

Research on France

Including the following 5 indicators, total length around 2-3 pages
For the use of (digital) references, try to stick to APA 7
At the end list 3 Key Take-Aways

Indicator 1- **Existence of national policy documents on Human Rights:**

Human rights is one of the priorities for France's foreign policy.

François Hollande, former President of the Republic – opening debate of the 67th session of the General Assembly of the United Nations, the 25 September 2012 : *"France wants to set an example, not to teach others a lesson but because it's our history, our message. Setting an example in promoting fundamental freedoms is our battle and a matter of honour for us."*

Human rights are defined as the inalienable rights of all human beings, irrespective of nationality, place of residence, gender, ethnic or national origin, colour, religion, language, or any other status, and cover a multitude of themes.

The protection of human rights, as enshrined in the Universal Declaration of Human Rights, is central to the work of the United Nations, which asserts that these rights are universal, indivisible, interdependent and interrelated (UN World Conference on Human Rights). These rights form part of the founding values of the French Republic as proclaimed in the preamble to the French Constitution. Respect for human rights is central to the exercise of democracy in France and to our commitment as a member of the European Union and of international organisations.

This commitment translates into political and diplomatic actions at national, European and international level and goes hand in hand with cooperation and support programmes on key themes.

France is particularly strongly committed to certain causes: universal abolition of the death penalty, combating impunity, arbitrary detention and enforced disappearance, respect for women's rights, combating the recruitment and conscription of child-soldiers and combating discrimination based on sexual orientation and gender identity. In pursuit of its human rights goals, France works in partnership with the international community, international organisations and with NGOs both French and foreign.

As well as addressing these themes, French diplomacy seeks constantly, through its efforts within multilateral fora and through its bilateral relations, to combat human rights violations wherever they may be committed.

Here are some Human Rights that France defend :

- Death Penalty
- Children's rights
- Women's rights
- Sexual Orientation and Gender Identity
- Forced marriage: you are protected by law
- Freedom of expression
- Freedom of religion or belief

- Fight against racism, anti-Semitism and xenophobia
- Fight against human trafficking
- Memory of the Holocaust
- Extreme poverty and human rights
- Right to water and sanitation
- Business and human rights

Indicator 2: **Development of human rights policies in the past**

In its preamble, the Constitution of the Fifth Republic provides that "The French People solemnly proclaim their attachment to Human Rights and to the principles of national sovereignty as defined by the Declaration of 1789, confirmed and supplemented by the preamble to the Constitution of October 27, 1946, as well as the rights and duties defined in the 2004 Environmental Charter". It is on the basis of the preamble to the Constitution that the Constitutional Council recognized a constitutional value in the declaration of the Human rights and the citizen, in the preamble of the constitution of 1946.

Several institutions monitor respect for human rights in France. In addition to the jurisdictions of the judicial order and the administrative order, which can be based on national or international standards, it is worth mentioning at national level the Defender of Rights, the CNIL, the General Controller of places of deprivation of liberty, and the National Consultative Commission on Human Rights. It works in conjunction with international organizations which have on several occasions been able to rule on human rights violations committed in France

To sum up :

Human rights in France are contained in the preamble of the Constitution of the French Fifth Republic, founded in 1958, and the 1789 Declaration of the Human Rights of the Citizen. France has also ratified the 1948 Universal Declaration of Human Rights, as well as the European Convention on Human Rights 1960 and the Charter of Fundamental Rights of the European Union (2000). All these international law instruments take precedence on national legislation.

Regarding the development of human rights policies in the past it could be interesting to do a focus on the "Colonial Legacy in France :

Representations of the colonial model thus spread through social, cultural and economic relations, threatening the values of the Republic and the sacrosanct living together.

A situation that could be synthesized by this formula of the Cameroonian political scientist and post-colonial theorist, Achille Mbembe: "France has decolonized without self-decolonizing".

It is certainly not by chance that France has long passed over in silence its colonial past. Indeed, it was only from the beginning of the 2000s that this question became part of the public debate, crystallizing on the memory of the Algerian War.

Speech is suddenly released. But each community - immigrants, harkis, black feet, veterans - claims its own memory, often antagonistic to each other. The effect of this was to start a veritable war of memories, which was promptly stirred up by the political class, as was the case with the promulgation of the law of 23 February 2005, which recognized - before being modified - the positive role of colonization.

Since then, French society seems fractured on this issue and in unprecedented proportions with its European neighbors.

