

# **Franet National contribution to the Fundamental Rights Report 2023**

**France**

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## Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	<b>The new members of the French NHRI</b> , the National Consultative Commission for Human Rights ( <i>Commission nationale consultative des droits de l'homme</i> ), were <a href="#">appointed</a> on November 7. The previous term ended in April.
EU Charter of Fundamental Rights	No developments in 2022
Equality and non-discrimination	<b>Monitoring LGBTI people rights:</b> in 2018, the French Commission for Human Rights ( <i>Commission nationale consultative des droits de l'homme</i> - CNCDH) was given a mandate by the Prime Minister to assess the implementation of the mobilisation plans against anti-LGBT hate and discrimination. Within the framework of this assessment mission, the CNCDH adopted its first <a href="#">report</a> on the fight against LGBTIphobia and the effectiveness of the rights of LGBTI people on 22 May 2022.
Racism, xenophobia & Roma integration	( <i>The government is expected to release its <b>new action plan against racism</b> very soon</i> ).
Asylum & migration	( <i>The government will soon introduce a <b>draft bill</b> in this field</i> )
Data protection and digital society	<b>Fight against terrorist content online:</b> A <a href="#">law</a> was passed in August 2022 to implement the European regulation of 29 April 2021 on combating the dissemination of terrorist content online.
Rights of the child	<b>Child protection:</b> A <a href="#">law</a> was adopted in February 2022 which aims to improve the situation of children protected by child welfare services (ASE): ban on hotel placements, end of "dry" exits at the age of majority, better protection against violence. It also changes the profession of family assistants and the national governance of child protection.

Access to justice, including victims of crime	<b>Protection of victims of domestic violence:</b> An April 2022 <a href="#">decree</a> strengthened the consideration of victims' interests during criminal proceedings.
Convention on the Rights of Persons with Disability	<b>Access to education for children with disabilities:</b> A <a href="#">report</a> from the French Ombudsman ( <i>Défenseur des droits</i> ) points to shortcomings in the provision of schooling for children with disabilities.

# 1 Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

### Call for projects

The Government is stepping up its commitment to the fight against racism, anti-Semitism and anti-LGBT+ hatred by launching a national call for projects worth 5 million euros.<sup>1</sup>

This new Government national call for projects supports education, prevention, training and victim support initiatives as well as initiatives related to communication and the organisation of events related to the fight against anti-LGBT+ hate.

These projects must be supported by one or more parts or measures of the two national plans and be in line with the following priorities:

- The promotion of fraternity and role models, civic commitment, the fight against prejudice and racist, anti-Semitic and LGBTphobic stereotypes, in particular for young people, during school and after school hours
- The production of alternative online resources and discourse and the development of Internet hate speech reporting
- The fight against online hate and the prevention of instances and reiteration/recidivism
- Awareness-raising or training of staff, social partners and actors in the workplace or in civil society
- The development and enhancement of partnerships with places of history and remembrance
- Support for and training of actors in the fight against racism, anti-Semitism and/or anti-LGBT+ hatred
- Professional training and development of LGBT+ centres
- Support for victims of racism, anti-Semitism and/or anti-LGBT+ hate
- Communication actions and the organisation of events against anti-LGBT+ hate, racism and anti-Semitism

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<sup>1</sup> France, Minister for gender equality, diversity and equal opportunities (*Ministre chargée de l'Égalité entre les femmes et les hommes, de la Diversité et de l'Égalité des chances*), National call for projects against racism, anti-Semitism and anti-LGBT+ hatred ([Appel à projets national contre le racisme, l'antisémitisme et la haine anti-LGBT+](#)), 17 February 2022.

- Participation in the week of education and action against racism and anti-Semitism on 21-27 March 2022
- Participation in the events to take place around the World Day Against Homophobia and Transphobia on 17 May and the LGBT+ Pride Marches

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance**

### Report on the rights of LGBTI persons in France

In 2018, the French Commission for Human Rights (*Commission nationale consultative des droits de l'homme - CNCDH*) was given a mandate by the Prime Minister to assess the implementation of the mobilisation plans against anti-LGBT hate and discrimination. Within the framework of this assessment mission, the CNCDH adopted its first report on the fight against LGBTIphobia and the effectiveness of the rights of LGBTI people on 22 May 2022.<sup>2</sup>

The report is divided into four parts and makes a series of recommendations to public authorities to improve anti-discrimination and equality policies.

The first part of the report presents the current situation by analysing the detailed results of an original survey on prejudice based on sexual orientation and gender identity in France and by attempting to identify and quantify LGBTIphobic acts in France, based on all available data. The second part of the report describes the legal system, both international and national, that provides a framework for combating anti-LGBTI discrimination and protecting rights. The third part presents the various actors involved in this specific fight. The fourth part of the report sets out this threefold objective: know the violations of rights, fight discrimination and promote equality, in nine areas in which public action could be developed: school, higher education, workplace, sports, culture, health, the judiciary, asylum and immigration and diplomacy.

### LGBT+ workplace inclusion barometer for 2022

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<sup>2</sup> France, National Consultative Commission for Human Rights (*Commission nationale consultative des droits de l'homme*)(2022), Report entitled "Sexual Orientation, Gender Identity, and Intersex: from equality to effectiveness of rights" (« [Orientation sexuelle, identité de genre et intersexuation : de l'égalité à l'effectivité des droits](#) »).

For the third edition of its biennial barometer, produced in partnership with the French Institute of Public Opinion (*Institut français d'opinion publique* - IFOP), the association *l'Autre Cercle* looked at the inclusion of LGBT+ people in the workplace and assessed the impact of the LGBT+<sup>3</sup> Commitment Charter. The latter, initiated in 2013 by the *l'Autre Cercle*, encourages companies to include sexual orientation and gender identity topics as part of their Diversity policy. As of February 2022, more than 174 organizations had signed the agreement.

The study was conducted through an online self-administered questionnaire:

- from 22 April to 25 May 2021 among 1,068 LGBT employees (homosexual, bisexual and transgender) aged 18 and over living in mainland France.
- from 24 January to 11 February 2022 among a sample of 29,979 employees and agents working in organizations that have signed the LGBT+ Commitment Charter.

One-third of LGBT people had experienced at least one LGBTphobic act of aggression in their organization (up 4 points from 2020). This climate goes hand in hand with an increase in discrimination at the highest level of organizations. Thus, while 16% of respondents said they had been singled out by other employees, more than a quarter reported discrimination by their management (26%, up 6 points from 2020). An LGBTphobic situation that also took the form of inequalities in their career development for 20% of LGBT+ people. These figures increased to 26% for workers, compared to 17% for managers and professionals.

#### Report on anonymous alerts (Flag application)

In 2020, FLAG, an association of LGBT officers from the Ministry of Justice and the Interior, initiated a phone app to anonymously report LGBTIphobic behaviour.

In May 2022, the association published a report entitled "LGBTIphobias seen through the FLAG application!", which analysed data for the year 2021<sup>4</sup>.

From 1 January to 31 December 2021, the FLAG! app recorded 1,161 reports overall. In almost all cases, the application was used to report recent events: 1,148 of the reports (or 99%) related to events that occurred during the year 2021. The greatest number of reports were received in the spring and early summer (especially in June, when many Pride marches took place), and at the end of the year. Reports for online events represented slightly more than 51% of the total (594 reports): this preponderance of offences in the digital environment was notable, but much less marked than in the first ten months of

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<sup>3</sup> France, French institute of public opinion (*Institut français d'opinion publique*) and Autre Cercle, [Barometer LGBT+ 2022](#).

<sup>4</sup> France, FLAG, « LGBTphobia through the prism of the FLAG! Application » (« [Les LBGTIphobies au prisme de l'application FLAG!](#) »), 2022.



the application's deployment, when they represented more than 70% of the total number of reports.

Most of the reports (714, or 61% of the total) were made directly by victims. Just under 4 in 10 were reported by witnesses. Again, this is a notable change in the application's use, with the share of witnesses being significantly higher during the first ten months of its deployment (at 63%).

With regard to the offences reported, grouped by major type, attacks against a person's honour and provocation (insults, defamation, provocation to discrimination, provocation to hatred and violence on the Internet, provocation to hatred and violence off the Internet) were slightly in the majority (52%). All harassment and threats (stalking, cyberstalking, malicious letters, e-mails or calls, dissemination of personal information, threats of outing, violence or death, and other types of threats) came in second place and made up 28% of reports. Physical violence accounted for 10% of reported incidents, gender-based and sexual violence (including sexual abuse and contempt) for 6% and property crimes for 3%.

The increase in the share of blog posts, press columns, and opinion pieces among reports of online hate speech, which was significantly higher than the analysis of reports made during the first ten months, showed the instrumentalization of LGBTI+ equality issues by conservative circles in the pre-presidential campaign.

## **2 Racism, xenophobia and related intolerance**

### **2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime**

#### Annual report on the fight against racism

In its capacity as an independent national rapporteur, the French Commission for Human Rights (CNCDH) published its 31st annual report on the fight against racism, anti-Semitism and xenophobia in July 2022.<sup>5</sup>

Since the first report published in 1990, the CNCDH has conducted a survey to assess racist perceptions and attitudes, to analyse the level of tolerance of French people, and to understand the underlying rationale behind the appearance and continuity of certain prejudices. This year, the Commission noted that despite a very difficult context marked by the health crisis and a deteriorating international situation, the comparison of the last two online surveys, of 2019 and 2021, together with that of the last two face-to-face surveys (2019 and 2022), shows that with regard to almost all indicators, tolerance towards minorities has continued to increase. However, certain groups remain particularly stigmatized, first and foremost the Roma populations, who are confronted with the most persistent and assumed prejudices, concrete discrimination and cumulative difficulties in their access to rights.

