

17 August 2023

## **Submission to the UN Committee on Economic, Social and Cultural Rights 74th Session (25 September 2023 - 13 October 2023) Review of France**

### **I. Introduction**

The Women's International League for Peace (WILPF) brings to the attention of the UN Committee on Economic, Social and Cultural Rights (CESCR) information it provided to the fourth Universal Periodic Review of France in October 2022,<sup>1</sup> which is relevant to the upcoming review of France's periodic report.

The WILPF submission to the UPR, a shortened version of which is provided thereafter, outlines the **long-lasting human rights impacts of France's past nuclear testing in Algeria and French Polynesia**, including on the right to the highest attainable standard of health, and illustrates the serious obstacles to access to compensation for survivors. The nuclear tests caused grave harm to local populations and environments, which have gone largely unacknowledged and uncompensated for by the French government despite recommendations from UN human rights mechanisms. The submission also highlights that France's possession and modernisation of nuclear weapons violate various obligations under international law, including human rights law. In its latest UPR (2023), France received six recommendations related to nuclear testing and nuclear weapons, including the recommendation to "Guarantee access to justice and adequate legal remedies for all victims of nuclear tests carried out by France and conduct rigorous and transparent assessments of the effects of such tests on human health and the environment, including the gendered and transgenerational impacts."<sup>2</sup> These recommendations follow up on a previous UPR recommendation supported by France to "Ensure compensation to all victims of nuclear tests in French Polynesia, in line with the observations of CEDAW and the Human Rights Committee."<sup>3</sup>

Secondly, the WILPF submission to the UPR raises **serious concerns about the disproportionate use of force by French police including through the use of so-called "less lethal weapons" during public protests**, and about **the increased use of drones by the police and the creation of a new operational police reserve**, which widely extends the possibility of carrying a weapon to all police reservists. In its latest UPR, France received 43 UPR recommendations regarding police

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<sup>1</sup> WILPF, submission for the Universal Periodic Review (UPR) of France, 43<sup>rd</sup> session of the UPR Working Group, available at: <[https://www.wilpf.org/advocacy\\_documents/submission-for-the-upr-of-france/](https://www.wilpf.org/advocacy_documents/submission-for-the-upr-of-france/)>.

<sup>2</sup> A/HRC/54/5. France is due to provide its responses to all UPR recommendations by no later than the upcoming fifty-fourth session of the Human Rights Council.

<sup>3</sup> See WILPF statement on the UPR of France, 28 June 2018, <[https://www.wilpf.org/advocacy\\_documents/hrc38-statement-on-the-upr-of-france/](https://www.wilpf.org/advocacy_documents/hrc38-statement-on-the-upr-of-france/)>.

and law enforcement, including 22 recommendations linked to protests and demonstrations, 19 explicitly regarding excessive or disproportionate use of force by law enforcement officers, and 13 recommendations about racial discrimination by the police.<sup>4</sup> In 2021, the UN Human Rights Committee also asked France several questions related to excessive use of force by the police including with “less lethal weapons” in its LOIPR.<sup>5</sup>

Most recently and linked to the recent protests following the unlawful killing of 17-year-old Nahel M., the UN Committee on the Elimination of Racial Discrimination (CERD), in a statement under its Urgent Procedure and endorsed by several other UN human rights mechanisms, made a number of recommendations to France regarding **racial profiling and excessive use of force by law enforcement officials**.<sup>6</sup> It is worth noting that, as stated by Amnesty International, this: “unlawful killing did not happen in a vacuum but was a direct consequence of a combination of the prevalence in France of racial profiling by police and a dangerously permissive legal framework governing the use of force by law enforcement.”<sup>7</sup>

The legal grounds for the use of firearms by the National Police and Gendarmerie were expanded in 2017 with the addition of Article L.435-1 to the Internal Security Code, which includes the principles of absolute necessity and strict proportionality.<sup>8</sup> However, it also expanded the possibility of using weapons if there is a “presumed” or “anticipated” risk of injury to others without reference to the imminence of such a threat.<sup>9</sup> Civil society organisations, researchers and journalists have documented an increase in the use of firearms by law enforcement since 2017 particularly towards moving vehicles, and a notable increase in people killed in vehicles by police, with 26 people killed since article L.435-1 was passed in 2017.<sup>10</sup> This provision must urgently be amended to comply with international human rights law and standards to ensure that law enforcement officers are not authorised to use firearms except as a last resort in self-defence or to defend third parties against an imminent threat of death or serious injury.

