

Franet National contribution to the Fundamental Rights Report 2020

France

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Contents

Franet country study: policy and legal highlights 2019.....	3
Chapter 1. Equality and non-discrimination	5
Chapter 2. Racism, xenophobia and related intolerance	10
Chapter 3. Roma integration.....	16
Chapter 4. Asylum, visas, migration, borders and integration	19
Chapter 5. Information society, data protection	23
Chapter 6. Rights of the child	36
Chapter 7. Access to justice including crime victims.....	40
Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities	47
Annex 1 – Promising Practices	50
Annex 2 – Case law	62

Franet country study: policy and legal highlights 2019

Issues in the fundamental rights institutional landscape	New board members to the French NHRI: The National Consultative Commission on Human Rights (<i>Commission nationale consultative des droits de l'homme</i> - CNCDH), which did not have any members since November 2018 as they had reached the end of their mandate, has resumed its activities since the appointment of new members in April 2019 .
EU Charter of Fundamental Rights	The French courts rarely base their judgments on the Charter despite the fact that it is constantly quoted by applicants. The Charter is rarely mentioned in parliamentary debates or in impact assessments of legislation, in contrast to the European Convention on Human Rights, which is often referred to.
Equality and non-discrimination	Fight against discrimination: Although the public authorities are firmly committed to fighting discrimination, it remains a big problem, particularly in employment, as shown in the annual report of the Public Defender of Rights (French Ombudsman).
Racism, xenophobia & Roma integration	Discrimination on the grounds of ethnic origin remains persistent, particularly in access to housing . Combating hate on the internet: The proposed law to combat hate content on the internet is currently under consideration by Parliament . The European Commission has recently expressed its criticism of this law , pointing to the threats it poses to freedom of expression. Roma victims of rumours: the Roma community has been targeted by rumours that have led to violence against them .
Asylum & migration	The transition to adulthood is currently a challenge for UFM s, due to the need to obtain a residence permit.
Data protection and digital society	Online advertising and conditions of consent: the French SAs issued a record €50 million fine against Google for non-compliance with the GPDR. Facial recognition debate: in response to the growing temptation of local and national authorities to use facial recognition, the CNIL published a report in order to establish the ethical and legal framework within which a debate on the advisability of using it should be held. Data retention: the retention of personal data in order to allow access to judicial authorities is currently being examined before the CJUE .
Rights of the child	Juvenile criminal justice: Reform of juvenile criminal justice adopted in September , which aims to increase the speed of proceedings and establish a presumption of criminal non-liability for children under 13 years of age. Protection of children on the internet: In November, the government adopted a plan to combat violence against children , which includes measures to protect children on the internet, increasing the penalties for offenders, strengthening parental control and the involvement of sites in child protection.
Access to justice, including victims of crime	Action plan to fight violence against women: In response to what appears to be a failure by public authorities to provide judicial and social care for women victims of domestic violence, the government has announced numerous measures in the framework of an action plan to fight violence against women . The action plan aims to establish safe conditions for access to justice and to provide protection for women.

Convention on the Rights of Persons with Disabilities	Measures to better guarantee the effectiveness of the rights of people with disabilities: recognition of the right to vote, increase in the disabled adult allowance (from 810 to 900 euros per month), and sustaining allowances for people with disabilities .
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Chapter 1. Equality and non-discrimination

1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

Anti-discrimination brigades

On 14 April 2019, the Secretary of State for Gender Equality and the Fight against Discrimination and the Minister for Cities and Housing launched the Anti-Discrimination Brigade, 'so that equality is no longer an ethereal concept, but a reality'.¹

This brigade will be charged with **three main missions**:

- a) **To facilitate** the establishment of contact between victims and actors in the fight against discrimination. For this purpose, it is planned to create an online platform, with the support of Facebook France.
- b) **To raise the general public's awareness** across the entire population of the various forms of discrimination that persist in society.
- c) **To evaluate** public policies to combat discrimination and propose concrete and effective measures to improve them.

The brigade will be supported by a multitude of associations fighting against racism, homophobia, social exclusion and gender inequalities.

Presented as the resumption of a proposal that emerged during the great national debate, put in place by President Emmanuel Macron in response to the so-called "yellow vest" protest movement, this initiative raises a number of questions. Firstly, this new body seems to duplicate the work of the Public Defender of Rights, the French Ombudsman in matters of discrimination, in particular. Secondly, the online platform on Facebook shows a low level of activity.²

Testing

In May 2018, the President of the Republic announced his intention to subject all companies in the SBF 120, France's 120 largest stock market companies, to anonymous tests to detect cases of discrimination in recruitment. From 2019, for three years, it was planned that 40 of them would undergo this 'testing' each year, up to the total of 120.

The Minister for Cities and Housing, Julien Denormandie, indicated on 3 February that the first results would be published at the end of March.³

¹ France, Mr. Schiappa and J. Denormandie, 'We are launching an anti-discrimination brigade' ("*Nous lançons une brigade anti-discriminations*"), *Le Parisien*, 14 April 2019, available at: www.leparisien.fr/politique/julien-denormandie-et-marlene-schiappa-nous-lancons-une-brigade-anti-discriminations-14-04-2019-8052741.php.

² France, Facebook, 'Anti-discrimination Brigade' ("*Brigade anti-discriminations*"), available at: www.facebook.com/labrigadeantidiscrimination/ (consulted on 30 September).

³ France, 'Recruitment discrimination tests: results to be announced at the end of March' ("*Tests à la discrimination à l'embauche: les résultats annoncés fin mars*"), *Europe 1*, 3 February 2019, available at: www.europe1.fr/societe/tests-a-la-discrimination-a-l'embauche-les-resultats-annonces-fin-mars-3850964.

To date, no results have been released.

2) **Research findings, studies or surveys on either experiences of discrimination or rights awareness**

Report on discrimination in the civil service

The first biennial report on the fight against discrimination, taking into account the diversity of French society in the civil service, provided for in Article 158 of Law No. 2017-86 of 27 January 2017 on equality and citizenship, was published on 19 June 2019⁴.

It is composed of two parts:

- The first part presents the different public human resources policies involved in the fight against discrimination and promoting diversity, feedback from the three sides of the civil service, and statistical elements from the Annual Report on the State of the Civil Service and the Management Report of the Fund for the Integration of People with Disabilities into the Civil Service.
- The second part consists of a contribution from the Public Defender of Rights, who presents his analysis of the nature and mechanisms of discrimination in the civil service, as well as his recommendations.

The report notes a clear downward trend in recruitment discrimination based on the social origin of the parents of public officials since the implementation of public policies to combat and prevent discrimination (commitments of the Charter for the Promotion of Equality and the Fight against Discrimination in the Civil Service, the Plans to Combat Racism and Anti-Semitism, Homophobia, Urban Policy and Disability Policy).

According to the first part of the report, the number of beneficiaries of the obligation to employ disabled workers in the civil service in 2017 was 240,691, compared with 176,508 in 2007.

The state of health and disability of public officials are still the sources of most discrimination, particularly for women and officials over 50 years of age. In 2018, 32% of public officials reported that they had experienced such discrimination, according to the Public Defender of Rights in his contribution to the 2018 Biennial Report. To encourage the hiring and retaining of such persons, he recommends workstation modifications, noting that such changes must be planned from the competitive exam phase and throughout the career development process, in conjunction with doctors and the Health, Safety and Working Conditions Committees (*Comités d'hygiène, de sécurité et des conditions de travail - CHSCT*).

The Public Defender of Rights points out that *'46% of working women between the ages of 18 and 44 experience discrimination of some sort'*.

This report mentions the wide mobilization of the State and public employers, which, although coming late (the first laws date from 2005 and 2008), was promoted at the highest level of government and continued at all levels of management in the three sides of the civil service. According to the report, the

⁴ France, Report on the fight against discrimination and on taking into account the diversity of French society in the civil service (*Rapport relatif à la lutte contre les discriminations et à la prise en compte de la diversité de la société française dans la fonction publique*), available at: [www.fonction-publique.gouv.fr/rapport-relatif-a-la-lutte-contre-discriminations-et-a-la-prise-compte-de-la-diversite-de-la-societe].

arsenal of anti-discrimination policies introduced for this purpose is beginning to produce effects at little or no cost.

Actions promoting the recruitment of people with disabilities are encouraging and deserve to be generalised (in particular with the 'Disability' focal points, the reception working groups, and the network of 'Disability and Skills' ambassadors).

Regarding the impact of measures to promote recruitment based on diversity in society, this is still limited despite encouraging feedback. The measures put in place are mainly in the public service sector of the State.

Actions by the Public Defender of Rights (DDD)

Annual report

In his annual report, published in March 2019, the Public Defender of Rights reviews his activity in 2018, in particular with regard to complaints of discrimination.⁵

Among the 5,631 complaints concerning discrimination received in 2018, disability (22.8%) remains for the second year high at the top of the list of criteria, ahead of origin (14.9%) and state of health (10.5%). Employment remains the main area of discrimination.

The Public Defender of Rights also regularly receives complaints from women about discrimination related to pregnancy and family status.

Report on discrimination in access to school canteens

As part of its missions to combat discrimination, defend the rights of users of public services and the rights of the child, the Public Defender of Rights published a report on 19 June 2019 entitled 'A right to the school canteen for all children'.⁶

The school canteen is an optional public service for nursery and elementary schools (it is compulsory in secondary schools). However, in order to improve the effectiveness of the right to school canteens for all children, the Education Code guarantees that registration with the canteen, where one exists, is a right for all girls and boys in school and that no discrimination can be exercised on the basis of the child's or family's situation.

Regardless of the difficulties of access to the canteen service, due to the social precariousness of some families, the canteen also crystallises issues related to religious beliefs and food restrictions that may be attached to them. While there is no obligation for local authorities to propose an alternative menu, the application of the principle of secularism, and its corollary, the principle of neutrality of public services, cannot justify, contrary to what some municipal mayors claim, the abolition of existing alternative menus, and could constitute discrimination based on religious convictions, infringing both freedom of conscience and the best interests of the child.

⁵ France, Public Defender of Rights (*Défenseur des droits*)(2019), Annual Activity Report - 2018 (*Rapport annuel d'activité – 2018*), available at: www.defenseurdesdroits.fr/sites/default/files/atoms/files/raa-2018-num-19.02.19.pdf.

⁶ France, Public Defender of Rights (*Défenseur des droits*)(2019), Report, 'A right to the school canteen for all children' (« *Un droit à la cantine scolaire pour tous* »), available at: www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport-cantine-num-19.06.19.pdf.

In response to the rise of various opinions on eating habits such as vegetarianism, the Public Defender of Rights recommends that consideration be given to the widespread use of alternative vegetarian meals, where such a measure can be implemented by councils.

In this report, the DDD also refers to the difficulties encountered by children with disabilities in accessing the canteen. These difficulties are mainly linked, on the one hand, to the lack of implementation by councils of their obligation to provide reasonable accommodation and, on the other hand, to the lack of a clear legal framework for assessing and addressing the child's need for support.

Fight against prejudices

On the occasion of its sixth participation in the Solidays festival (a music festival dedicated to the fight against AIDS), in June 2019, the DDD launched an operation to raise awareness of discrimination among the general public, on the internet and on its stand at the Solidarity Village at the festival.

The objective of this action was to raise awareness, in a fun and educational way, that stereotypes distort judgements, can feed conscious or unconscious discriminatory behaviour, and contribute to stigmatising certain social groups.

The DDD has therefore created a mini website, '*Sweep aside your stereotypes*'⁷, where internet users can see a 'stereotypes machine', a tool which plays on the many preconceived ideas that are widespread in society to highlight their absurdity. This site also provides the general public with information to better understand the mechanisms of stereotypes, with a selection of real situations of victims of discrimination who have won their cases thanks to the DDD's action, as well as tools to combat discrimination.

Guide for non-discriminatory recruitment

As part of its mission to combat discrimination and promote equality, the Public Defender of Rights publishes a guide for private employers entitled '*Recruitment without discrimination*', produced with the support of employment professionals.⁸

The purpose of this guide is to make the legal framework surrounding recruitment practices more accessible, from the definition of the company's needs to the actual hiring, including the interview stage.

For each real situation presented (the company offers a 'student job', requires women to wear stiletto heels, reserves a position for people with a disability or women to promote gender diversity, etc.), the guide provides practical advice that is easily applicable and attempts to change behaviour by acting on the most widespread representations in society.

⁷ France, Public Defender of Rights (*Défenseur des droits*), 'Sweep aside your clichés' (« *Balaye tes clichés* »), available at: <https://balayetescliches.defenseurdesdroits.fr/>.

⁸ France, Public Defender of Rights (*Défenseur des droits*)(2019), Guide 'Recruitment without discrimination' (Guide «*Pour un recrutement sans discrimination*»), available at: www.defenseurdesdroits.fr/sites/default/files/atoms/files/guide-recrutssdiscri-num-18.06.19.pdf

Discrimination based on physical appearance

On 2 October 2019, the Public Defender of Rights also adopted a framework decision on discrimination based on physical appearance⁹, which may indirectly include discrimination based on religious belief or sexual orientation. Obesity, piercings, tattoos, beards, hairstyles: the DDD points out that he regularly receives complaints about the requirements of employers, both public and private, regarding physical appearance when hiring or during careers. The DDD recommends that employers show understanding and restraint and involve the social partners in the decision-making process. The DDD considers it desirable that the requirements relating to physical appearance should be defined in advance in a written document and that they should balance individual freedom against constraints relating to safety, hygiene or be "justified by the nature of the job held and the task to be performed". Lastly, the DDD calls for "all discrimination and discriminatory harassment based on physical appearance to be prevented", "effectively punishing and dissuading any action falling under this qualification", and consequently training "staff in the rights and freedoms of employees in relation to physical appearance and the principles applicable to restrictions".

Launching of a MOOC

The DDD, in collaboration with the National Centre for the Territorial Civil Service and the 'Camp des Milles Foundation: Memory and Education', has developed a MOOC to understand, prevent and fight discrimination.¹⁰ Free and open to all, this online course is designed to raise awareness of the legal framework for combating discrimination, to understand its mechanisms and origins, and to learn about the obligations and actions of local authorities and their officers to prevent it.

Each session consists of several videos, digital animation clips, written courses and self-assessment exercises that will allow participants to enhance their knowledge and test it during the training. A forum will be available to answer their questions. The training will begin on 18 November 2019 and will last three weeks.

⁹ France, Public Defender of Rights (*Défenseur des droits*)(2019), Décision n° 2019-205, available at : [\[https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=19239\]](https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=19239).

¹⁰ France, Public Defender of Rights (*Défenseur des droits*)(2019), 'Launching of the MOOC: discrimination, understand in order to act' («*Lancement du MOOC: les discriminations, comprendre pour agir*»), available at: www.defenseurdesdroits.fr/fr/communiquede-presse/2019/09/lancement-du-mooc-les-discriminations-comprendre-pour-agir.

Chapter 2. Racism, xenophobia and related intolerance

1. Legal, policy developments and measures relating to the application of the Racial Equality Directive

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The Minister for Cities and Housing, Julien Denormandie, indicated on 3 February that the first results would be published at the end of March.¹³

To date, no results have been released.

