



# France



Developments in France were greatly linked to the Presidential and Parliamentary elections. Following electoral promises to introduce marriage equality and other measures to ensure greater LGBT equality, the new French government promptly introduced a number of positive measures including: (i) the adoption of an *Action Programme against Violence and Discrimination Based on Sexual Orientation and Gender Identity*, and (ii) the tabling of a bill on marriage and adoption equality. In reaction to this legislative proposal, a coalition of opponents held massive demonstrations.

## Bias motivated violence

- In May, SOS Homophobie published its *Annual Report* on hate related incidents during 2011. The report documented 1,397 incidents and encompassed cases of hate crime, hate speech as well as discrimination against LGBT people. This is the highest figure since *SOS Homophobie* started collecting testimonies. Among those incidents reported, there were 185 physical assaults, 19 sexual assaults, and 277 cases of harassment.

## Employment

- In January, the Defender of Rights, the French equality body, and the French office of the International Labour Organisation (ILO) published their *5th Barometer* on the perception of discrimination in the workplace. According to this survey, the disclosure of an employee's sexual orientation or gender identity remains a potential source of tension at work. As a result, 42% of respondents in the business sector said they wouldn't feel comfortable enough to react if they were the victims of or the witnesses to discrimination. On a more positive note, the survey also showed an increasing awareness of the importance of tackling discrimination on the grounds of sexual orientation and gender identity.

## Equality and non-discrimination

- In July, the Parliament adopted a law on combating sexual harassment, in which an amendment was introduced to add 'sexual identity' to the discrimination grounds prohibited in French legislation. A few days later, the government issued an instruction, clarifying that 'sexual identity' was meant to apply in cases of all "transsexual and transgender people". However, LGBT organisations criticised the fact that the law uses the restrictive term of 'sexual identity' rather than the more accurate ground of gender identity. The same law also complemented French hate crime legislation.
- In October, the government adopted an *Action Programme against Violence and Discrimination Based on Sexual Orientation and Gender Identity*. The Programme includes four main priorities: combating homophobic and transphobic violence, the development of inclusive

dedicated programmes and curricula in the education system, initiatives to tackle discrimination, and governmental action at European and international levels to promote the rights of LGBT people.

- In November and December, LGBT organisations took part in hearings organised by the National Assembly's Laws Committee in the framework of the examination of the governmental bill on equal access to marriage and adoption.

## Family

- In February, President Nicolas Sarkozy made it clear that he would oppose marriage and adoption equality legislation were he to be re-elected in May. This provided clarity for the election as all the other main candidates had announced their positions in 2011. While the far-right candidate Marine Le Pen had confirmed her hostility to further recognition of LGBT families, the main centrist and left-wing candidates agreed that same-sex couples should be granted equal rights, including parental recognition.
- In March, the European Court of Human Rights (ECtHR) delivered its decision in the *Gas et Dubois v. France* case (Application N° 25951/07). This decision upheld pre-existing case-law on second parent adoption from French Courts; in France second parent adoption is only allowed for married couple but not PACSed or cohabiting couples irrespective of sexual orientation. The absence of the possibility for a same-sex PACSed couple to adopt was not deemed discriminatory. However, the ECtHR also confirmed that the resolution of such cases lay within the remit of the national government and parliament, which have the capacity to modify their legislation.
- In June, Pride was celebrated in Paris a few days after the completion of the presidential and legislative electoral processes. The Pride Parade motto, *2012 Equality cannot wait any more*, was meant to be an acknowledgement of the commitments made by the new political majority, and as encouragement to the new government to take action as soon as possible. Pride Parades were also celebrated in many other cities from May to July, under similar mottoes.
- In November, the government published a bill on marriage and adoption equality. The bill was sent to the

Parliament for discussion. The vote on the bill was scheduled to take place in 2013. The proposed legislation, which was debated at length at parliamentary hearings and in the media, was criticised by LGBT organisations because it included neither access to medically assisted procreation for lesbian couples nor the recognition of filiation between second-parents and their children without marriage and adoption procedures, while the government's intentions remained unclear about the possible inclusion of such provisions in a separate legislative initiative. A few days after the publication of the bills, a coalition of opponents led by conservative, right-wing and religious organisations held massive demonstrations against the proposed legislation.

- In December, equally massive demonstrations took place to support and improve the government's proposal. The implication of the Catholic Church as a leader in the mobilisation against marriage equality became obvious when the General Secretariat of the Catholic Education System sent an instructions to the directors of their 8,300 primary and secondary school to promote "initiatives [...] as regards the public authorities' choices" on marriage equality, also stating that the Catholic Education System opposed this choice. These instructions violated the legally recognised principle of neutrality in the French public and private education systems.

## Foreign policy

- In September, in his speech at the UN's General Assembly, the President Hollande mentioned the universal decriminalisation of homosexuality as one of the priorities of France in the area of human rights and fundamental freedoms, stating that sexual orientation "cannot be considered a crime, but should be recognised as an orientation".

## Health

- In December, the Minister of Health announced that the ban on blood donation from gay men "could not be lifted", despite earlier announcements on a possible

change in policy. The Minister justified her decision by stating that "not all the conditions were yet met" to lift the ban, recognising at the same time that the current policies include "an element of discrimination" which she didn't "find normal".

## Human rights defenders

- Consultative Commission on Human Rights (CNCDH). The Commission is a national human rights institution according to the Paris Principles, as such it is the consultative body advising the government in all areas relating to human rights and fundamental freedoms.