Colonization was basically a primitive form of race domination. After decolonization, France kept almost intact the mental devices which legitimized this domination and enabled it to brutalize the "savages" in good conscience. These racist structures of thought, perception and behavior are resurfacing today - even if it is in different forms - in the context of controversies about Islam, the wearing of the veil or the burqa, the issue of suburbs, immigration or identity. Racism having been one of the major ingredients of colonization, decolonizing automatically means deracializing "explains Achille Mbembe.

Colonization is not just physical domination; it is also cultural domination. Two founding books in the field of postcolonial studies allow us to understand this thought.

Indicator 3: **Pro and Contra Voices for human rights policies**

In France, Marine Le Pen, the president of the far right political movement called : "Front National or Rassemblement National" has repeatedly stoked anti-immigrant fears, through the use of hegemonic slogans, such as "La France aux Français (France to the French).

At the contrary, the anti-fascist movement and Black Bloc movement associated to the extreme left, was founded as a grassroots political movement to protest against the right-wing predominance in the country and organise a series of demonstrations against Marine Le Pen political rhetoric.

Some associations try to defend Human Rights in France: the CIMADE, the Human Rights League, Amnesty International, the Action of Christians for the Abolition of Torture (ACAT), the Groupe of information and support for immigrants (GISTI)...

Let's take two examples of Pro Voices :

- The french league for the defense of human and citizen rights

Association of the law of 1901, the French League for the Defense of Human Rights, "LDH", brings together women and men of all backgrounds and all conditions, who

freely choose to join in order to reflect, discuss, act for the defense of the rights and freedoms of all. It operates throughout the territory through its local chapters.

- Amnesty International France

Amnesty International is a movement that brings together more than 2.2 million members and supporters active in more than 150 countries and territories. Amnesty France has defined priorities and guidelines:

- Active support for human rights defenders who are the main targets of States, paramilitary groups, and armed groups.
- Defense of the rights of refugees, asylum seekers, displaced persons, and migrants at French and European level.
- Human rights education and awareness.
- The fight against impunity and the support given to the International Criminal Court so that it becomes a real deterrent and an effective instrument for the promotion of human rights.
- Denouncing the excesses of the fight against terrorism and the practice of torture in detention centers under American control.

Indicator 4: **Application to sporting organizations:**

If in France, the right to practice a sport does not constitute a fundamental freedom, there is nevertheless a principle of free access to sports activities enshrined by the Council of State as a general principle of law.

The state must therefore guarantee the right to practice sport at all levels. Any individual must be able to exercise the sporting activity of his choice and be able to participate in competitions, without being able to oppose him an incompatibility or a refusal related to a social situation, son sex, son age, son origin or possible son handicap.

It is therefore up to sports institutions, clubs and federations to ensure a fundamental right to the practice of sport and to ensure respect for its ethical values and principles, which are secularism, ethics or equality.

Sport could constitute a fundamental right if it were constitutionally guaranteed, as it is in several European countries, such as Portugal and Spain have benefited from constitutions more recent than that of France. It falls to the entire sports movement as well as the legal system for the dissemination of fundamental rights through sports regulations and jurisprudence.

Sports organizations have the responsibility to respect human rights, i.e. to ensure equal opportunities to play and to prevent human rights from being violated during

their activities or their commercial relations and to repair the damages applied. The sports organizations must constantly strive to act responsibly, through their governance, by adequate protection and by respecting the rights of all actors, including athletes, fans, communities, workers, children, volunteers, journalists, human rights defenders and possibly marginalized groups. The Commonwealth Games Federation, the International Olympic Committee, FIFA and UEFA has all made significant progress in publicly committing to respect the human rights throughout their activities and taking steps to integrate these commitments in their mode of operation.

Sports organizations must follow four steps in the governance of their organizations to demonstrate that they promote the values of sport and that they respect the human rights in accordance with good practice and international standards, including the Guiding Principles United Nations on business and human rights : commit, identify risks, take action, communicate

How are fundamental freedoms applied within the sports movement?

The sports jurisdictional system is specific insofar as it is based on a jurisdiction imposed on athletes, who must appear before the Sports Arbitral Tribunal to contest the decisions taken by their sports federation. This recourse imposed on athletes can only constitute a modality for the exercise of the right to judge on the condition of a real independence of this jurisdiction and the assurance of respect for the fundamental rights of athletes. In procedures against athletes, their fundamental freedoms are always advanced, in particular the right to respect for their private life, freedom of religion, the right to image or freedom of association.

Sports cases where athletes invoke for their defense these fundamental rights are in particular those of doping and transfer of players.