¹¹ France, Mr. Schiappa and J. Denormandie, 'We are launching an anti-discrimination brigade' ("*Nous lançons une brigade anti-discriminations*"), *Le Parisien*, 14 April 2019, available at: www.leparisien.fr/politique/julien-denormandie-et-marlene-schiappa-nous-lancons-une-brigade-anti-discriminations-14-04-2019-8052741.php

¹² France, Facebook, 'Anti-discrimination Brigade' ("*Brigade anti-discriminations*"), available at: www.facebook.com/labrigadeantidiscrimination/ (consulted on 30 September)

¹³ France, 'Recruitment discrimination tests: results to be announced at the end of March' ("*Tests à la discrimination à l'embauche: les résultats annoncés fin mars*"), *Europe 1*, 3 February 2019, available at: www.europe1.fr/societe/tests-a-la-discrimination-a-l'embauche-les-resultats-annoncees-fin-mars-3850964

Report about racial discrimination in access to housing (May 2019)¹⁴

A test was carried out in Ile-de-France by the NGO SOS racism, with advertisements for rental accommodation between private individuals on the internet and in places such as Le Bon Coin and PAP. The association's teams responded to 775 rental ads in all departments of Île-de-France. Several fictitious applications were sent for the same advertisement, with different sounding surnames. Result: "It is profiles with traditional French sounding origins that obtained the most positive feedback (offers of an appointment or request for additional documents to have an appointment) with 17% positive feedback, Asia-Pacific profiles received 15% positive feedback, North African profiles received 12% positive feedback, and the sub-Saharan and overseas African profiles both received 11% positive feedback".

The study underlines that "an Asia-Pacific person has a 15% lower chance of getting accommodation than a person of traditional French origin, a person of North African origin has a 28% lower chance and a person from overseas or sub-Saharan Africa has a 38% lower chance".

Study: Measuring the impact of a warning letter on discrimination by origin (October 2019)

As part of an agreement signed in April 2017, the Public Defender of Rights and the Ministry of Territorial Cohesion and Relations with Local Authorities commissioned a study to measure the impact of an awareness-raising campaign conducted by the Public Defender of Rights with estate agencies identified as discriminating against applicants of North African origin.

Carried out by a team of independent researchers, the study is based on a test of 343 estate agencies deemed "at risk of being discriminatory". Half of these agencies received a letter from the Public Defender of Rights, accompanied by a guide, reminding them of the legal framework and the sanctions to which they are exposed by discriminating against candidates for housing.

These agencies were tested three, nine and fifteen months after receipt of the letter to determine whether their practices for selecting candidates had changed.

The results of the study indicate that in the short term, the information and awareness-raising activities of the Public Defender of Rights significantly reduce discrimination in access to viewing housing. On the other hand, the impact of the mail is not long term, and this is why the Public Defender of Rights invites the actors concerned to remain vigilant about their daily practices and to take action against inequalities in access to housing by mobilising all the tools at their disposal (awareness-raising, training, etc.).

Systemic racial discrimination in the construction industry

On 17 December 2019, twenty-five Malian workers, illegally employed on a large Parisian construction site, obtained compensation for "*racial and systemic discrimination*" before the Paris labour court¹⁵. In order to reach this decision, the judges had access to an exhaustive analysis of the organization of work in the construction industry, provided by a sociologist, as well as to the findings of the labour

¹⁴ France, SOS Racisme, 'Racial discrimination in access to housing, enough! A study by SOS Racisme' (« *Discriminations raciales au logement, ça suffit ! L'enquête de SOS Racisme*»), May 2019, available at : <https://drive.google.com/file/d/1Aqmk7Wp3Ppf6wZUTM-ho9O8Dpwjr00vo/view>

¹⁵ France, 'The labour court convicts an employer for 'racial discrimination' against Malian workers on a construction site' (« *Les prud'hommes condamnent un employeur pour «discrimination raciale» envers des ouvriers maliens sur un chantier* »), *Libération*, 18 December 2019, available at : [www.liberation.fr/france/2019/12/18/les-prud-hommes-condamnent-un-employeur-pour-discrimination-raciale-envers-des-ouvriers-maliens-sur-_1769952].

inspectorate with regard to the case in question. By considering these facts in the light of a number of legal references, such as the International Convention on the Elimination of All Forms of Racial Discrimination, and the French Law of 2008 containing various provisions for adapting to Community law in the area of combating discrimination, the judges granted compensation for racial and systemic discrimination to each of the employees.

2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

Proposed legislation against hate content on the internet

In March 2019, a member of Parliament introduced a bill to strengthen the fight against online hate (known as the 'Avia Bill', after its author).

After being passed at first reading in the National Assembly in July 2019¹⁶, the bill was substantially amended by the Senate. Senators, aware of the fears expressed by the rapporteur that *'this measure will mechanically encourage platforms to remove - for reasons of caution - content that is legal'*¹⁷, on 17 December in a public session, the senators removed Article 1, as well as the obligation for platforms to censor any reappearance of content that has already been censored¹⁸. In addition, the senators strengthened the resources of the administrative authority in charge of regulation by giving it access to the principles and methods of designing algorithms for online platforms, and the data on which they are based, while specifying that business secrecy cannot be invoked against this access.

Due to the disagreement between the two chambers, a joint committee - composed of seven members of parliament and seven senators - will review the bill at the beginning of 2020.

The main measure in this law is to require online platforms (article 1), as well as search engines, to remove or make inaccessible, within a maximum of 24 hours after notification, content that clearly contains incitement to hatred or insult that discriminates on grounds of race, religion, sex, sexual orientation or disability.

More precisely, the content covered by the law is that which manifestly corresponds to the following offences:

Apology for crimes, crimes against humanity, war crimes, slavery crimes, sexual assaults, (Act 1881, 5th paragraph)

Inciting discrimination, hatred or violence against a person or group of persons on the grounds of their origin or their membership or non-membership of a particular ethnic group, nation, race or religion, (7th paragraph)

Inciting hatred or violence against a person or group of persons on the grounds of their sex, sexual orientation or gender identity or disability or causing this, with regard to the same persons

¹⁶ France, National Assembly (*Assemblée nationale*), Proposal for a law to combat hate content on the internet (adopted at first reading) (*Proposition de loi visant à lutter contre les contenus haineux sur internet (adoption en 1^{ère} lecture*), 9 July 2019, available at: www.assemblee-nationale.fr/15/ta/ta0310.asp.

¹⁷ France, Senate (*Sénat*), Report No. 197 (2019-2020) by Christophe-André FRASSA on behalf of the law commission, submitted on 11 December 2019 (*Rapport n° 197 (2019-2020) de M. Christophe-André FRASSA, fait au nom de la commission des lois, déposé le 11 décembre 2019*).

¹⁸ France, Senate (*Sénat*), Proposal for a law to combat hate content on the internet (adopted at first reading) (*Proposition de loi visant à lutter contre les contenus haineux sur internet (adoption en 1^{ère} lecture*), 17 December 2019, available at: www.senat.fr/leg/tas19-036.html).

Insult committed against a person or group of persons because of their origin or membership or non-membership of a particular ethnic group, nation, race or religion

Insulting a person or group of persons on account of their sex, sexual orientation or gender identity or disability

Sexual harassment

Trafficking in human beings

Pimping

Distribution, sharing of child pornography images

Dissemination of a message of a violent nature, inciting terrorism, pornographic nature, or likely to seriously violate human dignity

Inciting acts of terrorism.

Companies whose search engines fail to comply with this obligation may be punished with a fine of €250,000.

In a letter dated 22 November addressed to France, the European Commission expressed its reservations regarding this draft law.¹⁹ It alleges a risk of a breach of three articles of the e-commerce directive, which governs in particular the limited liability regime for hosting providers. In particular, it considers that the 24-hour deadline imposes a "disproportionate burden on providers" and "a risk of excessive content deletion".

Creation of a national 'office' to combat hatred

Following the desecration of dozens of graves in a Jewish cemetery in Alsace, the Minister of the Interior announced the creation of a 'national office to combat hatred'.²⁰

It should be noted that the gendarmerie, placed under the authority of the Minister of the Interior, has already had a Central Office for Combating Crimes against Humanity, Genocide and War Crimes (*Office central de lutte contre les crimes contre l'humanité, les génocides et les crimes de guerre* - OCLCH) since 2013, which is also responsible for combating crimes committed because of the victim's

¹⁹ European Commission (2019), Law to combat hate content on the internet: Comments provided for in Article 5(2) of Directive (EU) 2015/1535 of 9 September 2015 (*Loi visant à lutter contre les contenus haineux sur internet: Emission d'observations prévues à l'article 5, paragraphe 2, de la directive (UE) 2015/1535 du 9 septembre 2015*), C(2019) 8585 final, Brussels, 22 November 2019.

²⁰ France, 'Desecrated Jewish cemetery: Christophe Castaner creates a 'national office to combat hate'' (« *Cimetière juif profané : Christophe Castaner crée un 'office national de lutte contre la haine'* »), Les Echos, 4 December 2019, available at: [www.lesechos.fr/politique-societe/gouvernement/cimetiere-juif-profane-christophe-castaner-cree-un-office-national-de-lutte-contre-la-haine-1153644].

supposed race, ethnicity, religion, nationality or sexual orientation or identity²¹. This announcement of a new office is nevertheless of interest with regard to offences motivated by hatred against a category of persons.

The Minister of the Interior's entourage specified that it would not be an 'office', which presupposes a permanent structure created by decree, with jurisdiction over the entire country, but a coordination 'cell', set up to respond to a given situation. Under the aegis of the National Gendarmerie, its role will be to coordinate prevention, intelligence and judicial investigation missions concerning violations of religious freedoms throughout the country in the gendarmerie zone for anti-Semitic, anti-Muslim or anti-Christian acts²².

Discriminatory police orders

On 2 April 2019, the Public Defender of Rights issued a decision in which he noted, after 5 years of investigations, the discriminatory nature of orders and instructions issued by the Public Safety Commission of a Paris district.²³

In 2014, the Public Defender of Rights received referrals of orders, instructions and service notices from a police station in a Paris district from 2012, which suggested that police actions by the Police rescue and protection brigade (*Brigade de Police secours et de protection* - BPSP) were discriminatory. During his investigations, the Public Defender of Rights received information from the claimant suggesting that litigious instructions were still being issued in January 2018.

In his decision of 2 April 2019, the Public Defender of Rights noted the discriminatory nature of the orders, instructions and service notices received by police officers, which required them to carry out identity checks of '*black and North African groups*', in one area and '*systematic evictions of the homeless and Roma*' throughout the district. The Public Defender of Rights therefore recommends that the wording of Article 78-2 of the Code of Criminal Procedure should include, '*checks should not be based on the criteria of discrimination set out in Article 225-1 of the Criminal Code*'.

Discriminatory identity checks

On 3 July, lawyers summoned the Minister of the Interior and the State judicial officer to appear before the Paris Regional Court for serious misconduct leading to numerous acts of discrimination and harassment against young people, most of whom were minors, in the south-east of Paris.²⁴

²¹ France, Decree No. 2013-987 of 5 November 2013 establishing a central office to combat crimes against humanity, genocide and war crimes, art. 2 (*Décret n° 2013-987 du 5 novembre 2013 portant création d'un office central de lutte contre les crimes contre l'humanité, les génocides et les crimes de guerre, art. 2*), available at: [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000028160634&categorieLien=id].

²² France, J.-M. Décugis, E. Pelletier, J. Pham-Lê, 'Desecration of Westhoffen: Castaner announces the creation of an 'office' ... that already exists' (« *Profanation de Westhoffen : Castaner annonce la création d'un "office" ... qui existe déjà* »), *Le Parisien*, 4 December 2019, available at: [http://www.leparisien.fr/faits-divers/profanation-de-westhoffen-castaner-annonce-la-creation-d-un-office-qui-existe-deja-04-12-2019-8210001.php].

²³ France, Public Defender of Rights (*Défenseur des droits*), Decision n°2019-090, 2 April 2019, available at: www.defenseurdesdroits.fr/sites/default/files/atoms/files/decision_2019-090_defenseur_des_droits.pdf.

²⁴ France, N. Chapuis, 'Seventeen teenagers summons the State for discriminatory identity checks' (« *Dix-sept adolescents assignent l'Etat pour des contrôles d'identité discriminatoires* »), *Le Monde*, 3 July 2019, available at:

The case began in 2015 when 18 teenagers filed a complaint against X to denounce the treatment allegedly inflicted on them by eleven police officers of the Neighbourhood Support Group (*groupe de soutien des quartiers* - GSQ), known as 'Tigers', because of the badge on their uniform. The young people complained of being victims of systematic identity checks, beatings in the street and at the police station, abusive security frisks around the genitals and buttocks, and repeated racist insults²⁵.

Most of the reported incidents were not admitted due to a lack of evidence, but four police officers were nevertheless sent to the criminal court. Three of them were given a suspended five-month prison sentence for violence against two of the complainants and a fine of €2,000 each, to be paid to the victims. The fourth was discharged. The convicted officers appealed and around ten accused officers filed a complaint for false accusation.

The lawyers wish to go further by calling into question the responsibility of the State: '*The State is responsible for creating a hostile and discriminatory environment against these children perceived as being from deprived neighbourhoods.*'

www.lemonde.fr/societe/article/2019/07/03/dix-sept-adolescents-assignent-l-etat-pour-des-contrôles-d-identite-discriminatoires_5485058_3224.html.

²⁵ France, Put an End to Ethnic Profiling (*En finir avec les contrôles au faciès*), Press release, 4 July 2019, available at : [<https://enfiniraveclescontrolesaufacies.org/17-jeunes-du-12e-arrondissement-de-Paris-assignent-l-Etat-en-justice-suite-a>].

Chapter 3. Roma integration

1. Measures and developments addressing Roma/Travellers segregation

False information and hatred against Roma

In March 2019, messages posted on social networks, Facebook, Snapchat and Twitter, mentioned '*waves of child kidnappings*', and a network of '*prostitution*' and '*organ trafficking*' in various cities in Ile-de-France, pointing to the public condemnation of the vindictiveness of Roma mafias. As a result of these rumours, Roma were victims of attacks. On 25 March, the Paris Police Prefecture announced that '*two people were wrongly accused and then lynched*', denouncing '*false information*', before adding the following day: '*the rumours of kidnappings of children with a van are completely unfounded. No kidnapping has been confirmed. Do not spread this false information anymore, do not incite violence*'.²⁶

Some of the messages implicating the Roma were fake news, while others expressly incited hatred against the Roma. Although the law punishes the latter, and involves platforms in their removal, there is no legal regime governing the former, unless it is considered that in this case, this false information constitutes incitement to hatred.

The violence committed against the Roma in connection with this fake news has led to four trials²⁷.

Trial 1: Bobigny Court, first hearing on 28 March 2019 - Events that took place in Bobigny:

On the night of 25-26 March, around 50 people armed with knives and sticks attacked Roma living on the side of a main road. Pick-up trucks were set on fire. More fights broke out later that evening. Eight defendants were tried in open court for 'participation in a group formed to commit violence'.