Once again, the CNCDH pointed out in this report the significance of the "black figure", which refers to all unreported racist acts. In order to encourage the filing of complaints, the Commission recommends the following:

Increase awareness of how to file a complaint;

Strengthen victim listening and support units;

Improve the arrangements in place for victims who come to file a complaint;

Effectively implement the online complaint system;

Improve the training of the police force and judiciary;

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<sup>5</sup> France, National Advisory Commission on Human Rights (*Commission nationale consultative des droits de l'homme*)(2022), Annual Report on the fight against racism, anti-Semitism and xenophobia ([Rapport annuel sur la lutte contre le racisme, l'antisémitisme et la xénophobie](#)).

Encourage the creation of anti-discrimination units within public prosecutors' offices and support their actions.

#### Discrimination against Muslim rights associations

The Observatory of Associative Freedoms (*Observatoire des libertés associatives*) published a survey in January 2022 on the repression, between 2016 and 2021, of associations defending the rights of Muslims, on the pretence of tackling "separatism", "communitarianism" or "Islamism"<sup>6</sup>. The Observatory of associative freedoms (*Observatoire des libertés associatives*) includes a coalition of associative players whose representatives sit on a coordination committee alongside a scientific committee comprising researchers.

The sanctions considered are presented as a response to the role that the associative fabric allegedly plays in radicalisation and commitment to terrorism. However, the phenomenon is never demonstrated. Some associations thus find themselves the target of public political attacks justifying administrative and financial sanctions with no recourse to legal and adversarial proceedings. This phenomenon has speeded up since the assassination of Samuel Paty in October 2020 to the point of becoming a "new witch hunt".

This survey shows that there is almost always no legal or factual basis for the sanctions considered, which range from denial of access to public facilities, to withdrawal of grants and dissolution.

The law reinforcing respect for the principles of the Republic, known as the separatism law ("*loi séparatisme*"), and in particular the Republican commitment contract ("*Contrat d'engagement républicain*") that it now imposes on all associations requesting approval or funding, risks disproportionately strengthening the prerogatives of control and sanctions of the public authorities over the associative sector in a context of political instrumentalisation of Republican principles.

#### Testing: racial discrimination in access to housing

According to the results of a test carried out by the SOS-Racisme association, and made public on 21 March, on the International Day for the Elimination of Racial Discrimination, a quarter of real estate agencies agreed to discriminate against black and Arab applicants when an owner asked them to select a "European-type"

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<sup>6</sup> France, Observatory of associative liberties (*Observatoire des libertés associatives*)(2022), Rapport « [\*Une nouvelle chasse aux socières : Enquête sur la répression des associations dans le cadre de la lutte contre l'islamisme\*](#) ».

tenant.<sup>7</sup> Almost as many were willing to be complicit in discrimination by allowing the owner to do so.

The members of the association contacted 136 real estate agencies throughout France, pretending to be racist owners who did not want to rent to people of North African or sub-Saharan African origin.

### Discrimination in Seine-Saint-Denis

On 20 October, the Department of Seine-Saint-Denis published the results of a survey conducted by phone from 28 June to 11 July 2022 on a sample of 1,002 people representative of the inhabitants of Seine-Saint-Denis aged 18 and over.

According to the survey, nearly two-thirds (63%) of the department's residents reported having experienced discrimination in the past five years, compared to 63% in 2021 and 56% in 2019.

At the top of the list of perceived discriminations was "origin or skin colour". 37% of respondents thus said they had been "often", "sometimes" or "rarely" discriminated against on such grounds, a figure that was up from 2019 (32%)<sup>8</sup>.

### Discrimination experienced in higher education and research

In order to better identify the level of discrimination in higher education and research, a discrimination survey was initiated on this subject at the end of 2018 - ACADISCRI - with the support of the Defender of Rights<sup>9</sup>. The initial results, relating to two universities, were published on 20 October 2022 and provided an overview of the extent of discrimination in higher education.

The survey was based on the administration of an online questionnaire, sent to all students and staff of the academic institutions that agreed to participate in the project. The first collection operation was carried out from February to June 2020 in the "pilot" university, located in Ile-de-France. 2,067 questionnaires were collected, representing a gross response rate of 6.2% for the student population and 10.1% for the staff.

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<sup>7</sup> France, SOS Racisme, Housing test - One in two real estate agencies agree to discriminate or are complicit in discrimination (« [Testing logement – Une agence immobilière sur deux accepte de discriminer ou se rend complice de discrimination](#) »), 21 March 2022.

<sup>8</sup> France, Department of Seine Saint Denis (*Département de Seine Saint Denis*), « [The Observatory of Discrimination in Seine-Saint-Denis makes a first assessment and reinforces its actions](#) » (« *L'Observatoire des discriminations en Seine-Saint-Denis fait un premier bilan et renforce ses actions* »), Press Release, 20 October 2022.

<sup>9</sup> France, Defender of Rights (*Défenseur des droits*), « [Expérience des discriminations dans l'enseignement supérieur et la recherche en France](#) », Octobre 2022.

Half (50.9%) of the pilot university staff reported having experienced at least one type of unequal treatment since the beginning of their professional career in higher education: around 40% mentioned micro-aggressions (derogatory remarks and comments), a quarter moral harassment, 22% discrimination and 21% insults. Around 8% had experienced threats or physical violence; For all forms of occurrence - except sexual harassment and assault - racialised minorities were found to be at greater risk of harmful behaviour than the majority of the population; Racially biased treatment was found to be more common among administrative and technical staff (12.8%) than among researchers and faculty members (6.9%), but also more common among men than women (12.5% versus 7.9%).

### Report on discrimination by and within law enforcement

On 1<sup>st</sup> November, the online newspaper Mediapart published a report commissioned in June 2020 by the Ministry of the Interior and submitted to the public authorities in July 2021 on discrimination committed by the internal security forces towards the public and within its services. It had remained confidential up to then.

*"Acts of discrimination committed by domestic security forces do not appear to be as exceptional as the communicated figures suggest",* said the author of the report, a deontologist in the Ministry of the Interior. To better assess this *"underestimated phenomenon"*, the report made use of victimisation surveys, testimonies provided by the Defender of Rights, associations, the LGBT adviser of the Paris Police Prefecture and the recommendations of the Council of Europe. It pointed out that victims faced a *"problem of proof"* (especially in the case of oral statements), experienced a certain *"resignation"* and did not always know their rights.

With regard to racist acts within the police force, the report again considered that the phenomenon was underestimated. Some twenty anonymized examples reported racist remarks made between officers, on duty or in police or gendarmerie academies.

Whether inside or outside discrimination was involved, the report was quite critical of the administrative response. Middle management was encouraged to report more of what they knew, in particular to courts, a practice that has been very rare up to now. But also to *"tackle 'coalitions' formed between officials or military members of the same team to agree on a false version"*.

## **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**

### Call for projects

The Government has launched a national call for projects worth 5 million euros to support initiatives against racism, anti-Semitism and anti-LGBT+ hatred.<sup>10</sup>

This new Government national call for projects supports education, prevention, training and victim support initiatives as well as those related to communication and the organisation of events related in particular to the fight against racism and anti-Semitism.

These projects must be supported by one or more parts or measures of the two national plans and be in line with the following priorities:

- The promotion of fraternity and role models, civic commitment, the fight against prejudice and racist, anti-Semitic and LGBTphobic stereotypes, in particular for young people, during school and after school hours
- The production of alternative online resources and discourse and the development of Internet hate speech reporting
- The fight against online hate and the prevention of instances and reiteration/recidivism
- Awareness-raising or training of staff, social partners and actors in the workplace or in civil society
- The development and enhancement of partnerships with places of history and remembrance
- Support for and training of actors in the fight against racism, anti-Semitism and/or anti-LGBT+ hatred
- Professional training and development of LGBT+ centres
- Support for victims of racism, anti-Semitism and/or anti-LGBT+ hate
- Communication actions and the organisation of events against anti-LGBT+ hate, racism and anti-Semitism
- Participation in the week of education and action against racism and anti-Semitism on 21-27 March 2022
- Participation in the events to take place around the World Day Against Homophobia and Transphobia on 17 May and the LGBT+ Pride Marches

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<sup>10</sup> France, Minister for gender equality, diversity and equal opportunities (*Ministre chargée de l'Égalité entre les femmes et les hommes, de la Diversité et de l'Égalité des chances*), National call for projects against racism, anti-Semitism and anti-LGBT+ hatred ([Appel à projets national contre le racisme, l'antisémitisme et la haine anti-LGBT+](#)), 17 February 2022.

## ECRI Report on France

On 28 June, the European Commission against Racism and Intolerance (ECRI) adopted its sixth report on France<sup>11</sup>. The report, released on 21 September, first acknowledged a number of improvements since the previous 2015 report, in particular the establishing or strengthening of monitoring mechanisms to facilitate reporting of discrimination or hate speech, in particular on social networks. In particular, a specialised hate crime unit had been created.