For example, in the case opposing in 2013 the Football Club of the Girondins de Bordeaux to FIFA, it was recognized that by virtue of the freedom of movement of workers, a fundamental right stemming from Community law, underage players between 16 and 18 years old who have the nationality of a Member State could be the subject of an international club transfer, despite the prohibition in principle on transfers of minor players. If the sports legal order has a certain autonomy, the law of the European Union contains however several fundamental rights whose application is essential to the sports movement: since the Treaty of Lisbon in 2009, sport is a competence of the European Union and no derogation from the freedom of movement and competition is allowed.

Towards an increasing consideration of fundamental freedoms in sport?

For the past ten years, with the impact of fundamental rights stemming from the community legal order, the sports community has been receptive to the fundamental freedoms that must be guaranteed to athletes. France recently adopted a law on ethics, regulation and transparency in sport in which the right to image for

professional athletes is enshrined. Even if behind this legislative arsenal is a financial objective for the players, who will see their salary distinguished from their royalty for the exploitation by their club of their image, this also illustrates a trend towards the increasing consideration of the protection which must benefit all athletes. In the fight against doping, a real change has taken place since the establishment of the biological passport: this device allows the traceability of all the performances of the athlete during his career, thus indirectly revealing the biological effects of doping . Previously, the substance was sought within the body, via unannounced controls whose effectiveness was relative in the face of the development of masking products and derived substances. Now all the effects of the substance on the athlete's body are analyzed. If this biological passport guarantees more the principle of ethics and sincerity of the sports competitions, it really infringes the fundamental right to the private life of the sportsmen, likely to be controlled throughout the year, including out of competition, while being subject to a permanent location system.

We could take another example of Human rights issue linked with sport organization :

During the last famous "*Paris-Dakar*" event for example : human rights defenders challenge the French company : Amaury Sport Organization (ASO) and France Télévisions as the event were taking place in Saudi Arabia.

The Dakar must not be a platform offered to Saudi Arabia "to make people forget human rights: the International Federation of Human Rights Leagues (FIDH) challenged ASO, the organizing company of the rally, and France Télévisions , two days before the start of the competition in the Saudi desert.

Saudi Arabia is widely criticized by human rights defenders, who point out among other things its controversial military intervention in Yemen, the condition of women in the country and its policy towards opponents, in particular since the murder of the journalist critic Jamal Khashoggi.

"The Amaury Sport Organization and the Dakar pilots should make their voices heard against the ill-treatment that the Saudi government inflicts on women's rights activists," said Human Rights Watch, which relayed the call with 13 other international organizations. "The supporters, the media and the competing teams do not want to be blinded by the sports spectacle, through exercised the kingdom of Saudi Arabia tries to whitewash its image while it imprisons pacifist activists", adds the association .

The FIDH sent a similar letter to the management of France Télévisions, broadcaster of the competition which is held for the first time in the ultra-conservative Saudi kingdom which intend; with sport and tourism, to diversify its economy still today almost exclusively dependent on petroleum.

"We appeal to the public service mission of France Télévisions and ask you to ensure that the dissemination of the Dakar is not a platform offered to the Saudi regime to restore its image and make people forget its crimes", claim the associations.

Denouncing a “sexual apartheid” in the country via the “subjugation” of women “to male guardianship” and the “systematic repression of any form of opposition”, the associations set up before the “realities of Saudi Arabia "Are sadly far from the spirit of freedom that ASO seeks to promote" and the "vocation" of public service television to promote "respect for human rights, pluralism and democratic debate".

Indicator 5: **Additional relevant information**

A seminar on “Human Rights in Sport” was held in Strasbourg on 20 November 2019. The event was organised by the Enlarged Partial Agreement on Sport with the support of various entities such as the Secretariat of the Anti-doping Convention, the European Programme for Human Rights Education for Legal Professionals (HELP) and the European Court of Human Rights (which hosted the first part of the event).

The general aims of the seminar were to:

- share information on recent institutional developments;
- make aware of and train on available tools;
- agree on the next steps for EPAS in the field of human rights and sport.

The seminar was attended by over 60 participants and provided the audience with a platform to exchange views with specialists from sports ministries and sports organisations, academics and human rights experts from across Europe. The main focus of the seminar was on defending the existing human rights of athletes and other participants in regular sports activities.

Another recent information (June 17, 2020) was that Human Rights Watch denounces "abusive and racist police checks on children" in France The NGO a report in which young French black or Arab boys testify of their meeting with the police.

"The French police make use of their wide powers of control and search against young blacks and Arabs even in the absence of signs or proof of breaking the law. (...) In deprived neighborhoods, where people of immigrant origin make up a significant portion of the population, Human Rights Watch believes that the police use identity checks as a brutal means of exercising their authority. "

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