Decision (3 July 2019): they were sentenced to up to six months in prison.

Trial 2: Bobigny Court, first hearing on 27 March 2019, adjourned to 17 April - Events that took place in Clichy-sous-Bois on 25 March:

About 20 people had tried to break into a house occupied by Roma people.

Four persons were placed under judicial supervision pending trial on 17 April for 'participation in an armed gathering', 'wilful violence', 'rebellion' or 'incitement to rebellion'.

Decision (17 April 2019):

One person was acquitted, one person sentenced to 10 months in prison without a committal order (prosecuted for 'wilful violence because of the victim's ethnicity'), one person sentenced to 8 months in prison with a suspended sentence (prosecuted for complicity in rebellion), one person sentenced to 6 months in prison.

²⁶ France, Prefecture of police, Twitter, '#Fakenews', 25 March 2019, available at: <https://twitter.com/prefpolice/status/1110133407756046336>.

²⁷ Source: Manon Fillonneau, Romeurope, manon.fillonneau@romeurope.org

Trial 3: Bobigny Court, Convicted 1 April - Events that took place in Aulnay-sous-Bois:

Two men were assaulted in Aulnay-sous-bois on 26 March: they were in their van when they were attacked and beaten by about 20 people who thought they were Roma.

One person was prosecuted and eventually sentenced to 18 months in prison. He will also have to pay compensation of 3,000 euros to each of the victims.

Trial 4: Meaux Court, hearing of 3 April - Events that took place in Lorgnes and Torcy:

Two Bulgarian people were chased as they were walking around looking for scrap metal. The attackers eventually cornered them and physically assaulted them.

One person was prosecuted and sentenced to 8 months in prison.

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

SIBEL Programme

As part of regional strategies for slum clearance, in July 2019 the government launched the SIBEL programme (Inclusive slum departure through employment and housing - *Sortie inclusive du bidonville par l'emploi et le logement*), which aims to provide people from slums or squats with an integrated path to employment and housing²⁸. This programme is a continuation of a project carried out in Ile-de-France since 2017 with the Paris Department, Pôle Emploi, and the regional uniformity delegation, through which residents of Ile-de-France's slums have been able to access vocational language training in return for a payment from Pôle Emploi. The SIBEL programme intends to deploy this experimentation more widely in new areas while strengthening the socio-professional support of people and adding a housing component through a partnership with *Action Logement* (Housing Action).

The programme will be launched initially for 120 people in the second half of 2019 in 14 Departments in which associations have been identified to provide support for people living in slums. The longer-term objective is to support 1200 people over 4 years (2019-2022) in 18 Departments. The first regional steering committees met in early July in Haute-Savoie, Isère and Nord to mobilize local employment and housing stakeholders. The programme will be continuously monitored as part of the 'Slum Clearance' digital platform made available by DIHAL.

Slum Clearance Platform

On 16 May 2019, the Government launched the Slum Clearance Platform:²⁹ this strengthens and simplifies the local and national management of the slum clearance policy, the implementation of which is monitored by the Dihal (Interministerial delegation for accommodation and access to housing - *Délégation interministérielle à l'hébergement et à l'accès au logement*).

²⁸ France, DIHAL, Launching the SIBEL Programme (*Lancement du Programme SIBEL*), 21 July 2019, available at: www.gouvernement.fr/lancement-du-programme-sibel-sortie-inclusive-du-bidonville-par-l-emploi-et-le-logement

²⁹ France, Slum Clearance (*Resorption Bidonvilles*), Web Platform, available at : <https://resorption-bidonvilles.beta.gouv.fr/#/landing>

Slum clearance actions require the intervention of a multiplicity of institutional and private actors. This platform is intended to facilitate the proper coordination and sharing of information between the many institutional actors involved in slum clearance actions.

The platform is therefore intended for those piloting the action: prefectures and departmental departments of social cohesion; institutional partners: other State services, institutions and public bodies; and field actors: community operators, cities involved in slum clearance actions.

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

Unaccompanied children reaching the age of majority

Area of support	Description
<p>Residence permit</p> <p><i>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</i></p>	<p><i>Please explain whether unaccompanied children (non-asylum seekers and asylum seekers) get temporary permits and if they expire when turning 18. Please elaborate on which type of permit is granted when they reach 18 years and under which conditions (e.g. being enrolled in education, or having an employment contract.)</i></p> <p>An unaccompanied child who is a third-country national is exempt from the obligation to apply for a residence permit and is protected individually against a deportation measure³⁰.</p> <p>As part of their care by the child welfare service (Department), they may apply for a residence permit between their 18th and 19th birthdays. If they do not meet the criteria, in particular that of being cared for by child welfare services before or after their 16th birthday, they may be able to apply for a residence permit as part of their studies or in the event of exceptional leave to remain.</p> <p>It is the responsibility of each Department in charge of UFM's who will soon become adults to inform them and prepare their transition to adulthood by orienting them as well as possible towards:</p> <ul style="list-style-type: none"> - advice that can help them apply for a residence permit if they so wish; - social services that can help them with accommodation and social rights; - socio-professional integration services

³⁰ 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*), art. L 311-1, available at: [https://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=D003AEDC667659D24E9B344E848A4E36.tplgfr23s_1?idArticle=LEGIARTI000037399210&cidTexte=LEGITEXT000006070158&dateTexte=20200127].

	<p>However, given that the majority of UFM's arriving in France are aged 16 or 17, it is sometimes difficult for Departmental councils to carry out this assessment within the deadlines set by law.³¹</p> <p>The objective of this agreement is to reduce the time during which young people formerly known as UFM's find themselves without an administrative status. This delay could be as long as a year and a half, says Lucie Acker, Director of Children and Families at the Departmental Council.³²</p>
<p>Guardianship (<i>representative under Reception Conditions Directive Article 24.1</i>)</p>	<p><i>Please elaborate on how the role of guardians is affected when the child reaches 18, and of any initiatives to expand the guardian's support, for example transforming the guardian into a 'mentor' supporting the child until a certain age.</i></p> <p>Guardianship ends when the child reaches the age of majority, in accordance with article 393 of the Civil Code.³³</p>
<p>Accommodation <i>Reception Conditions Directive Article 24.2</i></p>	<p><i>Please explain what children reaching 18 years are entitled to in terms of accommodation, for example extension of foster care programmes until the age of 21, only transfer to an adult accommodation, or other accommodation support.</i></p> <p>There is a system designed to extend the assistance and support of young adults who were taken in by child welfare when they were children: the 'young adult' contract. It includes financial support, which may be accompanied by accommodation, legal support, as well as educational and/or psychological support³⁴.</p> <p>However, this system is not mandatory and its implementation is the responsibility of each Department.</p> <p>In a restricted budgetary context, some Departments tend to restrict the awarding of this 'contract'. Some departments have thus limited allocating it to minors who have been in the care of child welfare for at least two years. This</p>

³¹ www.infomie.net/img/pdf/etude_du_rem_mna_version_finale_maquettee.pdf

³² www.lagazettedescommunes.com/554698/mna-comment-faciliter-le-passage-a-la-majorite/?abo=1

³³ France, Civil code (*Code civil*), art. 393, available at: www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000031345428&cidTexte=LEGITEXT000006070721&dateTexte=20151017

³⁴ France, Code for social action and families (*Code de l'action sociale et des familles*), art. L 221-1 and L. 222-5, available at: [\[https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006074069&idArticle=LEGIARTI000006796782\]](https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006074069&idArticle=LEGIARTI000006796782).

	<p>criterion effectively eliminates a large proportion of UFM, most of whom arrived when they were over 16 years of age³⁵.</p> <p>The 'young adult' contract alone does not give a right to stay.</p>
<p>Return <i>Return Directive, Article 10</i></p>	<p><i>Please explain whether there are any special measures to prepare unaccompanied children for a return procedure and whether young adults receive any form of free assistance during eventual return procedures</i></p> <p>As <i>de facto</i> children in a situation of danger, UFM, are not subject to the rules governing the entry and residence of foreigners and cannot be deported³⁶. However, it should be recalled that they may be placed in a waiting area and thus find themselves threatened with removal by the airport and border police. Nevertheless, foreigners of any age, who are refused entry into the French territory are granted 24-hour protection against 'clear day' removal: in the case of unaccompanied foreign children, this allows them to meet with an ad hoc administrator, in particular to assess their situation.</p> <p>Free legal aid is provided to foreigners who have been the subject of a refusal of residence submitted to the residence permit commission, a refusal of residence with an obligation to leave the country, a prefecture order to remove them to the border or deport them³⁷.</p>

³⁵ France, Senate (*Sénat*), Information report on the social care of unaccompanied minors (*Rapport d'information sur la prise en charge sociale des mineurs non accompagnés*), p. 86, available at : [www.senat.fr/rap/r16-598/r16-5981.pdf].

³⁶ 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*), art. L 511-4, 1° (protection contre l'éloignement du territoire), available at: [www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000032172264&cidTexte=LEGITEXT000006070158&dateTexte=20161101] and L 521-4 (protection contre l'expulsion), available at: [www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=CC261A845C9E0695377A91A3C4E84149.tpdjo06v_2?idArticle=LEGIARTI000006335212&cidTexte=LEGITEXT000006070158].

³⁷ France, Law no. 91-647 Of 10 July 1991 on Legal Aid (*Loi n° 91-647 du 10 juillet 1991 relative à l'aide juridique*), art. 3, available at : [www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=EEE77B9B86C094B884178A7D69386883.tplgfr41s_2?idArticle=LEGIARTI000032171764&cidTexte=LEGITEXT000006077779&dateTexte=20200103]

<p>Others recommendations.</p>	<p>UFMs entrusted to the child welfare services between the ages of 16 and 18, and who have reached the age of majority, may also be admitted for residence, but this is an exceptional regularisation and not an automatic right. Depending on the nature of their education/training, the young person can obtain: either an employee or temporary worker permit if they have been following a qualifying vocational training course for at least 6 months³⁸; or a student permit if he or she is a high school or university student³⁹.</p> <p>To accept or refuse granting the permit, the prefect takes into account: the real and serious nature of the training or studies undertaken by the young person, the nature of their family ties in the country of origin, and the host organisation's opinion on their integration in France.</p>
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³⁸ 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*), art. L. 313-15, available at: [www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006180200&cidTexte=LEGITEXT000006070158].

³⁹ 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*), art. L. 313-7, available at: [www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006335066&cidTexte=LEGITEXT000006070158].

Chapter 5. Information society, data protection

1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

The French SA, the French National Commission for Information Technology and Liberties (CNIL), is very active in the implementation of the GDPR.

The implementation of the GDPR brought a strong increase in awareness of data protection issues, both in France and in Europe. For individuals, this resulted in a considerable increase in complaints to the CNIL over the period May 2018 to May 2019: more than 11,900 complaints in France (+30%).

To support operators in their compliance efforts and ensure the successful implementation of the GDPR, the French SA, the National Commission for Information Technology and Liberties (*Commission nationale de l'informatique et des libertés* - CNIL) has stepped up its support measures for professionals:⁴⁰

- awareness-raising for local authorities, via a support plan that takes the form of the distribution of a practical guide to raising awareness for smaller local authorities, thematic sheets (teleservices, security, DPO and local authorities, etc.) and a dedicated module in its online training which is open to all;
- support for start-ups through dedicated content on the CNIL website: content to make the GDPR an asset and a developer kit have already been published;
- the development of new reference frameworks in the form of reference systems (human resources management, customer relationship management, non-payment management, professional alerts), model regulations or processing lists not subject to mandatory impact assessment;
- a close dialogue with professionals, with awareness raising of 'network heads' to promote the development of skills in all sectors and the continued support of data protection officers.

The CNIL has developed many practical compliance tools available on its website:

- for people wishing to exercise their rights or ask a question to an organisation that manages their data: the CNIL allows them to check whether this organisation has appointed a Data Protection Officer (DPO) and makes its public contact details available to them via a dedicated search engine;

⁴⁰ France, Commission for Information Technology and Liberties (*Commission nationale de l'informatique et des libertés*), 'The implementation of the GDPR brought a strong increase in awareness of data protection issues' («L'entrée en application du RGPD a marqué une forte prise de conscience des enjeux de protection des données»), 23 May 2019, available at: www.cnil.fr/fr/1-de-rgpd-une-prise-de-conscience-inedite.

- an open access online training course on the GDPR (MOOC) since March 2019, already followed by more than 35,100 people, including 6,900 who have obtained a certificate;
- a model for a register of processing activities, which makes it possible to identify all data processing operations and to have an overview of actions relating to personal data;
- open source software to conduct a data protection impact assessment (DIA), which is mandatory for some processing operations.

In January, the CNIL imposed a record fine on Google for the excessive complexity and lack of clarity of its personal data management policy in France⁴¹. It fined Google €50 million for a lack of transparency in the information provided to users, and a failure to obtain their consent (which is not sufficiently informed, specific and unambiguous, as required by the GDPR)

On 29 July 2019, an NGO specialising in data protection, La Quadrature du Net, lodged an appeal against the CNIL's decision clarifying the new consent rules for targeted advertising. In this decision, the CNIL also postpones to the second half of 2020 the sanctions it could impose on sites that, in particular, continue to install cookies without explicit and informed consent.

On 16 October 2019, the Council of State rejected the NGO's request⁴². It considers that the time allowed for actors to comply with the rules of the GRPD is not unlawful. It considers that this tolerance is intended to enable the parties concerned to appropriate these new rules, the content of which has been correctly explained by the CNIL, and thus to fully comply with the requirements set by the GRPD by the summer of 2020.

⁴¹ France, Commission for Information Technology and Liberties (*Commission nationale de l'informatique et des libertés*), Deliberation n° SAN-2009-001 (*Délibération n° SAN-2009-001*), 21 January 2019, available at: [<https://www.legifrance.gouv.fr/affichCnil.do?oldAction=rechExpCnil&id=CNILTEXT000038032552&fastReqId=2103387945&fastPos=1>].