## Legal gender recognition

- In June, the Court of Cassation delivered a decision in the case of *S v. France* (Decision N° 757, reference 10-26.947). The Court confirmed that tribunals could force a trans claimant to obtain three expert opinions on the effectiveness of irreversible medical reassignment as a condition for the legal recognition of gender change and the delivery of modified identity documents. The leading LGBT organisations, considering that the decision reinforces the *de facto* sterilisation requirement, urged the government and the parliament to propose legislative change.
- In October, the Existrans, a March dedicated to trans rights, was organised in Paris. Its chosen motto was, *ID papers if and when I want*. This demonstration was an additional opportunity for the LGBT movement to call on the government to deliver legislative change.

## Participation in public/political life

- In February, the three main LGBT coalitions (Inter-LGBT, Fédération LGBT and Coordination InterPride France) launched an *Equality 2012 Campaign* to coordinate their efforts in the preparation of the presidential and legislative elections that were held in spring. The highlight of the campaign was the *LGBT Meeting for Equality* organised in Paris in March. The main presidential candidates were represented by their spokespersons, with the exception of extreme-right candidates who were not invited. The spokespersons confirmed their candidates'

commitments and publicly gave more details on their plans as regards the rights of LGBT people. The representative of candidate François Hollande, who was subsequently elected President in May, confirmed his position in favour of marriage equality, the right to adoption and the possibility for lesbian women to access fertility treatments. In addition, he announced that new legislation would be proposed to facilitate gender recognition of trans people. So far, France has no legislation regarding gender recognition, and case-law varies from one jurisdiction to another. Generally, sterilisation is required by the different courts. Other announcements on behalf of François Hollande included the organisation of consistent campaigns to address homophobia and transphobia in the education system, and the inclusion of gender identity in the list of grounds of discrimination prohibited by French legislation and in the bias motivations considered as aggravating circumstances in the Criminal Code.

## Public opinion

- According to Eurobarometer 2012, 61% of the French believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 53% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). The French scored 7.3 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). The French scored 5.4 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

## Member organisations of ILGA-Europe

Actions Concretas Conciliant Education Prevention Travail Equite Sante et Sport pour les Transgenres – ACCEPTESS-T

ADFH – Association des Familles Homoparentales  
[www.adfh.net](http://www.adfh.net)

An Nou Allé!  
[www.annoualle.france.qrd.org](http://www.annoualle.france.qrd.org)

Arc-en-ciel Toulouse  
[www.aectoulouse.com](http://www.aectoulouse.com)

ARDHIS  
[www.ardhis.org](http://www.ardhis.org)

Association de Lutte Internationales pour L'Identité des Femmes Transgenres Travestis transsexuelles et Sida

Association des Parents et Futurs Parents Gays et Lesbiens  
[www.apgl.fr](http://www.apgl.fr)

Association Gayttitude Psychologie  
[www.gayttitude-psychologie.org](http://www.gayttitude-psychologie.org)

Association nationale transgenre -Trans Aide

Association PsyGay  
[www.psygay.com](http://www.psygay.com)

Association The Warning  
[www.thewarning.info](http://www.thewarning.info)

CARITIG

CENTR'ÉGAUX – Association des Centristes et Democratres Lesbiennes Gays Bi Trans et GayFriendly  
[www.centregaux.org](http://www.centregaux.org)

Centre LGBT Paris et Île-de-France  
[www.centrelgbtparis.org](http://www.centrelgbtparis.org)

Chéries-Chéris – Festival du Films Gay, Lesbiens, Trans et ++++ de Paris  
[www.cheries-cheris.com](http://www.cheries-cheris.com)

Comité pour la reconnaissance sociale des homosexuel/les CRSH France

Contact Paris/Ile-de-France  
[www.asso-contact.org](http://www.asso-contact.org)

Coordination Lesbienne en France  
[www.coordinationlesbienne.org](http://www.coordinationlesbienne.org)

CQFD Fierté Lesbienne

David & Jonathan  
[www.davidetjonathan.com](http://www.davidetjonathan.com)

Europe Ecologie – Les Verts  
[www.eelv.fr](http://www.eelv.fr)

Fédération Française des Centres LGBT  
[www.inter-centres-lgbt.france.qrd.org](http://www.inter-centres-lgbt.france.qrd.org)

Gaipar

GayLib  
[www.gaylib.org](http://www.gaylib.org)

Homosexualité et Socialisme  
[www.hes-france.org](http://www.hes-france.org)

Homosexuels Musulmans 2 France  
[www.homosexuels-musulmans.org](http://www.homosexuels-musulmans.org)

Inter-LGBT  
[www.inter-lgbt.org](http://www.inter-lgbt.org)

L'Autre Cercle  
[www.autrecercle.org](http://www.autrecercle.org)

L'Egide  
[www.legide.org](http://www.legide.org)

Rainbow Banquass  
[www.rainbowbanquass.fr](http://www.rainbowbanquass.fr)

Réseau d'assistance aux victimes d'agression et de discriminations – RAVAD  
[www.ravad.org](http://www.ravad.org)

RHIF et Les Juristes Gais  
[www.juristesgaisfr.org](http://www.juristesgaisfr.org)

SOS Homophobie  
[www.sos-homophobie.org](http://www.sos-homophobie.org)

Universités d'Été Euroméditerranéennes des Homosexualités  
[www.ueeh.net](http://www.ueeh.net)