However, the ECRI reported that it was concerned about the trivialisation of hate speech, about racist or discriminatory actions or practices by law enforcement officials and about the rights of migrants not being respected.

The ECRI made 15 recommendations, the two with the highest priority being:

- Recognise caravans as a type of dwelling and review the exemption regime prohibiting their being parked outside of specifically designated areas and limiting the time they were parked for
- Introduce an effective tracking system for law enforcement identity checks.

## Hate crime

At the very end of 2022, a deadly shooting at a Kurdish cultural centre in Paris, resulted in three deaths and more wounded. The suspect told police he was motivated by a "hatred for foreigners" and the prosecutor has since been investigating a racist motive.<sup>12</sup> The attacker was awaiting trial for a sabre attack on a migrant camp in Paris a year ago.

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<sup>11</sup> CoE, European Commission against Racism and Intolerance, [ECRI Report on France \(sixth monitoring cycle\)](#), 2022.

<sup>12</sup> France, Prosecutor's office of the judicial court of Paris (*Parquet du Tribunal judiciaire de Paris*), Press release of the Prosecutor ([Communiqué de presse de la procureure de la République](#)), 23 December 2022.

### 3 Roma equality and inclusion

#### 3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	Yes:  French Strategy 2020-2030 in response to the French 2020-2030 Strategy in response to the recommendation of the Council of the European Union of 12 March 2021 for "equality, inclusion and participation of Roma people" ( <a href="#">Stratégie française 2020-2030 en réponse à la recommandation du Conseil de l'Union européenne du 12 mars 2021 pour « l'égalité, l'inclusion et la participation des Roms »</a> )
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	The Interministerial Delegation for Housing and Access to Housing ( <i>Délégation interministérielle à l'hébergement et à l'accès au logement</i> - DIHAL), which is attached to the Prime Minister, is responsible for leading the National Advisory Commission on travellers ( <a href="#">Commission nationale consultative des gens du voyage</a> ) and the National monitoring commission for slum clearance ) National Monitoring Commission on Slum Clearance ( <a href="#">Commission nationale de suivi de la résorption des bidonvilles</a> ). The first Commission included an equal number of: representatives of ministries, elected officials, representatives of Traveller associations and qualified personalities. The second brought together the same type of stakeholders.



	In order to develop the 2020-2030 Strategy, the DIHAL has consulted these commissions on several occasions.
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	Yes, the French Ombuds: the Defender of Rights ( <i>Défenseur des droits</i> ).
Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	<p>Yes</p> <p>The initiatives provided for in the French strategy will be monitored and organised under the aegis of Dihal, on the basis of results or activity indicators. These monitoring parameters will be shared with stakeholders within the framework of existing partnership bodies: National Advisory Commission on Travellers (<i>Commission nationale consultative des gens du voyage</i>) and National Monitoring Commission on Slum Clearance (<i>Commission nationale de la résorption des bidonvilles</i>). The first meeting of the two commissions following the submission of the French strategy to the European Commission will serve to mobilise stakeholders as regards its objectives and to jointly define the follow-up terms within these bodies.</p> <p>The monitoring parameters of the strategy will also be shared annually with the European Commission.</p> <p>This monitoring cannot include "ethnic data" which is prohibited in France.</p>
<b>Implications of the war in Ukraine on the situation of Roma</b>	
Have Roma from Ukraine entered your country?	Yes/No (Still expecting an official response)

If Roma from Ukraine entered your country how was this communicated in the media?	Yes/No
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	Yes/No

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

#### Annual report of the French Commission for Human Rights (CNCDH) on tackling racism

In its annual report on tackling racism and anti-Semitism, the French Commission for Human Rights (CNCDH) devoted a specific section to anti-Gypsyism<sup>13</sup>.

It noted that Roma and Travellers suffered from multiple forms of discrimination in France, beginning with the issue of the right to housing. For example, with regard to accommodation sites, their facilities were defective, the capacity was insufficient, and they were regularly confined to isolated or polluted areas. The data on children's schooling was also worrying: children

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<sup>13</sup> France, National Advisory Commission on Human Rights (*Commission nationale consultative des droits de l'homme*), Annual Report on the fight against racism, anti-Semitism and xenophobia ([Rapport annuel sur la lutte contre le racisme, l'antisémitisme et la xénophobie](#)).

had difficulties with enrolment, they were more prone than others to drop out of school, and were regularly confronted with discrimination. Finally, the CNCDH noted that Roma people were regularly the target of violence and hatred online.

### Halting sites for Travellers

An association of Travellers (*L'Association nationale des gens du voyage citoyens*) took legal action in February 2021 against the refusal of the Paris City Council to repeal two provisions of the internal regulations of the reception areas for Travellers in the Bois de Vincennes and Bois de Boulogne.

On 24 January, the Paris administrative court agreed with the association.<sup>14</sup>

It ruled that the provision by which the municipal council reserves the right to cut off access to water all year round and access to electricity during the winter break for occupants of the areas whose user accounts are not supplied is illegal, since the law prohibits any cutting off of drinking water for non-payment of bills and any cutting off of electricity for the period between 1 November and 31 March of the following year.

The administrative court also ruled that compensation for irregular occupation of these reception areas was illegal because it was excessive.

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<sup>14</sup> France, Administrative Court of Paris (*Tribunal administratif de Paris*), 24 January 2022, [n° 2103255/4-2](#).

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

### 4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

National law punishes the facilitation of the entry, stay and movement of illegal foreigners by imposing a sentence of five years' imprisonment and a fine of 30,000 euros.<sup>15</sup>

As an exception, aiding the illegal movement or residence of a foreigner cannot give rise to criminal proceedings "*when the alleged action did not give rise to any direct or indirect consideration and involved providing legal, linguistic or social advice or support, or any other aid provided for exclusively humanitarian purposes*".<sup>16</sup> This exemption applies to both entities and individuals.

As a consequence, helping foreigners to enter France, even on a disinterested basis, is an offence.

EUMS	Implementation of Article 3 of <a href="#">Directive 2002/90/EC</a>	
	How has your EUMS implemented Article 3	Hyperlinked legal provision in EN and national language

<sup>15</sup> France, Code of Entry and Residence of Aliens and the Right to Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA*), [art. L 823-1](#).

<sup>16</sup> France, Code of Entry and Residence of Aliens and the Right to Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA*), [art. L 823-9](#).

	<b>of Directive 2002/90/EU</b>	
	<b>Cases [incident numbers] of criminalisation of humanitarian assistance</b>	
	<b>Number of cases recorded by the police in 2022</b>	<b>Number and details of cases (if available)</b> <i>Figures no available yet.</i>
	<b>Number of investigations initiated in 2022</b>	<b>Number and details of cases (if available)</b>
	<b>Number of court decisions taken in 2022</b>	<ul style="list-style-type: none"> <li>• <b>Number and type of court decisions, information if decision is final.</b></li> <li>• <b>Type of penalties imposed according to Article 1 <a href="#">2002/946/JHA: Council framework</a> Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</b></li> <li>• <b>Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)</b></li> </ul>

## 4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

### Surveillance cameras

Dozens of new surveillance cameras are to be installed along the coast of northern France, in order to prevent migrant smuggling across the English Channel<sup>17</sup>. They are funded by UK.

The images will be centralised by the gendarmerie and the police "who will be able to monitor all suspicious vehicle movements" according to the authorities. Municipalities, where the cameras will be located, will also be able to view them. The British authorities, however, will not have access to them.

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<sup>17</sup> France, MacGregor M., « [France: New surveillance cameras to stop migrant smuggling](#) », *Info Migrants*, 10 February 2022.

## 5 Information society, privacy and data protection

### 5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
NHRI	Opinion	In the context of the forthcoming adoption of the proposal for an EU Regulation on AI, and the work being done in the Council of Europe, the French Commission for Human Rights ( <i>Commission nationale consultative des droits de l'homme</i> ) CNCDH is calling on the public authorities to promote an ambitious legal framework in this area.	Yes, this document fully addresses the issue. On the one hand, it recommends prohibiting certain uses of AI considered to be too harmful to fundamental rights, such as social scoring or remote biometric identification of people in publicly accessible spaces. On the other hand, it recommends placing on users of an AI system requirements that can guarantee respect for fundamental rights: an impact assessment, stakeholder consultation, and supervision of the system throughout its life cycle. The CNCDH finally calls for the recognition of rights for persons who have been the subject of a decision involving an algorithm, in particular the right to human intervention in the decision-making process, or a right to configure the operating criteria of the AI system.	National Consultative Commission for Human Rights ( <i>Commission nationale consultative des droits de l'homme</i> – CNCDH), Opinion on the impact of artificial intelligence on fundamental rights ( <a href="#">Avis relatif à l'impact de l'intelligence artificielle sur les droits fondamentaux</a> ), April 2022 (available in English).