⁴² France, Council of State (*Conseil d'Etat*), 16 October 2019, *Quadrature du Net v. CNIL*, n° 433069, available at: www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/conseil-d-etat-16-octobre-2019-plan-d-action-de-la-cnil-en-matiere-de-publicite-ciblee

2. Artificial intelligence and big data

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned?(yes/no)	Reference
FR	Ministry of the Armed Forces	Government	In April 2019, the Minister for the Armed Forces spoke of France's ambition in terms of artificial intelligence. In view of this, the Minister had appointed a dedicated team within the Ministry of the Armed Forces to write a comprehensive report on the subject. The report, published on 13 September, serves as a clear argument for measures already mentioned at the beginning of the year. In particular, the creation of an Artificial Intelligence Defence Coordination Unit (<i>cellule de coordination de l'intelligence artificielle de défense</i> - CCIAD) attached to the Defence Innovation Agency (<i>Agence de l'innovation de défense</i> - DIA), the establishment of a ministerial ethics committee by the end of 2019 and specific mechanisms	yes	no	www.defense.gouv.fr/salle-de-presse/communiqués/communiqués-du-ministère-des-armées/communiqué_publication-du-rapport-du-ministère-des-armées-sur-l-intelligence-artificielle

			to facilitate the signing of research contracts on an industrial scale.			
FR	Ministry of Territorial Cohesion, Ministry of Economy and Finance	Government	<p>The Directorate-General for companies (<i>Direction générale des entreprises</i> - DGE), the General commission for equality of the territories (<i>Commissariat général à l'égalité des territoires</i> - CGET) and TECH'IN France have commissioned Atawao Consulting to carry out the study 'Artificial Intelligence - State of the art and prospects for France'.</p> <p>After a review of the state of the art of the various technologies in the field, the study proposes a method for classifying the sectors to be potentially most transformed by the rise of artificial intelligence and establishes a macroscopic analysis of its adoption by them.</p> <p>It then deepens this analysis for four sectors:</p> <ul style="list-style-type: none"> • Energy and environment • Transport and logistics • Health • Industry 	yes	Yes (reference to privacy)	www.cget.gouv.fr/ressources/publications/intelligence-artificielle-etat-de-l-art-et-perspectives-pour-la-france

			For each of these four sectors, an assessment of the opportunities generated by AI is established and a target strategy to be adopted is proposed. In the final part, the study outlines a roadmap as well as sectoral and transversal recommendations that will enable France and its companies to meet the challenges of artificial intelligence.			
FR	City of Nice	Local Government	<p>For three days in February, on the occasion of a major municipal celebration, the city of Nice experimented with facial recognition software. A thousand volunteers were involved. Members of the public who were not volunteers had their faces blurred. Different scenarios were tested, including that of a child and a vulnerable elderly person lost in the crowd, but also a search for a so-called 'person of interest'.</p> <p>A report on the implementation of this experiment was sent to the French supervisory authority, the CNIL, in early July. The CNIL informed the city that the report was</p>	No	No	www.documentcloud.org/documents/6350838-Bilan-Reconnaissance-Faciale.html

			<p>not satisfactory.⁴³ It considers that there is a lack of information, particularly technical information, on the exact way the software works.</p> <p>The administrative authority therefore requested, in a letter of 16 July, a large amount of additional information, in particular figures on the effectiveness of the technical system (Did it mistakenly detect persons who were not wanted? Did it miss a wanted person in the crowd?) or on the concrete consequences of a possible bias (related to gender, skin colour...) of the software. In this letter the CNIL also asked what was done with the biometric data (face capture of the 5,000 participants) at the end of the experiment.</p> <p>The CNIL's letter is currently being examined by the City of Nice.</p>			
FR	Commission for Infor	Independent State	The CNIL had been asked by the PACA region for advice on the testing of a 'virtual door' to control	Y	Y (privacy)	Available at: www.cnil.fr/fr/experimentation-de-la-reconnaissance-faciale-dans-deux-lycees-la-cnil-precise-sa-position

⁴³ France, M. Untersinger, 'Facial recognition: the CNIL is not satisfied by the review of the Nice experiment' (« *Reconnaissance faciale : la CNIL tique sur le bilan de l'expérience niçoise* »), *Le Monde*, 28 August 2019, available at: www.lemonde.fr/pixels/article/2019/08/28/reconnaissance-faciale-la-cnil-tique-sur-le-bilan-de-l-experience-nicoise_5503769_4408996.html.

	mation Technology and Liberties (<i>Commission nationale de l'informatique et des libertés</i>)	Institution	access by facial recognition at the entrance of two schools in the region. On 17 October, the members of the CNIL considered that this measure concerning students, most of whom are children, with the sole aim of making access more fluid and secure appears neither necessary nor proportionate to achieve these purposes.			
FR	Hôpital de Paris (AP-HP) et Owkin	Public hospital and private company (start-up)	Three research projects in oncology, immunology and cardiology were launched in November 2019, under an agreement signed in February 2018 between AP-HP (Paris hospitals) and the start-up company Owkin. Objective: to better understand the heterogeneity of patients, predict their evolution and response to treatment.	No	No	www.decision-sante.com/actualites/breve/2019/10/31/ap-hpowkin-trois-projets-de-recherche-commun-bases-sur-lia-sont-lances_28929
FR	CNIL (Commission nationale de l'informatique et des libertés)	Independent State Institution	On 15 November 2019, the CNIL published a report on facial recognition, entitled 'Facial recognition: for a debate that is equal to the challenges' (<i>Reconnaissance</i>	Yes	Yes (privacy, freedom of	www.cnil.fr/fr/presentation-du-rapport-dactivite-2018-et-des-enjeux-2019-de-la-cnil

	<p>ale de l'informatique et des libertés)</p>		<p><i>faciale : pour un débat à la hauteur des enjeux)</i></p> <p>With this document, it is pursuing four objectives:</p> <p>To technically present what facial recognition is and what it is for, so that the subject of the debate is clear to everyone. Behind 'facial recognition', there is a wide variety of possible uses, from unlocking a computer to recognizing a person in a crowd who is wanted by the police, to opening bank accounts. These uses do not all raise the same issues, particularly in terms of people's control over their data.</p> <p>Highlight the technological, ethical and societal risks associated with this technology. A risk assessment is necessary to determine which risks are not acceptable in a democratic society and which can be accepted with appropriate guarantees.</p> <p>Remind people of the necessary framework for facial recognition devices and experiments, in particular the GRPD and the 'police-justice' directive.</p>		<p>conscience, freedom to come and go, right to demonstrate, free exercise of worship)</p>	
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			<p>Clarify the role of the CNIL in the possible experimental deployment of new facial recognition devices. The CNIL is neither a decision-maker nor a prescriber in this matter: the choice of such a framework, its nature and scope, belongs to the Government and Parliament. On the other hand, it is endowed by European and national law with advisory roles, in particular to public authorities and regulatory bodies.</p>			
FR	Commission for Information Technology and Liberties (<i>Commission nationale de l'informatique et des</i>	Independent State Institution	<p>The city of Saint-Etienne was planning to experiment with a <i>Serenicity</i> system for capturing sounds in the public space for safety purposes. In its opinion sent to the city at the end of October, the CNIL considered that although this system makes it possible to capture "undifferentiated" low-intensity sounds such as aerosol cans, broken glass or crackling noises, it risks capturing "the voices and conversations of people" and thus violate the laws relating to the protection of personal data of individuals (political opinions, religious beliefs, etc.). The city has made it known that it is dropping the project.</p>	Yes	Yes (privacy)	<p>Not directly available.</p> <p>In the press: www.20minutes.fr/societe/2640019-20191030-saint-etienne-ville-fait-tirer-oreilles-renonce-installer-micros-rues</p>

	<i>liberté</i> <i>s)</i>					
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*For the actors, please pick from the following suggestions:

- Government/ Parliamentary
- DPA
- NGO/Other Non Profit
- Academia
- Domestic Courts
- Business
- Independent State Institution
- Other

** for the type, please pick from the following suggestions:

- National Draft Acts / Adopted Acts
- report/study
- other projects

Fifteen new applications using artificial intelligence will be tested within the administration to facilitate medical decisions, combat false customs declarations, improve coastal mapping, etc.⁴⁴

Information available relating to these applications is very limited.

For example:

Facilitate access to patient information (*University Hospital Centre of Bordeaux - Centre hospitalier universitaire de Bordeaux*)

Data used

The computerized patient record

⁴⁴ <https://numerique.gouv.fr/actualites/intelligence-artificielle-15-nouveaux-projets-vont-etre-experimentes-dans-les-administrations/>

Artificial intelligence

Artificial intelligence will allow a semantic search in the computerized patient record to find the right information at the right time.

The advantages

- Facilitating work of caregivers
- Saving time in searching for patient information

Parcoursup (Higher Education admissions system) Case

On 12 June 2019, the Council of State ruled that the right of candidates registered in the 'Parcoursup' platform, recognised by the law of 8 March 2018, to know the criteria for the assessment of their application by higher education institutions and the reasons for the decision taken in their regard was not open to student unions.⁴⁵

As a result, the Université des Antilles was legally able to refuse to provide a union with the data relating to the data processing of applications it requested in June 2018.

However, the Council of State recalled that, since the decree of 26 March 2019⁴⁶, after the case, higher education institutions must now publish the general criteria used in their selection procedure.

⁴⁵ France, Council of State (Conseil d'Etat), 12 June 2019, *Université des Antilles*, n° 427916, available at: www.legifrance.gouv.fr/affichJuriAdmin.do?idTexte=CETATEXT000038601897

⁴⁶ France, Decree No. 2019-231 on the national pre-registration procedure for access to initial training in the first cycle of higher education and amending the Education Code (*Décret n° 2019-231 relatif à la procédure nationale de préinscription pour l'accès aux formations initiales du premier cycle de l'enseignement supérieur et modifiant le code de l'éducation*), 26 March 2019, available at: www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000038272532&categorieLien=id

3. Data retention

No legal change.

Hearing in the CJEU's Grand Chamber [case C-512/18](#) held last 9-10 October 2019⁴⁷

The pleadings of the French associations criticised the rather broad and ill-defined aims of implementing intelligence techniques, which include access to connection data. The NGOs wanted to demonstrate that there is mass surveillance in France: through these imprecise purposes, access to connection data is not restricted. Combined with generalised data retention, this unrestricted access contributes to the lack of proportionality of the system. The practice of exchanging information between States also constitutes mass surveillance: the supervision of intelligence services is increasingly lax in terms of external surveillance; however, agencies can obtain, through cooperation between States, information on their own citizens recovered by a foreign State, thus under a more lax external surveillance regime. It is on the basis of this mass surveillance observation that the complainants then detailed the harmful effects of such retention of connection data. Beyond the lack of proportionality of such an obligation, the associations highlighted the current abuses of such measures: they recalled that, in France, the purposes of intelligence have been diverted from their primary objective in the case of "yellow vests", and more generally in the case of social disputes. The complainants referred to the deterrent effect of mass surveillance, citing several sociological studies related to surveillance.

The associations call for notification for persons who have been subject to surveillance. Only systematic notification would solve this problem: otherwise, people under surveillance cannot know that they have been monitored and cannot protect their rights in the event of an abuse.

The French NGO La Quadrature du Net insisted on what it believed would be a satisfactory solution to the dispute. It not only asked the Court to uphold its *Tele2* case law, but also to specify that only a system of targeted retention of connection data, as is practised in the United States, would make it possible to be as effective without the obligation of generalised retention of connection data (see below).

The Member States concerned have all called for a general retention of connection data. According to these, the *ePrivacy* Directive and the EU Charter cannot apply to the case because it is a matter of national security, and the exclusive competence of the Member States. They call for the *Tele2* case law not to be transposed into the intelligence field.

⁴⁷ Hearing report of CJEU, 9 and 10 September 2019, Privacy International, La Quadrature du Net e.a., French Data Network, aff. C-623/17, C-511/18, C-512/18 et C-520/18, available at : <https://cesice.univ-grenoble-alpes.fr/actualites/2019-09-17/compte-rendu-d-audience-cjue-9-et-10-septembre-2019-privacy-international-quadrature-net-ea-french>

France claims that the *a priori* and *a posteriori* control of requests for access to connection data is effective, while La Quadrature recalled its demonstration before the Council of State of the ineffectiveness of the control carried out by the National Commission for the Control of Intelligence Techniques (*Commission nationale de contrôle des techniques de renseignement* - CNCTR).

All the Member States considered that the only alternative to generalised retention would be targeted retention, immediately undermining the credibility of such an idea. According to them, targeted retention must be carried out according to criteria that are necessarily discriminatory or even undermine the presumption of innocence (which would not be the case with generalized conservation and targeted access). This assumption is based on the assumption, reiterated by the United Kingdom, that the storage or access to connection data does not create intelligence but is only a prerequisite for intelligence. In doing so, Member States implicitly rejected the hypothesis of targeted retention according to criteria derived from prior surveillance by other (individual) intelligence techniques. One could have imagined the retention of the connection data of an individual or group of individuals previously identified as posing a potential threat and, after conservation, a detailed analysis of the connection data to confirm or refute the fears. Member States also rejected this idea, stating that one of the objectives of the measures for storing and accessing connection data is to detect unknown threats (weak signals, undetectable by exclusively human analysis).

Chapter 6. Rights of the child

1. Procedural safeguards for children who are suspects in criminal proceedings

Legislative changes	<p><i>e.g. reform of the criminal code</i></p> <p>A reform of the juvenile justice system took place in September 2019.</p> <p>An ordinance, issued on the basis of the law of 23 March 2019 on 2018-2022 programming and reform for justice, effectively creates the legislative part of the Juvenile Criminal Justice Code⁴⁸. This code will replace, as from 1 October 2020, the Ordinance of 2 February 1945 on juvenile crime.</p> <p>The new Code recalls the general principles applicable to juvenile justice, namely:</p> <ul style="list-style-type: none">• the primacy of education over repression;• the specialization of juvenile justice;• the reduction of responsibility according to age, with the age of criminal responsibility remaining at 18 years. <p>It introduces a presumption of non-discrimination for juvenile offenders under 13 years of age: 'Children under 13 years of age are presumed not to be capable of judgement'.</p> <p>It simplifies the criminal procedure applicable to juvenile offenders:</p> <ul style="list-style-type: none">- within a maximum of 3 months following the offence, the judge for children or the juvenile court shall rule on the guilt of the minor and on the compensation for the damage suffered by the victims;- if the minor is found guilty, educational probation, a new unique measure, is ordered. Under the supervision of the judge, the minor is monitored by a childcare worker for 6 or 9 months;- at the end of this 9 or 12-month period, the judge or juvenile court issues a ruling on the sentence. It may impose an educational measure or a sentence, taking into account the offences committed, the personality of the minor, his or her development or new offences that have occurred since the first hearing. <p>The judge for children can now impose sentences of an educational nature: community service, confiscation of the object used or obtained during the offence, internships.</p>
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⁴⁸ France, Ordinance No. 2019-950 on the legislative part of the Juvenile Criminal Justice Code (*Ordonnance n° 2019-950 portant partie législative du code de la justice pénale des mineurs*), 11 September 2019, available at: www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000039085102&categorieLien=id

	<p>A specific procedure is provided for minors who are repeat offenders: it allows them to be tried by the juvenile court within one to three months.</p> <p>The reform of the criminal procedure aims to simplify and speed up the trial of juvenile offenders (currently an average of 18 months) while improving their care.</p> <p>The pre-trial detention of minors is also limited to the most serious offences and to repeat offenders. Judges should give priority to placement in a secure educational centre (<i>centre éducatif fermé</i> - CEF), with pre-trial imprisonment as the last resort.</p>
<p>Policy developments</p>	<p>Judges for children receive specialized training at the National School for the Judiciary (ENM)⁴⁹.</p> <p>Approximately 10 per cent of student magistrates in each cohort choose to become a judge for children. Schooling lasts two and a half years for justice auditors, including one and a half years of general education and one year of specialization.</p> <p>Ongoing training ensures that the knowledge of judges for children is kept up to date. It is mandatory for serving judges to attend five days of training per year.</p> <p>Any magistrate wishing to become a judge for children during their career receives a one-month training course consisting of two weeks of theoretical input and two weeks internship.</p> <p>There is also a specific prosecutor's office responsible for juvenile criminal justice issues.</p> <p>The specialization of the Office of the Public Prosecutor for Minors raises the question of the initial and continuing training of the magistrates who work there. Although judges for children receive specific training, this is not the case for judges in charge of these matters within the public prosecutor's office.</p>
<p>Other measures or initiatives</p>	<p>Since 2002 there have been closed educational centres (<i>centres éducatifs fermés</i> - CEFs). There are fifty-one at the moment. These are places for group placement, offered in order to avoid detention. They offer young people a reinforced course with multidisciplinary teams to ensure personalised support.</p> <p>Although they are not strictly speaking places of detention, these CEFs remain closed reception facilities for the young people placed there and are considered places of deprivation of liberty. The NHRI and the French NPM have identified a number of problems: inadequate quality of educational projects, lack of expertise in discipline, inadequate association of families or educators in open</p>

⁴⁹ France, National Assembly (*Assemblée nationale*), Information report on juvenile justice (*Rapport d'information sur la justice des mineurs*), February 2019, available at: [[http://www2.assemblee-nationale.fr/documents/notice/15/rap-info/i1702/\(index\)/rapports-information](http://www2.assemblee-nationale.fr/documents/notice/15/rap-info/i1702/(index)/rapports-information)].