Secondly, the government must ensure analysis and investigation of the excessive use of force by law enforcement against young men and boys, particularly of Arab and African descent, against the backdrop of long-standing issues with discriminatory practices in policing in France, including racial profiling. France’s new National Plan on Combatting Racism, Antisemitism and Discrimination Linked to Origin for 2023-2026<sup>11</sup> makes no specific mention of policing practices despite a general commitment to train civil servants, including security forces, on antiracism. Nor does it include a

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<sup>4</sup> A/HRC/54/5.

<sup>5</sup> CCPR/C/FRA/QPR/6, paras. 24 and 25.

<sup>6</sup> Statement 3 (2023), Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures, by the UN Committee on the Elimination of Racial Discrimination, 7 July 2023, available at: <<https://www.ohchr.org/en/press-releases/2023/07/statement-france-un-committee-elimination-racial-discrimination>>.

<sup>7</sup> Amnesty International, Public statement, 13 July 2023, EUR 21/6999/2023, ‘France: Authorities must deliver justice for unlawful killing of 17-year-old Nahel. M’, available at: <<https://www.amnesty.org/en/documents/eur21/6999/2023/en/>>.

<sup>8</sup> France, Internal Security Code, available at: <[https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000034107970](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000034107970)>, Article L. 435-1.>

<sup>9</sup> Amnesty International, Public statement, 13 July 2023, EUR 21/6999/2023, ‘France: Authorities must deliver justice for unlawful killing of 17-year-old Nahel. M’, available at: <<https://www.amnesty.org/en/documents/eur21/6999/2023/en/>>.

<sup>10</sup> basta ! ‘Tués par la police : pourquoi le recensement de batsa ! est différent de celui de l’IGPN’, available at : <<https://basta.media/Tues-par-la-police-pourquoi-le-recensement-de-basta-est-different-de-celui-de-l-IGPN>>, 19 July 2023 ; Amnesty International, Public statement, 13 July 2023, EUR 21/6999/2023, ‘France: Authorities must deliver justice for unlawful killing of 17-year-old Nahel. M’, pages 8 and 9, available at: <<https://www.amnesty.org/en/documents/eur21/6999/2023/en/>>.

<sup>11</sup> Plan national contre le racisme, l’antisémitisme et les discriminations liées à l’origine, available at:

<<https://www.gouvernement.fr/dossier-de-presse/plan-national-contre-le-racisme-l-antisemitisme-et-les-discriminations-liees-a-l-origine>>.

commitment to collecting disaggregated data on visible ethnic minorities to analyse these issues further despite recommendations to this effect from the CESCR in 2016<sup>12</sup> and by CERD in 2022.<sup>13</sup> France must tackle the root causes of discriminatory practices in law enforcement, excessive use of force, racial profiling and other human rights violations against young men and boys of African and Arab descent who are disproportionately affected, and ensure access to justice and guarantees of non-repetition to victims of human rights violations committed by law enforcement, as well as to their families and communities. France must tackle this by, *inter alia*, implementing the recommendations made by CERD, especially the ones in its July 2023 Urgent Action statement on France.<sup>14</sup> The French authorities' response to these serious concerns is often a mere rebuttal of any racism in police practices,<sup>15</sup> sometimes using a condescending tone, placing the blame on families, in particular mothers,<sup>16</sup> and focussing on securitised responses rather than an understanding that violent protests in reaction to police violence are triggered by long-standing grievances resulting from broader social injustices, including systemic racism, direct experiences of racism and violence from the police, and feelings of being second class citizens.<sup>17</sup> In the above-mentioned statement following the unlawful killing of 17-year-old Nahel M., Amnesty International describes how the "Government doubles down on denialism of systemic racism and excessive force in law enforcement."<sup>18</sup>

Just like addressing gender inequality, effectively tackling racial discrimination requires understanding its full extent through proper data collection. Policy solutions must be centered on the experiences of those affected, and measures should be taken to combat both direct and indirect forms of discrimination, the latter often being more insidious and rooted in historical and structural factors. Furthermore, France must urgently take measures to ensure the enjoyment of economic, social and cultural rights by individuals belonging to racialised groups, in particular of Arab and African descent, and with a gender perspective.<sup>19</sup>

**The following is a shortened version of WILPF's submission to the UPR of France (October 2022);** additional information is available in the full submission.<sup>20</sup> WILPF hopes that this information can inform the upcoming review of France's periodic report. We would have liked to update our UPR submission to provide any relevant recent developments on those

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<sup>12</sup> E/C.12/FRA/CO/4, paras. 16 and 17.