State Council	Report	<p>In June 2021, the Prime Minister asked the Council of State to work on the use of AI in the public sphere to: clarify concepts, map existing tools, study the impact in various areas and outline conditions for proper use.</p>	<p>Yes, the report refers to fundamental rights, in particular the principle of non-discrimination.</p> <p>The report is very supportive of the development of AI in the public sphere: according to the State Council (<i>Conseil d'Etat</i>), this can improve the quality of public service while optimising the use of public resources.</p> <p>It added that this must be done within the framework of regulation. However, it believed that legislation is not needed: firstly because there are already a number of safeguards in place, starting with the RGPD; secondly, the IA Act is soon to be adopted. Pending the availability of this text, the State Council (<i>Conseil d'Etat</i>) recommends that the government should propose a framework for action consisting of guidelines that take up the report's proposals.</p> <p>Beyond the technical aspects, the report includes the following sensitive issues to be considered when developing an AI solution in government:  Human primacy: AI should serve humans, who should keep control over of it and be responsible for any damage it may cause;  Equity: AI should ensure non-discrimination, which means correcting hidden biases.</p>	<p>State Council (<i>Conseil d'Etat</i>), "AI and public action: build trust, serve performance" (« <a href="#">Intelligence artificielle et action publique : construire la confiance, servir la performance</a> »), Report, March 2022.</p>
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Parliamentary	Report	<p>In October 2020, the Senate's law committee (<i>Commission des lois du Sénat</i>) set up a fact-finding initiative on facial recognition.</p> <p>At the end of the hearings and trips carried out by its rapporteurs, the Senate's law committee (<i>Commission des lois du Sénat</i>) drew up a report setting out the requirement to establish a collective response to the use of biometric recognition technologies in the public space in order not to be outperformed by industrial developments in the years to come.</p>	<p>Yes</p> <p>Primarily right to privacy and personal data protection.</p> <p>The report also mentions the risks of indirect infringements of the freedom of movement, assembly, association, worship or expression, due to the "chilling effect" of facial recognition.</p>	<p>Senate (<i>Senate</i>) Information Report entitled "<a href="#">Recognition Facial recognition and its risks with regard to the protection of individual freedoms</a>" (« <i>La reconnaissance faciale et ses risques au regard de la protection des libertés individuelles</i> »), May 2022.</p>

Government	Official Communication	<p>The Public Finance Department (DGFIP) has been experimenting in nine departments since October 2021 with a new tool to tackle tax fraud. It uses artificial intelligence to detect undeclared swimming pools from aerial photographs.</p> <p>In 2022, the DGFIP announced that, in view of the conclusive nature of the results obtained in the nine experimental departments, the system would gradually be extended to all departments in metropolitan France.</p>	<p>Yes</p> <p>Data protection: However, the document specified that IT providers do not have access to tax data, in particular personal data contained in the owners' returns.</p> <p>Anomalies detected by the computer tool are systematically checked by an employee of the tax authorities.</p>	<p>Direction générale des finances publiques (DGFIP), « <a href="#">Artificial intelligence in the service of the fight against fraud</a> » ( « <i>L'intelligence artificielle au service de la lutte contre la fraude : bilan de l'expérimentation « Foncier innovant »</i> »), 2022</p>
Data protection	Self assessment	The National Commission for	Yes	National Commission for Computing and Liberties

n authorit y	ment guide	Computing and Liberties ( <i>Commission nationale de l'informatique et des libertés</i> – CNIL) offers organisations an analysis grid through which to assess by themselves the maturity of their artificial intelligence systems with regard to the GDPR. It also describes best practices that can be followed.	It is composed of fact sheets including some dedicated to compliance with the GDPR when collecting and compiling a quality database, or promoting transparency and rights for end-users.	( <i>Commission nationale de l'informatique et des libertés</i> – CNIL), " <a href="#">Self-assessment guide for artificial intelligence (AI) systems</a> ", 2022

## 5.2 Legal and policy initiatives on data protection and private life

Fight against terrorist contents

A law was passed in August 2022 to implement the European regulation of 29 April 2021 on combating the dissemination of terrorist content online (TCO).<sup>18</sup>

The law designates the authorities in France that are competent:

- to issue national withdrawal or blocking injunctions under the Regulation: this is the Central office for the fight against information and communication technology crime (*Office central de lutte contre la criminalité liée aux technologies de l'information et de la communication* - OCLCTIC), which is part of the police force central directorate (*direction centrale de la police judiciaire*);
- to be sent all injunctions and to investigate cross-border injunctions: it is a qualified person within the Regulatory authority of audiovisual and digital communication (*Autorité de régulation de la communication audiovisuelle et numérique* - Arcom).

The new law also provides for a specific remedy of annulment before the administrative court. The latter is then required to rule on the legality of this injunction within seventy-two hours of the referral. In the event of an appeal, the appellate court is required to rule on this within one month.

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<sup>18</sup> France, Law No. 2022-1159 containing various provisions for adapting to European Union law with regard to the prevention of the dissemination of terrorist content online ([Loi n° 2022-1159 portant diverses dispositions d'adaptation au droit de l'Union européenne en matière de prévention de la diffusion de contenus à caractère terroriste en ligne](#)), 16 August 2022.

## 6 Rights of the child

### 6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

<b>Legislative changes</b>	<p><u>Law of 7 February 2022 on child protection<sup>19</sup></u></p> <p>The measures provided for in this law include the following:</p> <p>Departmental councils will implement a systematic, regular criminal background check for all professionals and volunteers working with children in juvenile facilities.</p> <p>Each social or medico-social institution will define its policy for combating abuse and will designate a third party authority to whom young people in care can turn in the event of difficulties.</p> <p>Furthermore, the legislator intends to give priority, except in emergencies, to keeping the child with "a family member or a trustworthy third party", rather than placing the child in an institution. This option, assessed by the educational services, must be consistent with the child's plan (<i>projet pour l'enfant</i> - PPE) and be implemented after hearing the child capable of discernment. If it is accepted, the family member or third party to whom the child is entrusted is assisted either by an open educational assistance measure, or by a adviser from the child welfare service or an authorised organization.</p>
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<sup>19</sup> France, Law No. 2022-140 on child protection ([Loi n° 2022-140 relative à la protection des enfants](#)), 7 February 2022.

This systematic search for the possibility of entrusting the child to a family member, a neighbour or a known friend is accompanied by the prohibition of the separation of siblings, except in the child's interest.

If placement in the child welfare service (*Service de l'aide sociale à l'enfance* - ASE) is unavoidable, the president of the departmental council systematically designates one or more godparents in order to establish a lasting relationship, coordinated by an association and established in the form of regular shared time between the child and the godparent, under the supervision of the child welfare service.

[Law of 16 August 2022 on emergency measures to protect purchasing power](#)

In order to limit the impact of inflation on households, this law provides for a 4% revaluation with retroactive effect as of 1 July 2022 of the following:

- basic retirement and disability pensions, after a 1.1% revaluation in January 2022;
- family allowances, after a 1.8% increase in April 2022;
- minimum social benefits, namely the active solidarity income (*revenu de solidarité active* - RSA), the disabled adults' allowance (*allocation aux adultes handicapés* - AAH) and the solidarity allowance for the elderly (*allocation de solidarité aux personnes âgées* - Aspa). The RSA and AAH had already been increased by 1.8% in April 2022;
- the employment bonus (*prime d'activité*).

In order to cover rent increases, the personalised housing assistance (APL) is revalued by 3.5% with retroactive effect as of 1 July 2022 (revaluation that was originally planned for 1 October 2022 and 1 January 2023). A cap to limit rent increases to no more than 3.5% is effective for one year, until 30 June 2023. Deputies lowered this cap to 2.5% for overseas rents and instituted a special

	<p>scheme for Corsica. Parliamentarians also banned overcharging for certain types of housing, in particular accommodation with an adjoining WC/bathroom or an F or G energy performance level.</p>
<b>Policy changes</b>	<p><i>e.g., development of national action plan for the Child Guarantee, appointment of National Coordinator, etc</i></p>
<b>Other measures or initiatives</b>	<p><i>e.g., income support to single-headed families or based on number of children in the household; meals for children provided for free; other actions or measures linked to the implementation of the EU Child Guarantee.</i></p> <p><u>Revalorisation de l'allocation de soutien familial</u></p> <p>L'allocation de soutien familial (ASF) est versée au parent qui élève seul un ou plusieurs enfants sans pension alimentaire. A partir du mois de novembre, elle a été revalorisée de 50 %, en passant de 122,93 € à 184,41 € par mois et par enfant lorsqu'il est élevé par un seul parent<sup>20</sup>. L'ASF est passée de 163,87 € à 245,80 € par mois et par enfant lorsque l'enfant est recueilli (par une personne seule ou en couple) et que l'un ou les deux parents ne participent pas aux frais d'éducation.</p>

<sup>20</sup> France, Decree No 2022-1370 about the increase of the family support allowance ([Décret n° 2022-1370 du 27 octobre 2022 relatif à la revalorisation de l'allocation de soutien familial](#)).

## 6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

<b>Legislative changes</b>	<i>e.g., reform of the criminal code, new law on violence against children with procedural safeguards.</i>
<b>Policy developments</b>	<p><u>Protocol for children who witness domestic violence</u> (<i>Protocole enfants témoins de violence conjugale</i>)</p> <p>In order to enable public prosecutors to deal with children who witness a domestic homicide in an appropriate manner, the Ministry of Justice published a specific protocol in a circular dated 21 April 2022<sup>21</sup>.</p> <p>Inspired by a similar experimental scheme set up in 2016 in Seine-Saint-Denis and adapted for Lyon in 2021, this protocol includes three "reflex" data sheets: the first concerns the public prosecutor's office, the second the health institutions and the third the regionally competent child welfare service (<i>service de l'aide sociale à l'enfance</i> - ASE).</p> <p><u>Guide to restorative justice for minors</u> (<i>Guide de la justice restaurative pour les mineurs</i>)</p> <p>This guide for the implementation of restorative justice with minors is the result of work carried out between 2017 and 2021 with professionals from the public sector and the accredited</p>

<sup>21</sup> France, Justice Ministry (*Ministère de la Justice*), Circular on the care of minors present during a homicide committed as a result of domestic violence ([Circulaire relative à la prise en charge des mineurs présents lors d'un homicide commis au sein du couple](#)), 21 April 2022.