	<p>educational environments, instability of teams, poor supervision, and young and inexperienced staff⁵⁰.</p> <p>The Minister of Justice announced the creation of 20 new CEFs over several years starting in 2021. The participation of the minor and/or that of his or her family will be encouraged by scheduling regular interviews and the taking account of their opinions and expectations⁵¹.</p> <p>The 2019 law on programming and reform of justice introduced a new alternative: the educational measure of day care⁵².</p> <p>This aims to provide day care for minors with a view to their social, educational and vocational integration, and acts as an intermediary between follow-up in an open environment and placement in care. It is recommended in particular to support the end of placement in care, returning home and release from detention.</p> <p>It is initially planned on an experimental basis for several regions (20 regional courts), for a period of three years.</p>
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2. Legal and policy measures or initiatives developed about child internet safety

At the end of the Council of Ministers on 30 January 2019, the Minister of Justice, the Minister of Solidarity and Health and the Secretary of State to the Minister of Solidarity and Health presented the main themes of the roadmap for the protection of children.⁵³

On 20 November 2019, the Secretary of State to the Minister of Solidarity and Health presented the action plan to combat violence against children⁵⁴

⁵⁰ France, National Assembly (*Assemblée nationale*), Information report on juvenile justice (*Rapport d'information sur la justice des mineurs*), February 2019, available at: [[http://www2.assemblee-nationale.fr/documents/notice/15/rap-info/i1702/\(index\)/rapports-information](http://www2.assemblee-nationale.fr/documents/notice/15/rap-info/i1702/(index)/rapports-information)].

⁵¹ France, Minister of Justice (*Ministre de la Justice*), Programme for new closed education centres (*Programme de nouveaux centres éducatifs fermés*), 2018, available at: [www.justice.gouv.fr/justice-des-mineurs-10042/programme-de-nouveaux-centres-educatifs-fermes-12917/].

⁵² France, Law n° 2019-222 of 23 March 2019 for 2018-2022 programming and reform of justice art. 94 (*Loi n° 2019-222 du 23 mars 2019 de programmation 2018-2022 et de réforme pour la justice, art. 94*), available at: [https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=0C9EE3B4A6F9CFE3360B9C5D839695B8.tplgfr21s_2?idArticle=JORFARTI000038261716&cidTexte=JORFTEXT000038261631&dateTexte=29990101&categorieLien=id].

⁵³ France, Government, 'Child welfare' (*«La protection de l'enfance»*), 30 January 2019, available at: www.gouvernement.fr/conseil-des-ministres/2019-01-30/la-protection-de-l-enfance.

⁵⁴ France, Secretary of State to the Minister of Solidarity and Health (*Secrétaire d'État auprès de la ministre de la Santé et des Solidarités*), Press release, available at: https://solidarites-sante.gouv.fr/IMG/pdf/dossier_de_presse_-_plan_violences_faites_aux_enfants.pdf

A number of measures concern the protection of children on the internet:

- increased penalties for the use of child pornography images;
- Generalize the use of parental control devices;
- Improvements by pornographic sites in checking the age of internet users;
- Explain in the context of the transposition of the Audiovisual Media Directive the role of the High Audiovisual Council (*Conseil supérieur de l'audiovisuel* - CSA) concerning the protection of minors against pornographic content;
- Introduce a financial sanction power for the CSA for video sharing platforms that do not put in place appropriate measures to protect minors.

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

There have not been any provisions particular to this subject this year.

Senator Jean-Pierre Sueur questioned Nicole Belloubet, Minister of Justice, on the implementation of the European directive on victims' rights in France.⁵⁵ On the basis of a report on the implementation in France of Directive 2012/29/EU, prepared by the organisation 'Victim Support Europe', he notes that the application of the directive in France is hampered by a lack of staff, and financial and material resources. Although the vast majority of the articles of the Directive have been faithfully transposed into French law, the report nevertheless points to the uneven implementation of these provisions. He also presents suggestions for improvement to ensure that the spirit of the Directive is fully respected. In particular, he suggests that failure to respect the right to information due to victims should be punished, that support for victims should be better adapted to the most vulnerable victims (the elderly, the disabled, etc.), that victims' voices should be protected and respected by referring the case in certain proceedings to a subsequent hearing if the victim is not present when he or she wishes to be, or that measures should be taken to protect the image of the victim and his/her family against unauthorised dissemination on the internet and social networks. In view of these elements, the senator asked her what action she planned to take on this report.

The Minister of Justice's response has not yet been published.

Although there has been no amendment to the law which transposed the Directive several years ago, in May 2019 the Minister of Justice introduced a circular on improving the handling of domestic violence and the protection of victims.⁵⁶ In so doing, the objective of this circular coincides with several requirements of the Directive.

It invites the relevant authorities to improve the reception and informing of victims of domestic violence, in particular by referring them to associations who provide assistance to victims.

It also emphasizes the need to take more protective measures for women victims of domestic violence. It encourages judges to order the eviction of the violent spouse more often, which has so far been implemented unevenly as it is not always accompanied by a housing measure for the violent spouse.

⁵⁵ France, Senate, Written question n° 12348 of Mr. Jean-Pierre Sueur, 26 September 2019, available at: www.jpsueur.com/index.php?option=com_content&view=article&id=11596:droits-des-victimes&catid=51&Itemid=64.

⁵⁶ France, Minister of Justice (*Ministre de la Justice*), Circular on improving the handling of domestic violence and the protection of victims (*Circulaire relative à l'amélioration du traitement des violences conjugales et à la protection des victimes*), 9 May 2019, available at: <http://circulaire.legifrance.gouv.fr/index.php?action=afficherCirculaire&hit=1&r=44706>

2. Violence against women

The 'Forum against domestic violence' was launched on 3 September 2019, in keeping with the anonymous and free helpline number 3919 for female victims of violence, their friends and families, witnesses and the professionals concerned.⁵⁷

This initiative responds to the difficulties faced by many women victims of violence in enforcing respect of their rights. According to an NGO survey of victims, in 91% of cases, women report poor police support.⁵⁸ They reveal through their testimonies sometimes being discouraged by the police from filing a complaint, sometimes they are mocked, made to feel guilty and even, in 21.2% of cases, the police sided with the aggressor. The most frequent issue arising in the testimonies concerns the refusal of police officers to file the complaint, an act which is formally prohibited by a 2001 circular. The trivialisation of the violence comes in second place with questions about the seriousness of the alleged offences.

The governmental initiative will conclude on 25 November 2019, the International Day against Violence against Women. During this period, some 100 consultations with civil society will be organized throughout the country.

The forum brings together many actors around the table: ministers, parliamentarians, local elected officials, administrations, associations, families and relatives of victims, lawyers, the media, health and housing professionals, police forces and so on.

The government's stated objective is to make concrete and collective commitments to combat domestic violence increasingly more effectively.

This objective involves different ministries, and is structured around three main themes:

- Prevention
- Protection and support
- Punishment for better protection

As of 3 September, 10 emergency measures have already been announced to combat this scourge:

- 1,000 new accommodation places and temporary accommodation as from 1 January 2020
To deal with emergencies, 250 new places will be created in 2020 in emergency shelters for immediate safety. The priority given to housing is first affirmed with the creation of 750 places benefiting from the temporary housing allowance (*allocation de logement temporaire* - ALT1).
- Access to the Visale guarantee (rental guarantee) for female victims of violence
To facilitate access to Visale so that victims can benefit from a free rental deposit and find accommodation more easily.
- Launch of a localising platform for professionals in order to quickly identify the reserved accommodation places available nearby

⁵⁷ France, Government, 'A forum and strong measures to combat domestic violence' («*Un grenelle et des mesures fortes pour lutter contre les violences conjugales*»), 3 September 2019, available at: www.gouvernement.fr/un-grenelle-et-des-mesures-fortes-pour-lutter-contre-les-violences-conjugales

⁵⁸ France, Le Groupe F (NGO), '#PayYourComplaint: 500 women report their reception in the gendarmerie or police station'. («*#PayeTaPlainte : 500 femmes racontent leur accueil en gendarmerie ou commissariat*»), April 2018, available at: <https://legroupef.fr/payetaplainte-500-femmes-racontent-leur-accueil-en-gendarmerie-ou-commissariat/>

The tool will be totally secure and intended for the 115 hotline platforms. It will only present accommodation facilities, it will not contain any personal data.

- Protect women victims of violence by effectively distancing them from their attackers
- Implementation of an electronic anti-approaching device within 48 hours of the ordering of the measure as part of a protection order or judicial investigation
The electronic bracelet is placed on the perpetrator who is also assigned a GPS tracking device; the victim is equipped with a receiver. If the perpetrator gets too close to the victim, the police are alerted to intervene.
- Ensure that female victims of violence are protected throughout the criminal justice system
- Launch of an audit of 400 police and gendarmeries stations.
The project, which will provide shelter for more than 500 female victims of violence, will make it possible to detect and remedy failings that may exist in some places, with a particular focus on the difficulties encountered by people with disabilities.
- Implementation of a risk assessment grid in all police and gendarmerie services
This grid will avoid the simple noting of alleged offences and perpetrators (*mains courante*) and encourage the filing of complaints. It will also help law enforcement forces to better identify female victims of violence and the danger they face.
- Generalization of the possibility of filing a police complaint in hospitals
- Establishment of a 'Retex' at the local level following a woman's murder
This Retex (for feedback), which will make it possible to draw lessons from what has not worked and improve the measures in place, will involve all the professionals concerned (police or gendarmerie, justice, social workers, doctors, national education professionals, etc.). The inspection already launched on domestic homicides will clarify the methods.
- Protect a mother and her children by limiting a violent father's exercise of parental authority

This requires the possibility for the criminal judge to suspend or adjust the exercise of parental authority, as well as an automatic suspension of parental authority in the event of murder, from the police investigation or court investigation phase.

Where one of the parents has died as a result of murder, the events of which are the subject of a criminal investigation involving the other parent, or of a judicial investigation opened against the other parent, the exercise of parental authority shall be automatically suspended against the latter.

On 25 November, the Prime Minister therefore closed the Round Table against violence against women. Thirty new measures have been announced, aimed at preventing violence, better protecting victims and setting up monitoring and handling of perpetrators of violence:⁵⁹

⁵⁹ France, Prime Minister (*Premier ministre*), '30 new measures to combat violence against women (« 30 nouvelles mesures pour combattre les violences faites aux femmes »), 25 November 2019, available at: www.gouvernement.fr/30-nouvelles-mesures-pour-combattre-les-violences-faites-aux-femmes

Educating for no violence and equality between girls and boys

- Implementation of a compulsory initial and in-service training module on equality for national education personnel (teachers, education personnel, managers, etc.);
- creation of a culture of prevention and awareness among students;
- distribution in all establishments of a single reporting document and a guide for the staff of the establishments;
- implementation of a compulsory module on the prevention of domestic violence as part of the universal national service.

Encouraging victims to speak out and promoting the reporting of violence

The 3919 hotline will be open 24 hours a day, 7 days a week and will be accessible to people with disabilities;

- health professionals may waive medical confidentiality in the event of immediate danger to the victim and a proven risk of recurrence of violence;
- provision of tools for health professionals to assess the danger of situations and direct victims towards appropriate care.

Protecting victims as soon as a complaint is filed

- By 2021, creation of 80 additional posts for social workers in police stations and gendarmeries funded by the State;
- distribution of an information document to any victim going to a police station or gendarmerie;
- introduction of an enhanced initial and ongoing training programme for police and gendarmes to receive women victims of domestic violence.

Improved medical and social care

- To finance structures dedicated to the health and social psychological care of women victims of violence;

A more protective justice system

- Ban criminal mediation as an alternative to prosecution in cases of domestic violence, or as an alternative to a decision in cases before the family court;
- better guarantee the accompaniment of victims through the assistance of a lawyer.

Take into account the impact of domestic violence on children and family ties

- Free children from being legally dependent on a parent who is convicted of the other parent's murder;
- systematically request a report on the situation from child welfare services in the event of domestic violence, and failing that, an administrative assessment of the family situation;
- develop meeting spaces, neutral places protecting mothers and their children in the event of parental separation;
- generalise paediatric medical and legal reception units (UAMJP) in order to allow children to speak in good conditions;
- acknowledge cases of 'forced suicide' with the introduction of new aggravating circumstances for perpetrators of violence in the event of harassment leading to the victim's suicide or attempted suicide;

Follow-up and management of perpetrators to address the problem of domestic violence as a whole and better prevent the risk of reoffending

- Evaluate the criminal danger of perpetrators;
- strengthen measures to monitor the perpetrator and prevent reoffending;
- regulate permits for visits in detention;
- better understand the socio-demographic profiles of the perpetrators, through a research project by a team from the University of Bordeaux;
- prevent and manage domestic violence related to addictions;
- open two centres per region for the handling of perpetrators of violence.

