terrorism, and the detection of criminal offenders], which apply to areas falling exclusively or essentially within the competence of the Member States by virtue of the Treaties establishing the Union, cannot be regarded as enjoying, under Union law, protection equivalent to that provided by the Constitution".</i></p> <p><i>"les exigences constitutionnelles mentionnées au point 9 [La sauvegarde des intérêts fondamentaux de la Nation, la prévention des atteintes à l'ordre public, notamment celle des atteintes à la sécurité des personnes et des biens, la lutte contre le terrorisme, ainsi que la recherche des auteurs d'infractions pénales], qui s'appliquent à des domaines relevant exclusivement ou essentiellement de la compétence des États membres en vertu des traités constitutifs de l'Union, ne sauraient être regardées comme bénéficiant, en droit de l'Union, d'une protection équivalente à celle que garantit la Constitution ».</i></p>
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<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> <b>Please provide the most relevant high court decision related to the topics addressed in the chapter.</b>
<b>Decision date</b>	1 June 2021
<b>Reference details</b>	France, State Council (Conseil d'Etat), n° 452487, available at: [ <a href="http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2021-06-01/452487">www.conseil-etat.fr/fr/arianeweb/CE/decision/2021-06-01/452487</a> ].
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	Parents of students petitioned the Council of State in order to challenge Article 36 of the decree of 29 October 2020 insofar as it requires children aged 6 to 11 to wear masks in schools. They argued that this infringed the best interests of children in that it would harm their physical and psychological health or social integration, would lead to them dropping out of school and being deprived of school education, and would increase sanctions, punishments, pressure and humiliating remarks directed at or through them.
<b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b>	The judge considered that the obligation to wear a mask for pupils aged six or over in schools was necessary. They added that this obligation, which takes account of the age and maturity of children, is implemented under the supervision of adults and teachers, and is combined with measures of physical and social distancing and the teaching of various protective measures, was also appropriate in the school environment. Lastly, with regard to the proportionality of the measure, while they admitted that this measure was indeed contraindicated in the medical situation of children suffering from certain pathologies, the contested provisions, which only involved face-to-face schooling, did not prevent these particular situations from being taken into account and, where appropriate, from addressed through alternative solutions within the framework of national education.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	After weighing up the rights of the child against the protection of public health, the judge assessed the prima facie legality of the obligation to wear a mask.

<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>In the context of interlocutory proceedings, the judge assessed whether there was a serious doubt as to the legality of the measure: in this case, they considered that the obligation for pupils aged 6 to 11 to wear a mask did not appear to be disproportionate in view of the aims of public health and the education of children in schools, which it pursued.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>"(...) the legal investigation does not show that the contested measures are in themselves likely to infringe the right to childrens' physical and mental health or to their social integration, nor that they would have the effect of encouraging them to drop out of school, nor lead to an increase in punishments or pressure or create an intimidating or humiliating environment".  « (...) il ne résulte pas de l'instruction que les mesures contestées soient par elles-mêmes de nature à porter atteinte au droit à la santé physique et psychique ou à l'insertion sociale des enfants, ni qu'elles auraient pour effet de favoriser leur déscolarisation, la multiplication des punitions, des actes de pression ou à caractère intimidant ou humiliant ».</p>