	<p>associative sector<sup>22</sup>. Restorative justice was introduced into the Code of criminal procedure (Article 10-1) by the law of 15 August 2014 on the individualisation of penalties and strengthening the effectiveness of criminal sanctions.</p> <p>The document aims to answer the questions of professionals on the meaning of restorative justice, its interest for minors and its added value in professional practices</p> <p>It also proposes, for those who are planning to develop restorative justice measures in their territory, a framework restorative justice measures on their territory, a methodological and practical reference framework.</p> <p>This guide is also a working tool that allows services and professionals to gradually develop restorative justice programmes.</p>
<p><b>Other measures or initiatives</b></p>	<p><i>e.g., relevant activities to promote alternatives to detention; set-up of Barnahus houses or other specific programmes for children in the criminal system.</i></p>

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<sup>22</sup> France, Justice Ministry (*Ministère de la Justice*), « Restorative justice for minors » (« [La justice restaurative pour les mineurs](#) »), 2022.

## **7 Access to justice – Victims’ Rights and Judicial Independence**

### **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**

#### Protection des victimes dans la procédure pénale

An April 2022 decree strengthened the consideration of victims' interests during criminal proceedings.<sup>23</sup> It clarified and supplemented victims' rights by providing, in particular:

that the assessment of victims of domestic violence or sexual and gender-based violence can be carried out by a victim assistance association whose professionals are specially trained in dealing with victims of these offences ;

that the prosecutor who dismisses a case must inform the victim that they are entitled to request a copy of the file;

that for certain domestic crimes, the public prosecutor or the investigating judge may order the crime scene to be cleaned up, in order to relieve the victim's family of this burden;

that, where necessary, the proceedings of a criminal hearing may be broadcast in several courtrooms, in particular in the case of a specialised court with extended regional jurisdiction, in the courtrooms of the court in whose jurisdiction the instances were committed, thus enabling victims and the public to attend the trial without having to travel.

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<sup>23</sup> France, Decree No. 2022-656 of 25 April 2022 strengthening the consideration of victims' interests during criminal proceedings ([Décret n° 2022-656 du 25 avril 2022 renforçant la prise en compte des intérêts des victimes au cours de la procédure pénale](#)), 25 April 2022.

### Extension of judicial review with probationary placement

Experimented with from 2020 in several jurisdictions, judicial control with probationary placement ("*Contrôle judiciaire avec placement probatoire*" - CJPP) is a system for the overall management of a person prosecuted in a situation of domestic violence<sup>24</sup>.

The person is obliged to reside in a facility and to receive health, social, educational or psychological care offered by an association.

This system, which is managed and financed by the prison administration, is also an innovative alternative to pre-trial detention that can be supplemented with other technical devices such as the anti-seizure bracelet (BAR).

Since 1 April 2022, it has been extended to the entire country.

### Guide to gender-based violence for public employers

On the occasion of the International Day for the Elimination of Violence against Women, the Ministry of Public Service published a guide for public employers on 25 November 2022: "[Tackling gender-based and sexual violence in the public service - A guide to statutory and disciplinary tools](#)".

The law of 6 August 2019 on the transformation of the public service made it mandatory for public employers to set up systems for reporting and monitoring sexist and sexual violence, moral harassment and discrimination. The effectiveness of steps to prevent, deal with and punish such acts can be improved by promoting better knowledge and adoption of the means, procedures and options available to public players. The purpose of this guide is to present the right attitudes to be adopted in order to prevent, deal with and punish such behaviour, by setting out the statutory and disciplinary tools that can be used.

Structured in two parts, knowing the facts and responding to the facts, this guide:

describes and illustrates the words and behaviours that may constitute gender-based violence;

presents the right attitudes to be adopted;

outlines the statutory and disciplinary tools that can be used to address gender-based and sexual violence.

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<sup>24</sup> France, Justice Ministry (*Ministère de la Justice*), « Domestic violence : a new way to deal with it » ("[Violences conjugales : un nouveau dispositif de prise en charge](#)"), 2022.

## Repression of sexist and sexual offences

A gender-based offence involves subjecting someone to degrading and humiliating comments or offensive sexual or sexist behaviour. It is currently the subject of a [conviction](#).

The [draft framework legislation of the Ministry of the Interior](#), currently under discussion in Parliament, introduces aggravating circumstances when this type of behaviour is committed:

- 1 By a person who abuses the authority conferred on them by their duties;
- 2 Against a minor;
- 3° Against a person whose particular vulnerability due to age, illness, infirmity, physical or mental disability or pregnancy is apparent or known to the perpetrator;
- 4° Against a person whose particular vulnerability or dependence resulting from the precariousness of their economic or social situation is apparent or known to the perpetrator;
- 5° By several people acting as a perpetrator or accomplice;
- 6° In a vehicle used for the public transport of passengers or for private public transport or in a place intended for access to a means of public transport of passengers;
- 7 Because of the victim's actual or perceived sexual orientation or gender identity;
- 8° By a person who has already been convicted for offensive sexist or sexual behaviour and who is a re-offender for same offence.

## Financial assistance for victims of domestic violence

A bill, introduced by Senators, creating universal emergency assistance for victims of domestic violence is currently being discussed in Parliament<sup>25</sup>.

The draft, amended and adopted by the National Assembly (*Assemblée nationale*) in January, will be examined at the second reading by the Senate in February.

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<sup>25</sup> France, Senate (*Sénat*), Draft law creating universal emergency assistance for victims of domestic violence ([Proposition de loi créant une aide universelle d'urgence pour les victimes de violences conjugales](#)), September 2022.

## **8 Developments in the implementation of the Convention on the Rights of Persons with Disabilities**

### **8.1 CRPD policy and legal developments & implementation of the European Accessibility Act**

#### Arrival booklet for Ukrainians

The Ministry of the Interior has published an arrival booklet for people who have left Ukraine because of the conflict.<sup>26</sup> Written in French and Ukrainian, it has been distributed to all stakeholders (communities, associations, etc.). This summary document provides information that it is essential to know when staying in France:

Arrival points organised in France to respond to the Ukrainian situation;

Procedures for receiving temporary protection;

Information about the asylum seekers allowance (*allocation pour demandeurs d'asile - ADA*);

Emergency housing made available;

Answers to many questions that may arise relating to transportation, employment, schooling, meeting the needs of people with disabilities...

The booklet indeed specifies that:

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<sup>26</sup> France, Ministry of Internal Affairs (*Ministre de l'Intérieur*), Booklet for the arrival in France of displaced persons from Ukraine ([Livret d'accueil en France pour Arrival les déplacés d'Ukraine](#)), 29 March 2022.

*"If you are disabled or have lost your independence due to your age, you can report to the prefect your specific needs in terms of accommodation or support".*

#### Individualisation of the disabled adults' allowance

The law on "purchasing power" adopted in August 2022 introduced the individualisation of the disabled adults' allowance (*allocation aux adultes handicapés* - AAH).<sup>27</sup> The income of the spouse of a disabled adult will therefore no longer be taken into consideration in calculating the allowance. This measure will come into effect no later than October 2023.

#### Report on access to education for children with disabilities

On 26 August 2022, the Defender of Rights (DDD) published a [report on the schooling of children with disabilities](#).

While the DDD notes that the schooling of children with disabilities has progressed, in 2021, it reported that 20% of the referrals it received concerning children's rights related to difficulties in accessing education for children with disabilities. The main difficulty concerned human support, which was provided by assistants for pupils with disabilities (*accompagnants des élèves en situation de handicap* - AESH).

In the Defender's opinion, the school system still too often asks children with disabilities to adapt to situations and management restricts prevail over children's best interests.

It therefore formulated about ten recommendations, in particular concerning the training of all school stakeholders, or a better assessment of children's needs. As well as: set up statistical tools to provide a detailed understanding of the procedures and

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<sup>27</sup> France, Law No. 2022-1158 on emergency measures to protect power (*Loi n° 2022-1158 portant mesures d'urgence pour la protection du pouvoir*), 16 August 2022, [Article 10](#).

time involved in the effective schooling of students with disabilities, and the time assistants for pupils with disabilities (*AESH*) are present; ensure that assistants for pupils with disabilities designated to work with children with disabilities have the skills required to meet such children's needs as closely as possible; remind departmental homes for the disabled (*Maisons départementales des personnes handicapées - MDPH*) of their obligation to base their assessment on the needs of the child.

The Human Rights Defender emphasised that their implementation will require additional resources.

### Disabled workers in the public service

In 2021, according to data from the Caisse des Dépôts Social Policy Department, the civil service has 5.4% of workers with disabilities among its employees<sup>28</sup>. While this proportion has increased over the past ten years, it still falls short of the legal employment requirement of 6% of the public service workforce.

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

The monitoring mechanism has not been changed.