Protect women victims of violence, including violence at work

- Grant victims under protection orders the right to unlock their employee savings (*épargne salariale*) early;
- Update the guide on professional equality for small and medium-sized businesses in order to include the issue of domestic violence;
- Include the issue of domestic violence in occupational health plans (OHPs) and regional occupational health plans (R OHPs);
- propose at the end of this year that the social partners who are members of the professional equality label commission include in the specifications of the professional equality label an area relating to domestic violence;

Protecting victims of violence in a situation of disability

- Deploy in each region a resource centre to support women with disabilities in their private and sexual lives and their parenthood;
- Remind all medical and social institutions and services of the need to respect the privacy and sexual and reproductive rights of supported women;
- Launch a certified online training course to improve the skills of the various professionals involved, particularly in medical and social institutions and services, on a mass scale;

Reminder of the emergency measures announced last September

- **Breaking the silence:** The emergency number 3919 now receives 600 calls per day compared to 150 before the Round Table;
- **Providing shelter for victims of domestic violence:** 1,000 new housing and accommodation solutions will be opened from January 2020;
- **Provide excellence in reception for women victims of violence:** a single risk assessment grid will be distributed as of today to all brigades and police stations. It will enable police officers and gendarmes to accurately understand the risks involved and to offer appropriate protection and support;
- **Facilitate the filing of complaints for victims of domestic violence who are unable to travel, particularly when they are hospitalized:** coordination work between the police/gendarmerie and the management of hospitals and clinics, in conjunction with regional health agencies, has been initiated; agreements have been signed in about ten Departments in which complaints can now be filed in hospitals.
- **Protect women by preventing the perpetrator of violence from approaching them:** the use of electronic tags has been adopted by the Assembly, 1,000 bracelets will be deployed in 2020;
- **Protect children:** automatic suspension of the parental authority of a parent who has committed the murder of their spouse, and the possibility for the judge to modify or suspend the parental authority of a violent spouse in the event of a criminal conviction;
- **Prosecute more quickly and more effectively:** 'emergency chambers' are being established and will make it possible to speed up the processing of proceedings and better coordinate all judicial actors.

More than €1 billion will be spent on gender equality next year.

Of this billion euros, more than 360 million euros will be dedicated exclusively to the fight against violence against women.⁶⁰

⁶⁰ France, '30 new measures to combat violence against women' (« 30 nouvelles mesures pour combattre les violences faites aux femmes »), 25 November 2019, available at: www.gouvernement.fr/30-nouvelles-mesures-pour-combattre-les-violences-faites-aux-femmes

Law against violence within the family

A law introduced by several members of Parliament was adopted on 29 December 2019 to strengthen the protection of women victims of violence⁶¹.

The MPs noted that some courts refuse to issue a protection order in cases where the victim has not filed a complaint. This protection order, provided by a law adopted in 2010⁶², allows emergency measures to be taken: eviction of the violent spouse, relocation out of the reach of the spouse in case of departure from the shared home, a ban on the violent spouse carrying a weapon. In order to facilitate recourse to this instrument, the new law specifies that the absence of a complaint cannot be used as a basis for refusing to issue this order.

The new Law provides that the victim may, if she wants to, remain in the couple's home. Moreover, if the victim leaves the home, the text provides, on an experimental basis for three years, for the introduction of financial assistance for re-housing (payment of the deposit or rental guarantee, advance payment of the first months' rent).

When a ban on approaching the victim is imposed, compliance with this ban may be monitored by the wearing by the convicted person of an electronic 'anti-approach' bracelet.

The text also extends the conditions for the allocation of a 'serious danger' telephone (*téléphone grave danger*). The public prosecutor may allocate such a phone to a victim if the perpetrator is on the run or when an application for a protection order is pending before the family court.

⁶¹ France, Law n° 2019-1480 of 28 December 2019 aimed at taking action against violence within the family (*Loi n° 2019-1480 du 28 décembre 2019 visant à agir contre les violences au sein de la famille*), available at : [\[www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000039684243&dateTexte=&categorieLien=id\]](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000039684243&dateTexte=&categorieLien=id).

⁶² France, Law n° 2010-769 of 9 July 2010 on violence specifically against women, violence within couples and the impact of violence on children (*Loi n° 2010-769 du 9 juillet 2010 relative aux violences faites spécifiquement aux femmes, aux violences au sein des couples et aux incidences de ces dernières sur les enfants*), art. 1, available at : [\[https://www.legifrance.gouv.fr/affichTexteArticle.do?jsessionid=C16361C6303C65D267E46917E2737B9E.tplgfr26s_3?idArticle=JORFARTI000022454036&cidTexte=JORFTEXT000022454032&dateTexte=29990101&categorieLien=id\]](https://www.legifrance.gouv.fr/affichTexteArticle.do?jsessionid=C16361C6303C65D267E46917E2737B9E.tplgfr26s_3?idArticle=JORFARTI000022454036&cidTexte=JORFTEXT000022454032&dateTexte=29990101&categorieLien=id).

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

1. CRPD policy & legal developments

Dependency Bill

A 'major law' on dependency will be presented to the Council of Ministers 'in the autumn', as announced by the Minister of Solidarity and Health at the end of March.⁶³ The announcement was made on the occasion of the submission of a report on old age.⁶⁴

Recognition of rights to life in the event of a non-developing disability

Two decrees were issued in December 2018 to allow lifelong rights to be granted to people with disabilities that are unlikely to change.⁶⁵ Since 1 January 2019, this reform has been in effect. It will change the daily lives of hundreds of thousands of people with disabilities and their families.

Four rights are concerned:

- The AAH (allowance for disabled adults), for people with a degree of disability of at least 80%.
- The RQTH (*reconnaissance de la qualité de travailleur handicapé*) (recognition of being a disabled worker).
- The mobility card.
- AEEH (*allocation d'éducation de l'enfant handicapé*) (education allowance for disabled children) until the child reaches the age of 20.

This reform is intended to put an end to the tedious procedures that have hitherto been imposed on people with disabilities and their families, and also to remedy the administrative overload for the Departmental centres for people with disabilities (*Maisons départementales des personnes handicapées*). Indeed, from now on, people whose disability is not likely to improve will benefit from these rights for life; or, for children, from rights granted until they are twenty years old.

For the latter, for example, whereas families regularly had to prove their child's disability in order to maintain the allowance, now the allowance is paid *when the child's disability rate is at least 80% and the medical certificate does not mention any prospects of improvement in the child's condition (stability or worsening), the basic allowance is now granted without any time limit until*

⁶³ France, Minister of Solidarity and Health (*Ministre des Solidarités et de la Santé*), Presentation of the Libault report, Speech by the Minister, (*Remise du rapport Libault, Discours de la ministre*), 28 March 2019, available at: <https://solidarites-sante.gouv.fr/affaires-sociales/personnes-agees/concertation-grand-age-et-autonomie/article/rapport-de-la-concertation-grand-age-et-autonomie>.

⁶⁴ France, Minister of Solidarity and Health (*Ministre des Solidarités et de la Santé*), D. Libault, Consultation (Concertation), 'Old age and independence' (*Grand âge et autonomie*), March 2019, available at: <https://solidarites-sante.gouv.fr/affaires-sociales/personnes-agees/concertation-grand-age-et-autonomie/article/rapport-de-la-concertation-grand-age-et-autonomie>.

⁶⁵ France, Decree No. 2018-1222 on various simplification measures in the field of disability (*Décret n° 2018-1222 portant diverses mesures de simplification dans le champ du handicap*), 24 December 2018, available at: www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037852195&categorieLien=id; Decree No. 2018-1294 on the education allowance for disabled children (*Décret n° 2018-1294 relatif à l'allocation d'éducation de l'enfant handicapé*), 27 December 2018, available at: www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037879836&categorieLien=id

the age limit for family benefits (20 years) or, where applicable, until the changeover to the allowance for disabled adults (AAH) when the entitlement is consecutive to the right to the AEEH.

For children whose disability rate is assessed at between 50% and 80%, *'the rights to the basic disabled child's education allowance and, where applicable, its supplement, are granted for a period of at least two years and not more than five years'*, the text specifies.

Revaluation of the AAH

At the beginning of the five-year period (*quinquennat*), the Allowance for Disabled Adults (*Allocation aux adultes handicapés* - AAH) was 810 euros per month. The AAH will be 900 euros per month at the end of the year 2019. This gradual revaluation began in 2018 with an increase of 50 euros. It will continue in 2019 with a further increase of 40 euros per month.

Voting rights for disabled people under guardianship

Since March, the legislator has recognized the right to vote for persons with disabilities under guardianship.⁶⁶

In the same vein, this law introduces the right to marry, enter into a civil partnership, or divorce, without recourse to judicial authorization for persons under guardianship.

Accessibility and housing

Decree No. 2019-305 of 11 April 2019 provides that all new buildings with more than two floors must be equipped with a lift.⁶⁷ There is no minimum number of apartments requirement, as once feared by associations of people with disabilities, which would have significantly limited the impact of this measure.

However, the Secretary of State for Disability has specified that it will be 'necessary to find a derogatory and pragmatic solution for the particular cases of atypical or very small buildings'.⁶⁸

⁶⁶ France, Law n° 2019-222 for 2018-2022 programming and reform of justice, Article 11 (*Loi n° 2019-222 de programmation 2018-2022 et de réforme pour la justice, art. 11*), 23 March 2019, available at: www.legifrance.gouv.fr/affichTexteArticle.do?jsessionid=0D61B6765CA021BC33C3C13CFE95E621.tplgfr22s_1?idArticle=JORFARTI000038261739&cidTexte=JORFTEXT000038261631&dateTexte=29990101&categorieLien=id

⁶⁷ France, Decree No. 2019-305 amending the provisions of the Construction and Housing Code relating to the accessibility of residential buildings and the contract for the construction of a detached house with the supply of the plan (*Décret n° 2019-305 modifiant les dispositions du code de la construction et de l'habitation relatives à l'accessibilité des bâtiments d'habitation et au contrat de construction d'une maison individuelle avec fourniture du plan*), 11 April 2019, available at: www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000038365534&categorieLien=id

⁶⁸ France, 'Lifts [for buildings with 3+ floors without conditions]: S. Cluzel explains!' (*«Ascenseurs à R+3 sans condition: S. Cluzel explique!»*), handicap.fr, 18 January 2019, available at: <https://informations.handicap.fr/a-ascenseurs-r3-decret-11476.php>

Necessary assistance for deaf and hard of hearing litigants

In a judgment of 15 March 2019, the Council of State recalled the obligation of a court to provide deaf people with the necessary assistance, or risk tainting the judicial decision with irregularity⁶⁹. This obligation is provided for in the 2005 Law on Equal Rights and Opportunities, Participation and Citizenship of Persons with Disabilities⁷⁰.

Higher Education admissions system (Parcoursup) and disability

A decree was adopted in March 2019 in order to make available on the Parcoursup system, a liaison form intended for candidates with a disability or a disabling health problem, to improve their access conditions to further education/training⁷¹. As a reminder, Parcoursup is designed to collect and manage the wishes of future students in French public higher education.

2. CRPD monitoring at national level

Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
FR	Ministry of Social Affairs and Health (<i>Ministère des Affaires sociales et de la santé</i>); Interministerial Committee for Disability (<i>Comité interministériel du handicap</i>)	Interministerial Committee for Disability (<i>Comité interministériel du handicap</i>)	Public Defender of Rights (<i>Le Défenseur des Droits</i>); National Advisory Council for Human Rights (<i>Commission Nationale Consultative des Droits de l'Homme</i>) and National Advisory Council for People with a Disability (<i>Conseil national consultatif des personnes handicapées</i>)

⁶⁹ France, State Council (*Conseil d'Etat*), n°414751, 15 March 2019, available at: [https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000038234564&fastReqId=1861144410&fastPos=1].

⁷⁰ France, Law n° 2005-102 of 11 February 2005 on Equal Rights and Opportunities, Participation and Citizenship of Disabled Persons (*Loi n° 2005-102 du 11 février 2005 pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées*), art. 76, available at : www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000809647&categorieLien=id.

⁷¹ France, Decree n° 2019-231 of 26 March 2019 relating to the national pre-registration procedure for access to initial training for the first cycle of higher education and amending the education code (*Décret n° 2019-231 du 26 mars 2019 relatif à la procédure nationale de préinscription pour l'accès aux formations initiales du premier cycle de l'enseignement supérieur et modifiant le code de l'éducation*), available at : www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000038272532&categorieLien=id

Annex 1 – Promising Practices

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.</p>
Title (original language)	DuoDay
Title (EN)	DuoDay
Organisation (original language)	Secrétariat d'Etat chargé des personnes handicapées
Organisation (EN)	Secretary of State for people with disabilities
Government / Civil society	Government
Funding body	Involves private companies and administrations
Reference (incl. url, where available)	https://www.duoday.fr/2-duoday-on-vous-explique-tout.htm
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	16 May 2019 (4th edition: it was created in 2016)
Type of initiative	Change people's perceptions of disabilities and give rise to vocational opportunities.
Main target group	Both people with disabilities and people without disabilities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	This program offers a company or an administration the opportunity to host a person with disabilities for one day, in duo with a volunteer employee. It provides for active participation in the employee's usual tasks and/or observation of their work.
Highlight any element of the actions that is transferable (max. 500 chars)	This program only requires the volunteering of professionals.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	It is the fourth edition. Every year, since 2016, it has given people the occasion to share their experience.
Give reasons why you consider the practice as having concrete measurable impact	-
Give reasons why you consider the practice as transferrable to other	It was first created in Ireland in 2008. It is easily transferrable to other Member States.

settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	-
Explain, if applicable, how the practice provides for review and assessment.	The results for 2019: 12,900 duos completed, that is to say 25,800 participants, thanks to the voluntary mobilization of 6,800 employers and the involvement of the 2,400 supporting structures.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Print- Preventing racism and intolerance
Title (EN)	Print – Preventing racism and intolerance
Organisation (original language)	Ministère de la Justice, Délégation interministérielle à la lutte contre le racisme, l'antisémitisme et la haine anti-LGBT (DILCRAH), en partenariat avec le ministère de la justice allemand
Organisation (EN)	Justice Ministry, (Interministerial delegation to the fight against racism, anti-Semitism and LGBT hate
Government / Civil society	Government
Funding body	European Commission
Reference (incl. url, where available)	https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2019/03/handbook_of_practices_print_appendix-compressed.pdf
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	March 2019 (release of the handbook)
Type of initiative	Good practice guidance for a better implementation of criminal provisions to combat racism
Main target group	Public authorities and civil society
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	In addition to studying the repressive measures of the two partner countries (France and Germany), the practices of two other EU Member States, the United Kingdom and Spain were also assessed. Built around study visits to the four associated countries, this project, which began on 20 November 2017, has led to the development of a

	guide presenting practices that could help to improve the fight against racism.
Highlight any element of the actions that is transferable (max. 500 chars)	This guide contributes to the identification of main lines of action in the fight against racism which, despite differences in the legal cultures of the Member States, can be a source of inspiration for other Member States of the Union.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	State and non-state actors have to use the guide.
Give reasons why you consider the practice as having concrete measurable impact	The guide is not intended to recommend an invariant transposition of the practices of the States highlighted but to identify new avenues of reflection for improving the judicial treatment of racism in the light of innovative practices existing in some Member States.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	See above.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	It is not provided.
Explain, if applicable, how the practice provides for review and assessment.	It is not provided.