<b>Thematic area</b>	<b>ACCESS TO JUSTICE</b> <b>Please provide the most relevant high court decision related to the topics addressed in the chapter.</b>
<b>Decision date</b>	8 December 2021
<b>Reference details</b>	Cassation Court (Cour de cassation), n° 21-81311, available at :[ <a href="http://www.legifrance.gouv.fr/juri/id/JURITEXT000044482739?page=1&amp;pageSize=10&amp;query=21-81311&amp;searchField=ALL&amp;searchType=ALL&amp;sortValue=DATE_DESC&amp;tab_selection=juri&amp;typePaginat ion=DEFAULT">www.legifrance.gouv.fr/juri/id/JURITEXT000044482739?page=1&amp;pageSize=10&amp;query=21-81311&amp;searchField=ALL&amp;searchType=ALL&amp;sortValue=DATE_DESC&amp;tab_selection=juri&amp;typePaginat ion=DEFAULT</a> ]
<b>Key facts of the case</b>  <b>(max. 500 chars)</b>	<p>In May 2011, a charge for rape and sexual assault was filed against a mayor of a town of 30,000 inhabitants who was a former secretary of state (=member of the government) and against one of his deputies, by one of their colleagues.</p> <p>In May 2013, the public prosecutor's office issued an indictment to dismiss the case, presided over by the investigating judge.</p> <p>The plaintiff lodged an appeal. On 14 December 2014, the Investigation Chamber (<i>Chambre de l'instruction</i>) of the Paris Court of Appeal (<i>Cour d'appel de Paris</i>), agreed with her and referred the mayor and his deputy to an Assize Court (<i>Cour d'assises</i>).</p> <p>An Assize Court hearing was held from 23 October to 15 November 2018 resulting in the acquittal of the accused.</p> <p>The public prosecutor's office appealed against this decision: an Assize Court of Appeal (<i>Cour d'assises d'appel</i>) hearing was held from 19 January to 17 February 2021, in Paris. At the end of the hearing, both defendants were found guilty of rape and sexual assault. They appealed to the Supreme Court.</p>
<b>Main reasoning/argumentation</b>  <b>(max. 500 chars)</b>	<p>The Assize Court characterised the coercion on the basis of the existence of a subordinate relationship between the plaintiff and the defendants, the former mayor being an authoritarian, influential man.</p> <p>The Assize Court was thus able to establish that the two convicted persons were aware of the coercion they were exerting on Virginie Ettel, thereby violating her consent, when they practised reflexology exercises on the plaintiff, and on other women as well, from the recruitment interview onwards.</p>

<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>This ruling allows a debate to be opened on the question of sexual relations in the workplace, and on the question of consent between people who are not in a position of equality.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court of Cassation confirmed the sentence handed down by the Assize Court of Appeal: three years in prison plus a two-year suspended sentence, for rape and sexual assault on his former colleague.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>"For each of the alleged facts of which the accused is accused, the assize court characterised the main incriminating evidence that convinced it, namely surprise, coercion and intent, constituting the offences of which it found the accused guilty".  « La cour d'assises a caractérisé, pour chacun des faits reprochés à l'accusé, les principaux éléments à charge qui l'ont convaincue, tant des éléments de surprise et de contrainte, que de l'élément intentionnel, constitutifs des infractions dont elle a déclaré l'accusé coupable ».</p>

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b> <b>Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</b>
<b>Decision date</b>	6 May 2021
<b>Reference details</b>	France, Cassation Court ( <i>Cour de cassation</i> ), Decision No. 20-14551, 6 May 2021, available at: <a href="http://www.legifrance.gouv.fr/juri/id/JURITEXT000043489942?init=true&amp;page=1&amp;query=20.14551&amp;searchField=ALL&amp;tab_selection=all">www.legifrance.gouv.fr/juri/id/JURITEXT000043489942?init=true&amp;page=1&amp;query=20.14551&amp;searchField=ALL&amp;tab_selection=all</a> .
<b>Key facts of the case</b>  <b>(max. 500 chars)</b>	<p>A disabled person challenged a court of appeal's decision to compensate them for only 50% of their injuries following a wheelchair traffic accident. The Court of Appeal ruled that they had committed a fault on the controls of their electric wheelchair that was partly responsible for the accident.</p> <p>The person appealed to the Court of Cassation.</p>
<b>Main reasoning/argumentation</b>  <b>(max. 500 chars)</b>	<p>For the Court of Appeal, the victim was driving a "motor-driven land vehicle" as defined in the law, since it was motor-driven and had steering, a seat, and acceleration and braking devices. In this case, the driver's fault may be invoked against them to reduce or even exclude their right to compensation.</p> <p>On the contrary, the Court of Cassation considered, on the basis of the aims assigned to the States in this matter, that an electric wheelchair is a medical device intended for the movement of a person in a disability situation and not a motor-driven land vehicle.</p>
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	<p>Regardless of the type of wheelchair used by a disabled person, they must enjoy the same protection as reserved for pedestrians in the event of a traffic accident.</p>

<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The victim will be able to enjoy full compensation for their injury by the insurer.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>"Having regard to Articles 1, 3 and 4 of Law No. 85-677 of 5 July 1985 [on traffic accidents] as interpreted in the light of the aims assigned to States by Articles 1, 3 and 4 of the International Convention on the Rights of Disabled people of 30 March 2007".  "Vu les articles 1er, 3 et 4 de la loi n° 85-677 du 5 juillet 1985 [sur les accidents de la circulation] tels qu'interprétés à la lumière des objectifs assignés aux États par les articles 1, 3 et 4 de la Convention internationale des droits des personnes handicapées du 30 mars 2007 ».</p>