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<sup>28</sup> France, Observatory on Inequalities (*Observatoire des inégalités*), The public service does not meet its obligation to employ disabled workers ("[La fonction publique ne remplit pas son obligation d'emploi de travailleurs handicapés](#)"), 23 June 2022.

## Annex 1 – Promising Practices

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, 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 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
<b>Title (original language)</b>	QRuiz
<b>Title (EN)</b>	QRuiz
<b>Organisation (original language)</b>	Gendarmerie nationale
<b>Organisation (EN)</b>	
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Public
<b>Reference (incl. URL, where available)</b>	<a href="https://gruiz.net/quiz-answer.php?code=PLhaWnEj">https://gruiz.net/quiz-answer.php?code=PLhaWnEj</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	17 May 2022. The quiz is still available but in the archives of the Gendarmerie's information website.
<b>Type of initiative</b>	Awareness raising
<b>Main target group</b>	Law enforcement



<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	On the occasion of the World Day against LGBT phobias, the gendarmerie's online information website provided officers with a flyer to improve their knowledge in the fight against LGBT-phobias and with a link to an awareness quiz.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	With the exception of certain questions relating to national law, the questions may be appropriate in other countries.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The questions asked in the quiz are still relevant today.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	According to the website that hosts the quiz, 678 people took it.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	See above.
<b>Explain, if applicable, how the</b>	No information about this.

<b>practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	No information about this.

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
<b>Title (original language)</b>	Caravane de lutte contre les discriminations
<b>Title (EN)</b>	Caravan to combat discrimination
<b>Organisation (original language)</b>	Observatoire des discriminations de Seine Saint Denis
<b>Organisation (EN)</b>	Discrimination Monitoring Centre of Seine Saint Denis (Department)
<b>Government / Civil society</b>	Public (Local government – Department)
<b>Funding body</b>	Department

<b>Reference (incl. URL, where available)</b>	<a href="https://seinesaintdenis.fr/La-restitution-de-la-Caravane-de-lutte-contre-les-discriminations">https://seinesaintdenis.fr/La-restitution-de-la-Caravane-de-lutte-contre-les-discriminations</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	18 June to 13 July 2022
<b>Type of initiative</b>	Raising awareness and support to victims and/or witnesses of discrimination.
<b>Main target group</b>	Victims and witnesses of discrimination
<b>Indicate level of implementation: Local/Regional/National</b>	Local
<b>Brief description (max. 1000 chars)</b>	<p>The aim of the Caravan was to raise awareness of the fight against discrimination and to support victims and/or witnesses of discrimination in their efforts. It parked in a shopping centre car park, in a public park and then in a college.</p> <p>In partnership with associations in the Department, several events were organised during the caravan to raise awareness among young and old people and to initiate discussions on discrimination.</p> <p>These events led to the creation of tools (videos, photos and texts) which in turn raise awareness of the fight against discrimination.</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The goal is to make people in disadvantaged neighbourhoods aware of their rights.
<b>Give reasons why you consider the practice as</b>	This initiative has resulted in the production of videos and resources that can be used to further raise awareness.

<b>sustainable (as opposed to 'one off activities')</b>	
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	Some agents of the Defender of rights (The Equality Body) were present and provided the contact details of the anti-discretion platform.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	See above.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	Some people were able to testify in front of cameras and thus contribute to the production of awareness-raising materials.
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	No information about it.

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
<b>Title (original language)</b>	No promising practice has been identified for this thematic area

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
<b>Title (original language)</b>	<a href="#">Guide d'auto-évaluation pour les systèmes d'intelligence artificielle</a>
<b>Title (EN)</b>	<a href="#">Self-assessment guide for artificial intelligence (AI) systems</a>
<b>Organisation (original language)</b>	Commission nationale Informatique et Libertés (CNIL)
<b>Organisation (EN)</b>	National Commission for Computing and Liberties
<b>Government / Civil society</b>	Independent administrative authority
<b>Funding body</b>	Public
<b>Reference (incl. URL, where available)</b>	<a href="https://www.cnil.fr/en/self-assessment-guide-artificial-intelligence-ai-systems">https://www.cnil.fr/en/self-assessment-guide-artificial-intelligence-ai-systems</a>
<b>Indicate the start date of the promising practice and the finishing</b>	21 September 2022

<b>date if it has ceased to exist</b>	
<b>Type of initiative</b>	Self assessment guide
<b>Main target group</b>	Any type of organisation using AI systems
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>The CNIL offers organisations an analysis grid through which to assess by themselves the maturity of their artificial intelligence systems with regard to the GDPR. It also describes best practices that can be followed.</p> <p>It is composed of several fact sheets such as "Asking the right questions before using an artificial intelligence system", "Collecting and qualifying training data" or "Ensuring individuals can fully exercise their rights".</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The GDPR is the main reference for these documents.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The fact sheets might evolve with the AI EU regulation.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The fact sheets are in the form of detailed, easy-to-use questionnaires. Companies may be encouraged to use them as a means of achieving compliance with the GDPR.

<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	See above.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	Organisations which are interested in may contribute by contacting the CNIL. There is a specific e-mail for AI indicated on the website of the guide.
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	No indication.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).</b>
<b>Title (original language)</b>	“La justice restaurative pour les mineurs”
<b>Title (EN)</b>	“Restorative justice for minors”
<b>Organisation (original language)</b>	Ministère de la Justice

<b>Organisation (EN)</b>	Justice Ministry
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Public
<b>Reference (incl. URL, where available)</b>	<a href="http://www.justice.gouv.fr/art_pix/Guide_justice_restaurative_DPJJ.pdf">http://www.justice.gouv.fr/art_pix/Guide_justice_restaurative_DPJJ.pdf</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	December 2021
<b>Type of initiative</b>	Professional tool
<b>Main target group</b>	Professionals working with child offenders
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>The guide to restorative justice for minors, resulting from numerous works, aims to support the process of awareness and adoption by professionals. It answers their questions about the meaning of the practice, its interest for minors and its added value in professional uses.</p> <p>The document also proposes a reference, methodological and practical framework that completes the contributions of the training to those who plan to develop restorative justice measures. It also helps to understand the construction of restorative programs.</p> <p>To facilitate the implementation of the new systems, examples of documents developed from those constructed during the trial period are appended to the guide.</p>



<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>This guide accompanies the establishment of restorative justice.</p> <p>Restorative justice was introduced into the Code of Criminal Procedure by the law of 15 August 2014. It is now possible for any victim or perpetrator of a criminal offense to be offered a restorative justice measure, at all stages of the criminal procedure.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>The guide has to be handled by professionals.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>Beyond the theoretical aspects and explanations within the scope of restorative justice, this guide provides professionals with documents/practical sheets.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>Other States could draw inspiration from it, but it is closely linked to the French legal order.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review</b></p>	<p>This guide is the result of work carried out between 2017 and 2021 with service professionals from the public sector and the authorized voluntary sector. This work was based on a working group and on national experiments carried out with the support of a steering committee.</p>

<b>assessment and implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	No information about this.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.</b>
<b>Title (original language)</b>	Expérimentation MAEVAS
<b>Title (EN)</b>	MAEVAS Experimentation
<b>Organisation (original language)</b>	Pôle judiciaire de la gendarmerie nationale
<b>Organisation (EN)</b>	
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Public
<b>Reference (incl. URL, where available)</b>	<a href="http://www.gendarmerie.interieur.gouv.fr/gendinfo/actualites/2022/experimentation-maevas-pour-accompagner-les-victimes-d-agressions-sexuelles-partout-sur-le-territoire">www.gendarmerie.interieur.gouv.fr/gendinfo/actualites/2022/experimentation-maevas-pour-accompagner-les-victimes-d-agressions-sexuelles-partout-sur-le-territoire</a>
<b>Indicate the start date of the</b>	April 2022

<b>promising practice and the finishing date if it has ceased to exist</b>	
<b>Type of initiative</b>	Experimentation
<b>Main target group</b>	Victims of sexual assault
<b>Indicate level of implementation: Local/Regional/National</b>	Local
<b>Brief description (max. 1000 chars)</b>	<p>Based on the fact that less than 1% of procedures in sexual assault cases result in a conviction due to a lack of material evidence and that there are only about 50 medico-judicial units (<i>Unités médico-judiciaires</i> - UMJ) in France (half of the country does not have one), the judicial division of the National Gendarmerie has developed a tool so that the first medical interventions and samples needed for the investigation can be carried out, if necessary, by any doctor specially requested by a gendarme.</p> <p>The sexual assault victim support and examination kit (<i>Mallette d'aide à l'accompagnement et à l'examen des victimes d'agressions sexuelles</i> - MAEVAS) contains six pre-packaged kits for taking precautionary samples (DNA, toxicology, transfer marks, etc.) in order to identify the perpetrator. It also provides for a summary document of recommendations and assistance for the taking of samples, as guidelines for the doctor, but also for the investigator to taking on the victim's case, interviewing them and assisting them following the filing of a complaint (referral to victims' aid associations). Each actor involved in the case should also be able to fill out their part of the legal file to ensure that it is relevant for the magistrate and avoid the victim having to undergo additional examinations.</p> <p>This system is being tested in five departments.</p>
<b>Highlight any element of the actions that is</b>	The technical aspects of the kit could easily be transposed to other national contexts.