Thematic area	ROMA INTEGRATION Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.
Title (original language)	Recensement des violences commises sur les Roms suite aux fake news
Title (EN)	Survey of violence committed on Roma people after fake news
Organisation (original language)	Collectif Romeurope
Organisation (EN)	Romeurope
Government / Civil society	Civil society (NGO)
Funding body	Private
Reference (incl. url, where available)	www.romeurope.org/agressions-racistes-en-ile-de-france-recensement/
Indicate the start date of the promising practice	16 March – 5 April

and the finishing date if it has ceased to exist	
Type of initiative	Survey, data collection
Main target group	Civil society
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	In March, for several days, fake news circulated on social networks: Roma were accused of abducting women and children with a white van in Seine-Saint-Denis to fuel organ trafficking. Romeurope decided to identify threats, attacks and intimidation on Roma people or people perceived as Roma as a result of false rumours. The NGO indicated their email address to collect information. They identified 37 cases between 16 March and 5 April. Their sources are either the media or NGOs.
Highlight any element of the actions that is transferable (max. 500 chars)	This type of practice, which is currently spreading through social networks, and the increased use of videos, is very useful for identifying acts of violence.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	As we move away from the fake news publication period, it becomes difficult to establish a causal link between violence against roma people and the fake news.
Give reasons why you consider the practice as having concrete measurable impact	This type of initiative allows us to understand how much of an impact one rumour might have on roma people. It could lead to judicial proceedings.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	See above.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	It is not provided.
Explain, if applicable, how the practice provides for review and assessment.	It is not provided.

Thematic area	Asylum, visas, migration borders and integration Please provide a promising practice on the support provided to unaccompanied children when reaching majority.
Title or short description of promising practice in original language and in English	Contrat jeune majeur - Young Adult Contract
Organisation (Government / Civil society) in charge of promising practice (original language/English)	Departments (Départements = local authorities).
Funding body	Department
Reference (incl. url, where available)	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), L 222-5, available at : [www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=5C48440DBF9F2208C938B72564530C7E.tpdjo15v_2?idArticle=LEGIARTI000020459005&cidTexte=LEGITEXT000006074069].
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	It was provided by a law adopted in 1975.
Main target group	This support programme is designed for young adults aged between 18 and 21 years old. It may be provided to former unaccompanied foreign children.
(around 1000 characters)	It is an optional support and assistance program provided by the Departments to young people experiencing difficulties in social integration due to a lack of sufficient resources or family support.
Indicate level of implementation: Local/Regional/National	Regional
Indicate success	The main shortcoming of this programme is that it is optional: access to the programme depends on the agreement of Departments.

factors – why has the practice effectively promoted integration ?	
If the initial funding of the initiative ended, how has the initiative been continued/ followed-up?	-
Explain, if applicable, how the practice is being reviewed and assessed.	A 2017 report from the Senate ⁷² points out the differences in approach between Departments. Some have restricted access to the UFM system (for example, limiting the awarding of 'young adult' contracts to minors who have been in the care of child welfare for at least two years). This criterion effectively eliminates a large proportion of UFMs, the majority of which have reached the age of over 16. On the contrary, other Departments, such as Paris, have chosen to award a large number of 'young adult' contracts to former UFM.
Does the initiative apply to both asylum seekers and protection status holders – and/or support the transition from one to the other?	Yes, more broadly speaking, to any unaccompanied children when they become adults.
Does the initiative specifically support persons in need of international	-

⁷² France, Senate (*Sénat*), Information report on the social care of unaccompanied foreign minors (*Rapport d'information sur la prise en charge sociale des mineurs non accompagnés*), 2017, available at: [<http://www.senat.fr/rap/r16-598/r16-5981.pdf>].

protection as they turn 18? If so, which type of support is provided?	
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Thematic area	INFORMATION SOCIETY, DATA PROTECTION Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
Title (original language)	« Kit développeur »
Title (EN)	Developer kit
Organisation (original language)	Commission nationale de l'informatique et des libertés (CNIL)
Organisation (EN)	Commission for Information Technology and Liberties
Government / Civil society	Independant public institution
Funding body	State
Reference (incl. url, where available)	https://www.cnil.fr/fr/kit-developpeur
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	May 2019
Type of initiative	Make professionals aware of practices that comply with the legal framework
Main target group	Professionnals : developers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The development of solutions, programs or even websites is very often associated with data processing, from direct service to connected objects. It is necessary, from the design stage, to take measures to protect the personal data of potential users.</p> <p>With this in mind, the CNIL is launching a "Developer Kit" to cover all stages of development:</p> <ul style="list-style-type: none"> - Choosing your working tools - Preparing its development - Best practices for managing source code - Libraries, SDKs or third-party tools: how to integrate them into applications? - Enhancing code quality - Document code and architecture

Highlight any element of the actions that is transferable (max. 500 chars)	This guide could be broadcast outside of France within Europe, since it refers to GDPR.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Due to the authority of the CNIL in the ICT sector, and the legal obligation to comply with GDPR, this guide is likely to have a significant impact.
Give reasons why you consider the practice as having concrete measurable impact	The guide provides very concrete measures.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	See above.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	No provision about it.
Explain, if applicable, how the practice provides for review and assessment.	No provision about it.

Thematic area	RIGHTS OF THE CHILD
	Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
Title (original language)	« Jouets connectés: nos conseils pour un Noël en toute sécurité »
Title (EN)	'Connected toys: our advice for a safe Christmas'
Organisation (original language)	Commission nationale de l'informatique et des libertés (CNIL)
Organisation (EN)	Commission for Information Technology and Liberties
Government / Civil society	Independent Public Institution
Funding body	State
Reference (incl. url, where available)	https://www.cnil.fr/fr/jouets-connectes-quels-conseils-pour-les-securiser
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	December 2019
Type of initiative	Raising awareness
Main target group	Parents and people who might offer toys for Christmas

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>In a short video, and in a relatively brief text, the CNIL warns parents about the safety advice to adopt with connected games/toys.</p> <p>It warns parents about the risks of poorly controlled or unsafe use of a connected toy. In particular, it reminds parents that the communications and data it collects can potentially be :</p> <ul style="list-style-type: none"> - used for advertising targeting; - misappropriated by a malicious individual, for example for the purposes of fraud, identity theft or harassment.
Highlight any element of the actions that is transferable (max. 500 chars)	The safety advice provided by the CNIL is basic and could be useful to any person, whatever his/her country.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The advice provided by the CNIL for Christmas is obviously relevant at any time.
Give reasons why you consider the practice as having concrete measurable impact	The instructions are simple and easy to implement. This awareness campaign from the CNIL was relayed through press articles and tv programs.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	See above.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	No provision about it.
Explain, if applicable, how the practice provides for review and assessment.	No provision about it.

Thematic area	<p>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</p> <p>Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter</p>
Title (original language)	Repérage des femmes victimes de violences au sein du couple
Title (EN)	Identification of women victims of violence within the couple
Organisation (original language)	Haute autorité de santé (HAS)

Organisation (EN)	French National Authority for Health
Government / Civil society	Public body
Funding body	Public
Reference (incl. url, where available)	www.has-sante.fr/upload/docs/application/pdf/2019-09/170919_reperage_des_femmes_victimes_de_violences_au_sein_du_couple_texte_recommandations.pdf
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	June 2019
Type of initiative	Good practice guidelines
Main target group	Health professionals
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The purpose of these guidelines is to: strengthen the involvement of health professionals in the fight against violence against women; promote the identification of women victims of violence within the couple; facilitate coordination between the professionals concerned.</p> <p>In particular, 2 fact sheets have been developed under this recommendation to provide practical information for professionals: how to identify and evaluate; how to act.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	These recommendations are made by experts. They could be addressed to health professionals in other Member States, by adapting the legal framework.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	<p>These recommendations will bear fruit over time, when health professionals take ownership of them.</p> <p>These recommendations provide a common reference framework for all health professionals to improve the detection and care of women victims of domestic violence.</p> <p>The recommendations of the High Authority on Health must be followed by health professionals.</p>
Give reasons why you consider the practice as having concrete measurable impact	These recommendations provide a common reference framework for all health professionals to improve the detection and care of women victims of domestic violence.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	See above.

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	No provision.
Explain, if applicable, how the practice provides for review and assessment.	The recommendations of the French National Authority on Health must be followed up by health professionals.

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	« Agir pour l'emploi des personnes en situation de handicap dans l'ESS »
Title (EN)	'Promoting the employment of people with disabilities in SSE'
Organisation (original language)	Union des employeurs de l'économie sociale et solidaire + ensemble des organisations syndicales de salariés
Organisation (EN)	Union of employers in social and solidarity-based economy + all trade unions
Government / Civil society	Civil society
Funding body	Trade unions
Reference (incl. url, where available)	https://www.udes.fr/outilsguides/guide-agir-pour-lemploi-personnes-en-situation-de-handicap-dans-less
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	March 2019
Type of initiative	Raising awareness about the situation and legal obligation regarding employees with disabilities.
Main target group	Employers in the social and solidarity-based economy sector
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	As part of an agreement on the employment of people with disabilities in the social and solidarity economy, between representatives of employers in the sector and trade unions, a practical guide "Acting for the employment of people with disabilities in the SSE" has been published.

	It is organised around 14 sheets on the definitions and key notions of disability, the legal obligations of employers, awareness-raising within the company, recruitment, integration and prevention, job retention, etc. A sheet presenting some good practices as well as a quiz and a self-diagnosis are also available in the guide.
Highlight any element of the actions that is transferable (max. 500 chars)	Some information might be transferable. However, the guide provides legal references which are national.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The guide has to be disseminated and reach the employers.
Give reasons why you consider the practice as having concrete measurable impact	It provides practical advice.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	See above.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	No provision about it.
Explain, if applicable, how the practice provides for review and assessment.	No provision about it.

Annex 2 – Case law

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p>
Decision date	18 April 2019
Reference details	<p>Court of Appeal of Versailles (Cour d'appel de Versailles), 18 April 2019, n° 18/021898</p> <p>Available at : www.legifrance.gouv.fr/affichJuriJudi.do?idTexte=JURITEXT000038488817.</p>
Key facts of the case (max. 500 chars)	<p>The employee of a company was dismissed in 2009 on the grounds that she refused to remove the veil she wears when she works with customers. She took legal action before the labour courts to have the dismissal annulled, arguing that it was based on discriminatory grounds. Her request was rejected. The Paris Court of Appeal upheld the judgment, and the woman appealed to the Court of cassation. On 9 April 2015, the Court of Cassation decided to stay the proceedings and to refer a question to the Court of Justice of the European Union for a preliminary ruling: can a customer's wish to no longer see the company's services provided by a worker wearing an Islamic headscarf be regarded as an essential and determining professional requirement within the meaning of Article 4(1) of Directive 2000/78/EC? As the ECJ replied in the negative on 14 March 2017, the Court of Cassation overturned the judgment of the Paris Court of Appeal and referred the case back to the Versailles Court of Appeal.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The Court of Appeal of Versailles is influenced by the reasoning of the ECJ. It recalls that, according to the ECJ, the concept of 'essential and determining professional requirement', within the meaning of Directive 2000/78, refers to a requirement objectively dictated by the nature or conditions of the professional activity in question. It cannot, however, cover subjective considerations, such as the employer's willingness to take into account the client's particular wishes. Consequently, the request of the customers of the company to no longer be in contact with a veiled employee cannot therefore justify direct discrimination prohibiting the wearing of the veil. It follows that dismissal, which is based on a ground related to the employee's expression of her religious beliefs, is discriminatory and is therefore null and void.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>In this judgment, the Court of Appeal of Versailles draws all the consequences from the scope granted by the ECJ to "essential and determining professional requirements" with regard to restrictions on discrimination based on religious convictions.</p>
Results (sanctions) and key consequences or implications of the case	<p>The Versailles Court of Appeal declared the dismissal null and void, and ordered the company to pay the woman the sum of 15,234 euros gross as compensation for unlawful dismissal (which corresponds to the employee's request).</p>

(max. 500 chars)	
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>« la demande de la clientèle de la société Micropole, aux fins de "ce qu'il n'y ait pas de voile la prochaine fois", ainsi qu'il est dit dans la lettre de licenciement, ne constitue pas une exigence professionnelle essentielle et déterminante au sens de l'article 4, paragraphe 1, de la directive 2000/78/CE du Conseil, du 27 novembre 2000, et ne saurait donc justifier une discrimination directe interdisant de porter le voile ».</p> <p>"the request of Micropole's customers for the purpose 'that there be no veil next time', as stated in the dismissal letter, does not constitute an essential and determining professional requirement within the meaning of Article 4(1) of Council Directive 2000/78/EC of 27 November 2000 and cannot therefore justify direct discrimination prohibiting the wearing of the veil".</p>

Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.</p>
Decision date	15 May 2019
Reference details	<p>Court of Cassation (Cour de cassation), 15 May 2019, n° 17-22224</p> <p>Available at: [https://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000038508175&fastReqId=1070250261&fastPos=2].</p>
Key facts of the case (max. 500 chars)	<p>In 2014, Ms. X was dismissed for serious misconduct by the Fédération française du bâtiment Grand Paris (FBB). She considered herself a victim of discrimination because of her origins and referred the matter to the judges so that they could acknowledge that her supervisor had made racist comments about her during the dismissal interview. The young woman of North African origin relies on the interview report written by the counsellor who accompanied her.</p> <p>The trial and appellate judges ruled against her and this was appealed to the Supreme Court.</p>
Main reasoning/argumentation (max. 500 chars)	<p>In the field of discrimination, legal texts modify the burden of proof by requiring the plaintiff to provide factual evidence giving rise to a presumption of discrimination, in which case it is up to the defendant to prove that they took their decision for objective reasons.</p> <p>In this case, the supervisor made clearly racist comments during the dismissal interview, asking himself whether "culturally, in the employee's family, violence was not commonplace".</p> <p>However, the Court of Appeal considers that these are not racist comments. Recalling the rule of evidence that applies in this matter, the Court of Cassation considers that the Court of Appeal did not apply it correctly. It considers that these words could lead to the presumption of discrimination against women on the grounds of their origin.</p>
Key issues (concepts, interpretations) clarified by	<p>The Court of Cassation is in principle only competent to enforce the rule of law, without controlling the legal qualification of the evidence, which is subject to the assessment of the judges on merit.</p>

the case (max. 500 chars)	The judgment is interesting in this respect, because the Court of Cassation, in order to monitor compliance with the probative rule on discrimination, challenges the Court of Appeal's assessment of the facts - racist or non-racist statements by the hierarchical superior.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court of Cassation has therefore overturned the judgment of the Court of Appeal and referred the case back to another Court of Appeal.
Key quotation in original language and translated into English with reference details (max. 500 chars)	« l'arrêt [d'appel] retient que si la référence à la culture de la salariée avait pu être mal interprétée par cette dernière, il ne ressortait pas du compte-rendu de l'entretien préalable que ces propos auraient été tenus avec une connotation raciste et en raison de ses origines maghrébines, et ce d'autant plus que l'employeur faisait référence dans la même phrase à la famille de la salariée ; Qu'en statuant ainsi, alors qu'elle constatait que le supérieur hiérarchique de la salariée avait, lors de l'entretien préalable, indiqué qu'il se demandait "si culturellement dans la famille de la salariée, la violence n'était pas banale", ce dont elle aurait dû déduire que la salariée présentait des éléments de faits laissant supposer une discrimination en raison de l'origine, la cour d'appel, qui n'a pas tiré les conséquences légales de ses constatations ». "the[appeal] judgment held that if the reference to the employee's culture had been misinterpreted by the latter, it did not appear from the minutes of the preliminary interview that these remarks had been made with a racist connotation and because of her North African origins, all the more so since the employer referred in the same sentence to the employee's family; That, in so doing, when it found that the employee's superior had, during the preliminary interview, indicated that he wondered "whether violence in the employee's family was not culturally commonplace", from which she should have deduced that the employee presented elements of fact suggesting discrimination on the grounds of origin, the Court of Appeal, which did not draw the legal consequences from her findings".