<sup>13</sup> CERD/C/FRA/CO/22-23, paras. 6 and 26 d).

<sup>14</sup> Statement 3 (2023), Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures, by the UN Committee on the Elimination of Racial Discrimination, 7 July 2023, available at: <<https://www.ohchr.org/en/press-releases/2023/07/statement-france-un-committee-elimination-racial-discrimination>>.

<sup>15</sup> See France's response to the CERD statement: France Diplomatie, Déclaration du Comité pour l'élimination de la discrimination raciale (8 juillet 2023), available at:

<<https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/la-france-et-les-nations-unies/evenements-et-actualites-lies-aux-nations-unies/article/declaration-du-comite-pour-l-elimination-de-la-discrimination-raciale-08-07-23>>.

<sup>16</sup> Bondy Blog, 'Sanctionner les mères isolées : « Nous ne sommes pas coupables de la colère de nos enfants »', 17 July 2023, available at:

<<https://www.bondyblog.fr/societe/sanctionner-les-meres-isolees-cest-plus-confortable-de-rejeter-la-faute-sur-les-autres/>>.

<sup>17</sup> Open Society Justice Initiative, 'Equality Betrayed: The Impact of Ethnic Profiling in France', September 2013, available at: <<https://www.justiceinitiative.org/publications/equality-betrayed-impact-ethnic-profiling-france>>.

<sup>18</sup> Amnesty International, Public statement, 13 July 2023, EUR 21/6999/2023, 'France: Authorities must deliver justice for unlawful killing of 17-year-old Nahel. M', pages 8 and 9, available at: <<https://www.amnesty.org/en/documents/eur21/6999/2023/en/>>.

<sup>19</sup> Observatoire des Inégalités, 'Les immigrés et leurs descendants, surexposés au chômage', 25 April 2023, available at: <<https://www.inegalites.fr/Les-immigres-et-leurs-descendants-surexposes-au-chomage>>; Observatoire des Inégalités, 'Classe, âge, origine : quand les inégalités se cumulent', 14 April 2023, available at: <<https://www.inegalites.fr/Classe-age-origine-quand-les-inegalites-se-cumulent>>; Observatoire des Inégalités, 'Les immigrés frappés par la pauvreté et les bas revenus', 31 December 2022, available at: <https://www.inegalites.fr/Les-immigres-frappes-par-la-pauvrete-et-les-bas-revenus>.

<sup>20</sup> WILPF, submission for the Universal Periodic Review (UPR) of France, 43<sup>rd</sup> session of the UPR Working Group, available at: <[https://www.wilpf.org/advocacy\\_documents/submission-for-the-upr-of-france/](https://www.wilpf.org/advocacy_documents/submission-for-the-upr-of-france/)>.

concerns, but were unable to do so by the deadline. Nonetheless, we will be pleased to respond to the Committee's questions and requests for additional information.

## II. Nuclear testing

Between 1960 and 1996, France carried out 17 nuclear tests in Algeria and 193 in French Polynesia. These tests caused grave harm to local populations and environments, which have gone largely unacknowledged and uncompensated for by the French government despite recommendations from UN human rights mechanisms.<sup>21</sup> In 2018, France accepted a UPR recommendation to ensure compensation is paid to all victims of nuclear tests in French Polynesia.<sup>22</sup>

In 2010, the government adopted the Morin Law, granting compensation to “any person suffering from an illness caused by radioactivity [...]”.<sup>23</sup> In the last 10 years, only 1747 claims have been registered;<sup>24</sup> in total 506 individuals—veterans, former civilian contractors, and members of the public—impacted by the tests have been granted compensation. More than 80% of the claims submitted have been rejected.<sup>25</sup> The process to seek compensation “has become equivalent to an unscalable wall,” argue the investigators behind the Moruroa Files.<sup>26</sup> The rejected applicants have no means of knowing why they were turned down, because the compensation committee provides no justification for its decisions, which are not made public.<sup>27</sup>