<b>transferable (max. 500 chars)</b>	
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The main challenge is that the gendarmerie services actually use the kit. This is why the distribution of the kits will be accompanied by an information session, by video-conference or face-to-face, in order to introduce the tool to them.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	It will allow sexual assault victims to be better dealt with.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	See above.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	For the time being, it is an experiment.  If it proves to be beneficial, it will be perpetuated and eventually generalised to other regions suffering from a lack of Medico-Judicial Units.
<b>Explain, if applicable, how the practice provides</b>	There is no specific information on this subject.

<b>for review and assessment.</b>	
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<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.</b>
<b>Title (original language)</b>	«Enquête sur les préjugés et stéréotypes à l'égard du handicap en France »
<b>Title (EN)</b>	“Survey on prejudices and stereotypes about disability in France”
<b>Organisation (original language)</b>	Commission nationale consultative des droits de l’homme
<b>Organisation (EN)</b>	National Consultative Commission for Human Rights
<b>Government / Civil society</b>	National Human Rights Institution
<b>Funding body</b>	Public
<b>Reference (incl. URL, where available)</b>	<a href="https://www.cncdh.fr/sites/default/files/2022-11/CNCDH%20Rapport%20Enqu%C3%AAt%20pr%C3%A9jug%C3%A9s%20handicap.%20Cindy%20Lebat.pdf">https://www.cncdh.fr/sites/default/files/2022-11/CNCDH%20Rapport%20Enqu%C3%AAt%20pr%C3%A9jug%C3%A9s%20handicap.%20Cindy%20Lebat.pdf</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	Survey conducted in April 2021, released in April 2022.

<b>Type of initiative</b>	Survey on the opinion of the French people on disability, on the place of people with disabilities in the society
<b>Main target group</b>	A survey by self-administered questionnaires was carried out online from 19 to 26 April 2021, on a sample of 2,019 people representative of French people aged 18 and over.
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>French people seem to have adopted a benevolent and tolerant attitude towards people with disabilities, marked by a desire to welcome and integrate them. For this reason, radical judgements are very rarely found in the opinions collected. This vision is accompanied by a strong awareness of the difficulties experienced by disabled people. Despite a rather optimistic vision, it seems difficult for the French to imagine anything other than a life of suffering for people with disabilities.</p> <p>One of the fundamental issues at stake is to identifying the levers to change the view on disability. Thus, it is about improving the living conditions of people with disabilities by changing the way they are viewed. Identifying the attitudes adopted by individuals in the face of disability and difference is an essential prerequisite to hope to act on them.</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	This type of survey, on the perception of a category of people, can be replicated in other national contexts.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	This type of survey can be carried out regularly to observe possible changes in people's attitudes towards disability and people with disabilities.
<b>Give reasons why you consider the practice as having</b>	See above.

<b>concrete measurable impact</b>	
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	See above.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	-
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	The study will probably be repeated in the future in order to evaluate the evolution of mentalities concerning people with disabilities.

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	7 July 2022
<b>Reference details</b>	Conseil de Prud'hommes de Mantes-la-Jolie, 7 July 2022 (no public access)  Summary : <a href="https://www.lagbd.org/La_societe_SOPHARTEX_condamnee_pour_discrimination_systemique_par_rapport_a_l_etat_de_sante_de_ses_salaries">https://www.lagbd.org/La_societe_SOPHARTEX_condamnee_pour_discrimination_systemique_par_rapport_a_l_etat_de_sante_de_ses_salaries</a>
<b>Key facts of the case (max. 500 chars)</b>	<p>Three employees of a company were dismissed for reasons related to their health problems. Some for serious misconduct, because their prolonged absence disrupted, according to their employer, the company's business.</p> <p>In the letters of dismissal, the company's HR head first listed all the employee's instances of medical leave of absence since the time they had been hired, and then wrote:</p> <p><b><i>"We note that you have increased the number of work-related accidents and sick leave in order to benefit, in a fraudulent way, from the payment of statutory sick pay (IJSS) by the Social Security (CPAM) of the Eure-et-Loir department and from the preservation of salary under our health insurance benefits scheme.</i></b></p> <p><b><i>(...) Your dishonest and fraudulent attitude is seriously damaging to the smooth running and organisation of the company's business and its financial situation"</i></b></p>



	The employees challenged their dismissal before the work/employment tribunal (Conseil des prud'hommes) (a court with jurisdiction over labour law)
<b>Main reasoning/argumentation (max. 500 chars)</b>	<p>The work/employment tribunal (<i>Conseil de Prud'hommes</i>) ruled that the statements made in the dismissal letter were <i>"inappropriately subjective, even outrageous and humiliating"</i>.</p> <p>Above all, it ruled that these dismissals were to be considered as null and void, as they were contrary to Article 1132-1 of the French Labour Code, which prohibits discrimination on the basis of, among other things, state of health.</p>
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The court identified and sanctioned systemic discrimination based on the employees' state of health.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	<p>As the dismissals were annulled, two of the employees were reinstated, in accordance with their wishes. The third employee preferred to receive compensation.</p> <p>The company appealed.</p>
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>The company has implemented a <i>"systemic policy of suspicion towards employees who are off work for any reason"</i>.</p> <p><i>L'entreprise a mis en œuvre une « politique systémique de suspicion envers les salariés placés en arrêt de travail, pour quelque nature que ce soit ».</i></p>

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide the most relevant <b>high court</b> decision concerning the application of <b>either 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>	21 June 2022
<b>Reference details</b>	High Administrative Court (Conseil d'Etat), n° 464648, available at : <a href="https://www.legifrance.gouv.fr/ceta/id/CETATEXT000045959640?isSuggest=true">https://www.legifrance.gouv.fr/ceta/id/CETATEXT000045959640?isSuggest=true</a>
<b>Key facts of the case (max. 500 chars)</b>	<p>On 16 May 2022, the Grenoble Municipal Council decided to approve new rules and regulations for the city's swimming pools. Article 10, which specifically regulates the wearing of swimsuits, now states that "swimsuits that are not close to the body and longer than mid-thigh length (long, wide or flared dress or tunic) and swimming shorts are prohibited. (...) ». Through the use of this - "longer than mid-thigh" - interpolated clause the city obviously wanted to allow users wearing a burkini to swim in its municipal pools, in that swimsuits not close to the body and less long than mid-thigh would, by deduction, be authorised. When the matter was referred to them by the Prefect of the Isère department, the interim relief judge of the Grenoble Administrative Court suspended the implementation of Article 10 of the new rules and regulations, considering that it infringed on the principle of neutrality of the public service.</p> <p>The city of Grenoble appealed to the Council of State (Conseil d'Etat).</p>
<b>Main reasoning/argumentation (max. 500 chars)</b>	The Council of State (Conseil d'Etat) initially recognised that the manager of a public service is required, when defining the rules for the organisation and running of this service, to ensure the respect of the service's neutrality and in particular of the equal treatment of users. In order to allow the greatest number of users to have effective access to the public service, it admitted, however, that the manager may take into account

	<p>certain, possibly religious, specificities of the public concerned, while stressing that users cannot claim a right in this respect.</p> <p>Most importantly, the Council added a limit to the possibility of implementing accommodations based on the religious beliefs of users: the manager of this service may not make adjustments that would be detrimental to the proper running of the service, in particular in that, through their "highly derogatory nature in relation to common law rules and without any real justification", they would make it more difficult for users not benefiting from such a derogation to comply with such rules or would result in a clear breach of the equal treatment of users.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Council of State had already admitted the possibility for the manager of an optional public service (such as a canteen or a swimming pool) to make provisions to ensure real equality of users, by taking their religious convictions into account.</p> <p>In this ruling, the high administrative court restricts this possibility when arrangements are "highly derogatory" to the principle of equal treatment of users.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The new pool rules and regulations have been suspended.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>"when taking into account the religious convictions of certain users in the organisation of the public service, the manager of this service may not make adjustments that would undermine public law and order or be detrimental to the proper running of the service, in particular in that, through their highly derogatory nature in relation to common law rules and without any real justification, they would make it more difficult for users not</p>

	<p>benefiting from such a derogation to comply with such rules or would result in a clear breach of the equal treatment of users, and would therefore disregard the obligation of neutrality of the public service".</p> <p><i>«lorsqu'il prend en compte pour l'organisation du service public les convictions religieuses de certains usagers, le gestionnaire de ce service ne peut procéder à des adaptations qui porteraient atteinte à l'ordre public ou qui nuiraient au bon fonctionnement du service, notamment en ce que, par leur caractère fortement dérogatoire par rapport aux règles de droit commun et sans réelle justification, elles rendraient plus difficile le respect de ces règles par les usagers ne bénéficiant pas de la dérogation ou se traduiraient par une rupture caractérisée de l'égalité de traitement des usagers, et donc méconnaîtraient l'obligation de neutralité du service public ».</i></p>
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<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>	24 January 2022
<b>Reference details</b>	Administrative Court of Paris ( <i>Tribunal administratif de Paris</i> ), n° 2103255/4-2  Available at: <a href="http://paris.tribunal-administratif.fr/content/download/187454/1802424/version/1/file/2103255.pdf">http://paris.tribunal-administratif.fr/content/download/187454/1802424/version/1/file/2103255.pdf</a>