Thematic area	ROMA INTEGRATION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
Decision date	19 June 2019
Reference details	Appeal Court of Versailles (Cour d'appel de Versailles), n° 18/01049, available at: [www.romeurope.org/wp-content/uploads/2019/07/ANONYME_CA_Versailles_D% c3% a9cision_scolarisation_Sucy_en_Brie.pdf].
Key facts of the case (max. 500 chars)	In 2014, an association activist asked the town hall to enrol five Roma children in school. The application was refused on the ground that the proof of address requested had not been supplied. The local councillor added that "more than ten Roma children" were already attending school in the municipality The families, supported by several NGOs, took legal action for racial discrimination in access to a public service.

	<p>The mayor was acquitted by the correctional court in 2015 and then by the Court of Appeal in 2017.</p> <p>However, in 2018 the Criminal Division of the Court of Cassation overturned the decision of the Court of Appeal. It noted that the mayor, even though she knew the identity of the minors and was informed of their presence in her municipal area, nevertheless refused to allow them to attend school on the pretext that they had refused to produce proof of residence, without taking the slightest investigative step to complete the application. The Court of Cassation held that the Court of Appeal should have considered whether, in those circumstances, the refusal should not be regarded as actually based on a distinction between origin and place of residence. The case was therefore referred to another Court of Appeal (Versailles).</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Court of Appeal begins by recalling that the right to education is a fundamental right and that its effectiveness, as far as Roma children are concerned, implies taking into account the practical difficulties they face in meeting the conditions for access to school.</p> <p>It points out that proof of address is not compulsory for school enrolment, and that the European Court of Human Rights recommends "facilitating the enrolment of children of Roma origin, even if some of the administrative documents are missing". Faced with the proven unwillingness of the local elected representative to school the school, the Court recognised discrimination based on the fact that children belonged to the Roma community.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>For the first time, the courts consider that the failure to enrol Roma children who live in the municipality is a form of discrimination that gives rise to compensation.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court of Appeal ruled that the mayor had committed a civil offence that had caused damage, and therefore ordered her to pay 5,000 euros in damages to the families of the five children (in addition to legal costs).</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>« le droit fondamental à l'éducation est garanti par de multiples dispositions de droit interne ou international ; (...) une attention tout à fait particulière doit être accordée aux gens du voyage qui ne peuvent parfois fournir tous les justificatifs de domiciliation habituels (quittances de loyer, factures d'électricité...) ».</p> <p>"The fundamental right to education is guaranteed by numerous provisions in national and international law; (...) particular attention must be paid to travellers, who sometimes cannot provide all the usual proof of residence (rent receipts, electricity bills, etc.)"</p>

Thematic area	INFORMATION SOCIETY, DATA PROTECTION Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter
Decision date	18 March 2019
Reference details	High Administrative Court (Conseil d'Etat), n° 406313, available at: www.legifrance.gouv.fr/affichJuriAdmin.do?idTexte=CETATEXT000038244592
Key facts of the case (max. 500 chars)	One person refused the collection by the administration of personal data (information about her children into pupils files) and inclusion in data bases. These ones are designed to help with student enrolment and management for school principals and town halls in France. It is a system for entering and managing all pupils in nursery, elementary and primary schools via the Internet. It contains family data (emergency contact person: address, telephone numbers, etc.) and facilitates school management for principals. The education administration rejected the request of this mother who went before the court.
Main reasoning/argumentation (max. 500 chars)	The question arose by the case concerned the notion of « legitimate grounds » that can justify the exercise of the right for someone to object to the processing of personal data relating to him/her. In its judgment, the High administrative Court, using the terms of the Directive 95/46/CE, gave a negative definition of legitimate grounds which cannot be based on general considerations or subjective preferences such as doubts about the security of the system or a challenge to the very principle of processing, tending to call into question the existence of such processing and its legality, or an objection in principle to any processing of personal data. The problem, here, is that the applicant invoked general fears and no specific considerations concerning her children.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Rendered under the former law, the judgment imposes greater precision as to the legitimate grounds for exercising the right of opposition in accordance with Directive 95/46/EC of 24 October 1995
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The judge rules in the favour of the administration .
Key quotation in original language and translated into English with reference details (max. 500 chars)	« (...) le droit qu'elles ouvrent à toute personne physique de s'opposer pour des motifs légitimes à ce que des données à caractère personnel la concernant fassent l'objet d'un traitement est subordonné à l'existence de raisons légitimes tenant de manière prépondérante à sa situation particulière ». « the right they grant to any natural person to object on legitimate grounds to the processing of personal data relating to him or her is subject to the existence of legitimate grounds predominantly related to his or her particular situation ».

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
Decision date	26 June 2019
Reference details	Court of Cassation (Cour de cassation), 26 June 2019, n° 19-82779 Available at: [www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000038734067&fastReqId=467412579&fastPos=1].
Key facts of the case (max. 500 chars)	Mr. X., a minor at the time of the events, was charged with aggravated pimping, corruption of minors, sexual harassment and threats of crimes against persons. He was placed in detention by order of the judge of freedoms and detention. Mr. X's lawyer appealed this decision. In a judgment of 11 April 2019, the investigating chamber of the Caen Court of Appeal confirmed the order ordering Mr. X's pre-trial detention. The latter appealed to the Supreme Court.
Main reasoning/argumentation (max. 500 chars)	The Court of Cassation notes that the proceedings before the investigating chamber and the decision were taken in public hearing. However, restricted publicity, which derogates from the principle of open court, is introduced to protect the identity and personality of the minor and any violation necessarily adversely affects the interests of the minor. Consequently, by pronouncing as it did, the investigating chamber disregarded articles 199 of the Code of Criminal Procedure and 14 of Ordinance No. 45-174 of 2 February 1945 and the principle that "when the person charged is a minor at the time of the offence, the proceedings before the investigating chamber shall take place and the judgment shall be delivered in chambers". In addition, the Court of Cassation notes that at the hearing of the investigating chamber, at which Mr. X. did not request to appear in person, his counsel made observations and his legal representative's lawyer had the last opportunity to speak. However, the accused or his lawyer must have the last say. Thus, the investigating chamber failed to comply with Article 6 of the European Convention on Human Rights and Article 199 of the Code of Criminal Procedure.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court of Cassation thus recalls that case law established in the past according to which the limited publicity imposed on the juvenile assize court is an essential condition for the validity of the proceedings before that court, it being specified that no derogation may be made from this rule of public policy. It also insists, again in accordance with previous case law, that the juvenile or his lawyer must have the last say before the courts.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The judgment of the investigating chamber is overturned and the High Court refers the case to another investigating chamber.
Key quotation in original language and translated into English with reference details (max. 500 chars)	« Attendu qu'il se déduit de ces dispositions [principalement l'article 6 de la Convention européenne des droits de l'homme] que devant la chambre de l'instruction, le mis en examen bénéficie du droit d'avoir l'assistance du défenseur de son choix, et que le mis en examen ou son avocat doivent avoir la parole en dernier ». "Whereas it follows from these provisions [principally Article 6 of the European Convention on Human Rights] that before the Examining Chamber, the accused person has the right to have the assistance of the defence counsel of his or her choice, and that the accused person or his or her lawyer must have the last say".

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter..
Decision date	10 July 2019
Reference details	Appeal Court of Angers (Cour d'appel d'Angers) Not available. Numerous newspaper articles: www.liberation.fr/france/2019/07/10/femme-defenestree-par-son-compagnon-au-mans-la-cour-d-appel-ordonne-l-indemnisation-totale_1739152 https://www.lefigaro.fr/flash-actu/la-femme-defenestree-par-son-compagnon-au-mans-indemniee-totalement-20190711
Key facts of the case (max. 500 chars)	In August 2013, a woman was seriously injured by her husband. That night, she had first tried to flee her abusive husband and their apartment, alerting the Samu social emergency service, friends and family. In the absence of a proper accommodation alternative, she finally returned home, where her husband threw her out of a window, rendering her paraplegic. Following her husband's trial in June 2016 (15-year prison sentence), the woman was only paid compensation of 67,500 euros out of the 90,000 set by the assize court. The Victims' Guarantee Fund (FGTI), which was to pay this sum to her (in the place of the insolvent convicted husband), had in fact decided to reduce her right to compensation on the grounds that she had "contributed to her own damages" on the evening of the events. This assessment had been confirmed by the Crime Victims Compensation Commission (a court sitting in each county court) in February 2018. The victim has appealed this decision.
Main reasoning/argumentation (max. 500 chars)	The Victims' Guarantee Fund, and later the Compensation Commission, felt that the victim had committed a civil fault in returning to the matrimonial home. The Court of Appeal rejected this reasoning, pointing out that there was no direct causal link between the acts of criminal violence of which the woman was a victim and the decision to return to her partner in the apartment she had left a few hours earlier.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Contrary to the Victims' Guarantee Fund's reasoning, which pointed to the imprudence of the victim but ignoring the mechanisms at work in the vast majority of cases of domestic violence (psychological hold, isolation, loss of self-confidence, shame), the appeal judges fully restored the status of victim for the assaulted woman..
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The decision of the Court of Appeal entitles the victim to full compensation.
Key quotation in original language and translated into English with reference details (max. 500 chars)	« Même si le comportement de la victime peut être considéré comme rationnellement risqué, cette simple imprudence commise par une jeune femme sous l'emprise de son compagnon et se retrouvant sans solution d'hébergement ce soir-là ne peut être qualifiée de faute et ne saurait limiter l'indemnisation d'un dommage auquel elle n'a contribué en aucune façon ». "Even if the victim's behaviour may be considered rationally risky, this simple imprudence, committed by a young woman in the grip of her companion and finding herself without accommodation that evening, cannot be qualified as a civil fault and cannot limit compensation for damages to which she did not contribute in any way".

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.</p>
Decision date	28 June 2019
Reference details	<p>Court of cassation (Cour de cassation), 28 June 2019, n° 19-17330 and 19-17342</p> <p>Available at: www.courdecassation.fr/jurisprudence_2/assemblee_pleniere_22/647_28_42871.html</p>
Key facts of the case (max. 500 chars)	<p>In September 2008, Mr. X. suffered a serious traffic accident that plunged him into a chronic irreversible vegetative state. In 2013, with the agreement of his wife, but without informing the parents, Mr. X's doctor decided at the end of a collegial procedure to interrupt the care, considering it to be "unreasonable obstinacy". Due to parental opposition, several court decisions successively suspended and then validated the discontinuation of treatment without any improvement in the patient's condition. In April 2018, the hospital in which he was staying decided to stop the treatment. In April 2019, the Conseil d'État ruled that the decision to stop treatment was legal. A few days later, the European Court of Human Rights rejected the request of Mr. X's parents, half-brother and sister... for France to suspend the decision to stop care. On 3 May 2019, the UN Committee on the Rights of Persons with Disabilities, referred to by the same persons, gave France six months to submit its observations on the case. The committee requests that care continue until it has been able to examine the French State's response. On 7 May 2019, the French government replied to the UN committee that it was unable to claim continued care. On 17 May 2019, the High Court, referred to by the parents, declared itself not competent to order the State to take the measures requested by the UN Committee. According to the court, the State is not the perpetrator of an "assault". On 20 May 2019, the Court of Appeal concluded the opposite and declared itself competent: it condemned the French State and ordered it to take all provisional measures requested by the UN Committee. The care provided to Mr. X... is therefore maintained. On 31 May 2019, the State, the hospital and the doctor challenged the decision of the Court of Appeal before the Court of Cassation.</p>
Main reasoning/argumentation (max. 500 chars)	<p>In order to rule on France's refusal to comply with the Committee's recommendation to maintain the vital care provided to Mr. X... the time necessary for the UN Committee on the Rights of Persons with Disabilities to examine the case, the Court of Appeal considered that this refusal was an assault.</p> <p>Such a refusal constitutes an act of public authority, which therefore in principle falls within the jurisdiction of the administrative courts unless it is an assault.</p> <p>An administrative act is an "assault" if two cumulative conditions are met: the act is manifestly unlawful and infringes the right to property or an "individual freedom".</p> <p>The Court of Appeal considered that the State's decision, by infringing the right to life, enshrined in Article 2 of the ECHR, infringed an individual's freedom: consequently, it concluded that it was an assault, and that it was therefore competent to compel the French State to enforce the provisional measures recommended by the Committee on 3 May 2019, since the State is a party to the Convention.</p>

	<p>The Court of Cassation recalls in its judgment that "individual freedom", in the sense that it is understood for assault, concerns the deprivation of liberty: it does not cover the right to life.</p> <p>By refusing to order the maintenance of the care requested by the UN committee, the State has therefore not taken a decision that clearly exceeds its powers.</p> <p>None of the elements of the assault being present, the judicial judge therefore has no jurisdiction in this case.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>The Court of Cassation recalled the concept of assault usually accepted by case law in order to exclude the jurisdiction of the judicial courts.</p> <p>Having accepted that the Court of Appeal did not have jurisdiction to rule on the complainants' request, the Court of Cassation did not have to rule on the binding or non-binding nature of a request for an interim measure made by the UN Committee on the Rights of Persons with Disabilities.</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>After the judgment of the Court of Cassation, X's parents again appealed to the Administrative Court to enforce the Committee's provisional request.</p> <p>The judge dismissed their application¹, considering that the execution of the hospital's decision to discontinue treatment did not constitute "manifest illegality", after having specified that "a request for provisional measures submitted by the committee to a State party for its urgent attention is not binding on the latter".</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>« le droit à la vie n'entrant pas dans le champ de la liberté individuelle au sens de l'article 66 de la Constitution, la décision, prise par l'Etat, de ne pas déférer à la demande de mesures provisoires formulée par le CDPH ne portait pas atteinte à la liberté individuelle, d'autre part, qu'en l'état notamment des décisions rendues en dernier lieu par le juge des référés du Conseil d'Etat le 24 avril 2019 et par la Cour européenne des droits de l'homme le 30 avril 2019, cette décision n'était pas manifestement insusceptible d'être rattachée à un pouvoir lui appartenant, de sorte que les conditions de la voie de fait n'étaient pas réunies, la cour d'appel a violé les textes susvisés »</p> <p>"Since the right to life does not fall within the scope of individual freedom within the meaning of Article 66 of the Constitution, the decision taken by the State not to comply with the CRPD's request for interim measures did not affect individual freedom, that, in the light, in particular, of the decisions last rendered by the judge hearing the application for interim measures of the Council of State on 24 April 2019 and by the European Court of Human Rights on 30 April 2019, this decision was not manifestly unlikely to be linked to a power belonging to it, so that the conditions for assault were not met, the Court of Appeal violated the above-mentioned texts".</p>