In March 2021, the government drafted a revised version of the Morin law that includes compensation for relatives of deceased from exposure to ionising radiation due to French nuclear testing.<sup>28</sup> The draft also addresses “transgenerational” consequences of nuclear testing on descendants suffering from radiation-induced diseases when ascendants were exposed to ionising radiation in an area affected by nuclear testing and during a period of actual contamination.<sup>29</sup> In July 2021, during a visit to Papeete, the French President announced the opening of archives concerning nuclear tests, and additional financial and human resources to the *Comité d'indemnisation des victimes des*

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<sup>21</sup> UN Human Rights Committee ‘Concluding observations on the fifth periodic report of France’ (17 August 2015) UN Doc CCPR/C/FRA/CO/5, para. 21; Committee on the Elimination of Discrimination against Women ‘Concluding observations on the combined seventh and eighth periodic reports of France’ (25 July 2016) UN Doc CEDAW/C/FRA/CO/7-8, para. 36 (f); Committee on the Elimination of Discrimination against Women ‘Concluding observations on the combined seventh and eighth periodic reports of France’ (25 July 2016) UN Doc CEDAW/C/FRA/CO/7-8, para. 37 (g).

<sup>22</sup> “Ensure compensation is paid to all victims of nuclear tests in French Polynesia, in line with the observations of the Committee on the Elimination of Discrimination against Women and of the Human Rights Committee”. UN Human Rights Council ‘Report of the Working Group on the Universal Periodic Review of France’ (11 April 2018) UN Doc A/HRC/38/4, recommendation 145.97. Available at: <<https://www.ohchr.org/en/hr-bodies/upr/fr-index>>.

<sup>23</sup> Loi n° 2010-2 du 5 janvier 2010 relative à la reconnaissance et à l'indemnisation des victimes des essais nucléaires français (LAW No. 2010-2 of 5 January 2010 on the recognition and compensation of victims of French nuclear tests) Art. 1, paragraph I. Available at: <<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000021625586/>>.

<sup>24</sup> Compensation Committee for Nuclear Test Victims (CIVEN), ‘Activity report 2020: review of 10 years of the law of the 5th January 2010’ (9 March 2021). Available at: <<https://www.gouvernement.fr/rapport-d-activite-2020>>.

<sup>25</sup> Moruroa Files, The compensation trap. Available at: <<https://moruroa-files.org/en/investigation/battle-for-compensation>>; Jean-Marie Collin and Patrice Bouveret, Radioactivity Under the Sand: The Waste from French Nuclear Tests in Algeria (Heinrich Böll Foundation, July 2020), 13.

<sup>26</sup> See the Moruroa Files available at [moruroa-files.org](https://moruroa-files.org); See also Sébastien Philippe and Tomas Stadius, Toxic: Investigation into French nuclear tests in Polynesia (Paris: Puf, 2021).

<sup>27</sup> Moruroa Files, The compensation trap, available at: <<https://moruroa-files.org/en/investigation/battle-for-compensation>>.

<sup>28</sup> Proposition de loi n° 3966 visant à la prise en charge et à la réparation des conséquences des essais nucléaires français (proposal for a law n° 3966 on the assumption of responsibility and reparation for the consequences of French nuclear tests), Art. 1, paragraph I and III. Available at: <[https://www.assemblee-nationale.fr/dyn/15/textes/l15b3966\\_proposition-loi#D\\_Article\\_1er](https://www.assemblee-nationale.fr/dyn/15/textes/l15b3966_proposition-loi#D_Article_1er)>.

<sup>29</sup> Proposition de loi n° 3966 visant à la prise en charge et à la réparation des conséquences des essais nucléaires français (proposal for a law n° 3966 on the assumption of responsibility and reparation for the consequences of French nuclear tests) Art. 1, paragraph IV. Available at: <[https://www.assemblee-nationale.fr/dyn/15/textes/l15b3966\\_proposition-loi#D\\_Article\\_1er](https://www.assemblee-nationale.fr/dyn/15/textes/l15b3966_proposition-loi#D_Article_1er)>.

essais nucléaires, CIVEN).<sup>30</sup> It is imperative that this commitment be implemented without delay. In March 2022, the CEDAW Committee asked France to provide information on the processing of claims for compensation of women and girls in French Polynesia by the CIVEN.<sup>31</sup>

## Recommendations

- Ensure a transparent, easily accessible, and public process for claiming compensation and for understanding decision-making in relation to compensation of all victims of French nuclear testing (including in Arabic for residents of Algeria).
- Ensure access for all victims of nuclear tests to relevant medical archives and other documentation necessary for making compensation claims including all reports containing measures of radioactivity in all media (air, ground, water) and in foodstuffs.
- Conduct rigorous and transparent impact assessments of past nuclear testing on human health and the environment, including non-carcinogenic impact, mental health impact, gendered impact, and possible transgenerational impact.
- Adopt the draft revised Morin Law (Proposition de loi n° 3966) with the principle of compensation to indirect and transgenerational victims of nuclear testing.