<p><b>Key facts of the case (max. 500 chars)</b></p>	<p>An association of Travellers (L'Association nationale des gens du voyage citoyens) asked the municipality of Paris to repeal two provisions of the internal regulations of the reception areas for Travellers in the Bois de Vincennes and Bois de Boulogne.</p> <p>The first one allowed the municipality to cut off water and electricity in case of insufficient credit on users' accounts. The second one set the amount of the compensation for irregular occupation at 4 euros per day and per place.</p> <p>Since their request remained unanswered, they took their case to court.</p>
<p><b>Main reasoning/argumentation (max. 500 chars)</b></p>	<p>Concerning the first provision, the Court considered that this measure was contrary to the law, which prohibits this type of cut-off during the "winter truce", i.e. the period between 1 November and 31 March of the following year.</p> <p>Concerning the second provision, the Court pointed out that a municipality may legitimately claim compensation from an unauthorised user of its public domain for the income it would have received from an authorised user. However, this occupation indemnity must correspond to the amount of the fees that would have been applied to an authorised user and cannot include the possible additional costs that an unauthorised occupation is likely to generate. Therefore the Court deemed illegal the provision that sets the amount of the compensation for unauthorised occupation of the reception areas concerned at a rate of 4 euros, whereas the daily rate applicable to the authorised occupation of such a site amounts to 2.50 euros for a site with 2 caravans and to 3.75 euros for a site with 3 caravans.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The winter truce applies to Travellers.</p>

<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Court ordered the municipality to repeal these provisions.
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>“The provision of the internal regulations which allows the management of the reception area to cut off the user's water or, during the winter period, the electricity to the user's account, all year round, is therefore in breach of the constitutional objective of ensuring decent housing for all”.</p> <p><i>«La disposition des règlements intérieurs qui autorise le gestionnaire de l'aire d'accueil à couper à l'utilisateur, à défaut de crédit sur son compte, toute l'année, l'eau, ou, pendant la période hivernale, l'électricité méconnaît, dès lors, l'objectif à valeur constitutionnelle d'assurer à tous un logement décent ».</i></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 processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
<b>Decision date</b>	No caselaw has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</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>Decision date</b>	12 July 2022

<b>Reference details</b>	Cassation Court ( <i>Cour de cassation</i> ), Decisions n° 21-83710, n° 21-83820, n° 21-84096, n° 20-86652 (four cases). Available at: <a href="https://legifrance.gouv.fr/decisions/2021/07/12/21-83820">Cour de cassation, criminelle, Chambre criminelle, 12 juillet 2022, 21-83.820, Publié au bulletin - Légifrance (legifrance.gouv.fr)</a>
<b>Key facts of the case (max. 500 chars)</b>	In several cases, in particular murder and drug trafficking, accused persons have petitioned for the annulment of requisitions for their traffic and location data, issued by investigators acting in flagrante delicto under the supervision of the public prosecutor or on the basis of a court order from the investigating judge, as well as any documents for the utilisation of such data.
<b>Main reasoning/argumentation (max. 500 chars)</b>	<p>In its version applicable during the period under consideration, French law required operators of electronic telecommunications services to keep general purpose, undifferentiated connection data, for a maximum period of one year, for the purposes of investigating, establishing and prosecuting criminal offences.</p> <p>In the cases in question, the Court considers that this obligation is in line with Union law only because it relates to the measures taken against attacks on the fundamental interests of the Nation and terrorism.</p> <p>However, insofar as these provisions did not make the maintaining of this conservation obligation subject to a periodic review of the existence of a serious, real and present or foreseeable threat, the Court of Cassation held that the judge must, in accordance with CJEU case law, verify the existence of such a threat to national security on the date the disputed data is conserved.</p> <p>Furthermore, the Court held that access to conserved data must be authorised by a court or an independent administrative entity. However, it noted that French law allows the public prosecutor, or an investigator, to access the data without prior review by a court or independent administrative entity. It concluded that this is contrary to EU law.</p>

<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	<p>The Court of Cassation assumed the consequences of the decisions handed down by the Court of Justice of the European Union regarding the conservation of connection data and accessing them in the context of criminal proceedings.</p>
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	<p>In the cases submitted to it, the Court of Cassation, on the basis of documents duly submitted by the public prosecutor's office relating to attacks committed in France since December 1994, found that such a threat had been identified prior to the date of the events.</p>
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>"(...) this conservation obligation is not equivalent to an injunction as defined by the CJEU, and such conservation is only lawful if the judge hearing the case establishes, under the supervision of the Court of Cassation, the existence of a threat having the above-mentioned "serious, real and present or foreseeable for national security" characteristics".</p> <p><i>« (...) cette obligation de conservation ne vaut injonction au sens où l'entend la CJUE et cette conservation n'est régulière que si le juge saisi du contentieux constate, sous le contrôle de la Cour de cassation, l'existence d'une menace présentant les caractéristiques précitées [grave, réelle et actuelle ou prévisible pour la sécurité nationale] ».</i></p>



<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision for the related topics addressed in the chapter.
<b>Decision date</b>	No caselaw has been identified for this thematic area.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b> Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
<b>Decision date</b>	16 November 2022
<b>Reference details</b>	Court of Justice of Paris (Tribunal Judiciaire de Paris). No available.  For more details:  <a href="https://www.lemonde.fr/societe/article/2022/11/25/violences-faites-aux-femmes-l-etat-condamne-pour-faute-lourde-dans-l-affaire-bouembassa_6151673_3224.html">https://www.lemonde.fr/societe/article/2022/11/25/violences-faites-aux-femmes-l-etat-condamne-pour-faute-lourde-dans-l-affaire-bouembassa_6151673_3224.html</a>
<b>Key facts of the case (max. 500 chars)</b>	On 12 June 2018, a man sprayed his ex-girlfriend and mother of their two children with sulphuric acid in a street in Marseille. He was sentenced to 18 years in prison in July 2019, a sentence reduced to 15 years by the Court of Appeal of Aix-en-Provence in June 2020. But the victim, who had been threatened for several months at the time of the events, also took the State to court, arguing that she had not been sufficiently protected.
<b>Main reasoning/argumentation (max. 500 chars)</b>	According to the Code of Judicial Organisation ( <i>Code de l’organisation judiciaire</i> ), "The State is obliged to repair the damage caused by the defective functioning of the public service of justice (...) in case of gross negligence ( <i>faute lourde</i> )" (art. L 141-1).  Before he threw the acid on the victim, the perpetrator had already been convicted of several acts of violence against his partner.

	<p>In addition, he was under judicial supervision, which he had repeatedly breached. In particular, he had gone to the victim's home several times despite the ban.</p> <p>The inability of the state to protect a woman who is a victim of domestic violence is considered to be "gross negligence", which gives her a right to compensation.</p>
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The malfunctioning of the penal chain, in the case of a failure to protect a victim of domestic violence, can be assimilated to gross negligence giving rise to a right to compensation.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	In this judgment, the State was ordered to pay 10,000 euros in damages to the victim, as compensation for her moral prejudice, as well as 3,000 euros for her legal costs. The court also ordered the State to pay 3,000 euros to the victim for the moral prejudice of each of her two children.
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>The Paris court recognised the serious fault and "<i>the inability of the public service of justice to fulfil [its] mission, which caused [the woman] to lose a chance of not being subjected to this attack</i>".</p> <p>Le tribunal de Paris a reconnu la faute lourde et « <i>l'inaptitude du service public de la justice à remplir [sa] mission, laquelle a fait perdre une chance à [la femme] de ne pas subir cette agression</i> »</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 High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</b>
<b>Decision date</b>	12 May 2022
<b>Reference details</b>	Administrative Court of Appeal of Douai (Cour administrative d'appel de Douai), Decision n° 22DA00475
<b>Key facts of the case (max. 500 chars)</b>	The asylum application of an Armenian national was rejected. Having obtained two successive temporary residence permits on account of her son's state of health, she applied for a renewal of this permit on 5 October 2020. By an order dated 16 February 2021, the Seine-Maritime Prefect refused to issue her a residence permit, obliged her to leave France within thirty days, determined the country to which she could be deported, and imposed a one-month ban on her return to France. She submitted her case to the court, which rejected her petition to annul these decisions. She then filed an appeal.
<b>Main reasoning/argumentation (max. 500 chars)</b>	<p>Among the pleas raised by the plaintiff was the stipulation in Article 7(2) of the Convention on the rights of people with disabilities: "In all decisions affecting children with disabilities, the best interests of the child must be a primary consideration".</p> <p>The judges therefore considered that the administrative authority must give primary consideration to the best interests of children with disabilities in all decisions affecting them.</p>

<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	<p>The Administrative Court admitted, in an unprecedented way, that this provision could be invoked in the context of an annulment appeal.</p>
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	<p>In this case, the judges considered that it was not established that the petitioner's son could not receive the appropriate treatment for his illness and disability in Armenia, nor that he could not attend school. They therefore reject this argument.</p>
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>"It follows from these stipulations [Art. 7(2) of the CRPD], which may be usefully invoked in support of an appeal against abuse of power, that, in exercising its discretion, the administrative authority must give primary consideration to the best interests of children with disabilities in all decisions affecting them"</p> <p><i>«Il résulte de ces stipulations, qui peuvent être utilement invoquées à l'appui d'un recours pour excès de pouvoir, que, dans l'exercice de son pouvoir d'appréciation, l'autorité administrative doit accorder une attention primordiale à l'intérêt supérieur des enfants handicapés dans toutes les décisions les concernant ».</i></p>