## II. Disproportionate use of force by the police

In 2018, France accepted six UPR recommendations pertaining to investigating effectively and impartially all cases of excessive use of force by law enforcement officers during protests and demonstrations.<sup>32</sup> Concerns over the use in France of so-called “less-lethal weapons,”<sup>33</sup> and particularly weapons that fire rubber balls (so-called “defensive ball launchers”), have been raised by national and international bodies and civil society organisations for over a decade.<sup>34</sup> The French

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<sup>30</sup> Boulman, C. Essais nucléaires en Polynésie française : Macron reconnaît la « dette » de la France (Les Echos, 28 July 2021). Available at: <<https://www.lesechos.fr/politique-societe/emmanuel-macron-president/essais-nucleaires-en-polynesie-francaise-macron-reconnait-la-dette-de-la-france-1335300>>; The CIVEN is the independent administrative authority that has the power to award or not award compensation under the Morin law.

<sup>31</sup> “Health (...) The Commission on Improving Compensation for Victims of Nuclear Tests, established by law No. 2017-256 of 28 February 2017 on programming relating to substantive equality in the overseas territories, presented its conclusions which were intended to improve the situation of victims of nuclear tests. Please provide information on the processing of claims for compensation of women and girls in French Polynesia.” Committee on the Elimination of Discrimination against Women, List of issues and questions in relation to the ninth periodic report of France, (7 March 2022), UN Doc CEDAW/C/FRA/Q/9, para. 19.

<sup>32</sup> UN Human Rights Council ‘Report of the Working Group on the Universal Periodic Review of France’ (11 April 2018) UN Doc A/HRC/38/4, Recommendations 145.138, 145.139, 145.170, 145.171, 145.172, 145.173. Available at: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/102/49/PDF/G1810249.pdf?OpenElement>>; In 2015, the Human Rights Committee recommended that France: “should adopt effective measures, particularly in terms of training, to prevent law enforcement and security forces from using excessive force or non-lethal weapons in situations that do not warrant recourse to greater or lethal force. In that connection, the Committee draws the State party’s attention to the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”, Human Rights Committee ‘Concluding observations on the fifth periodic report of France’ (17 August 2015) UN Doc CCPR/C/FRA/CO/5, paragraph 15.

<sup>33</sup> Note: For this submission, these weapons will be referred to as “less-lethal weapons” in line with the definition used by the Office of the High Commissioner for Human Rights; however, WILPF rejects any distinction between the purported lethality of any weapon system, given that the use of any weapon can have fatal consequences.

<sup>34</sup>Olivier Bénis, Flash-ball, LBD 40: these non-lethal weapons denounced for ten years by (almost) everyone (Franceinter, 16 January 2019). Available at: <<https://www.franceinter.fr/justice/flash-ball-lbd-40-ces-armes-non-letales-denoncees-depuis-dix-ans-par-presque-tout-le-monde>>; Action des Chrétiens pour l’Abolition de la Torture, Practices and consequences of policing in France - Analysis note addressed to the Defender of Rights in the context of his fact-finding mission on policing (July 2017). Available at: <<https://www.acatfrance.fr/public/acat-pratiques-et-consequences-du-maintien-de-l-ordre-en-france--juillet-2017.pdf>>; Amnesty International, Recommendations on the “defensive bullet launcher” (5 March 2012). Available at: <[https://web.archive.org/web/20120903074627/https://www.amnesty.fr/sites/default/files/SF12REG56\\_05mars2012.pdf](https://web.archive.org/web/20120903074627/https://www.amnesty.fr/sites/default/files/SF12REG56_05mars2012.pdf)>.

independent authority *Défenseur des droits* has noted that the “non-lethal” nature of such weapons means that in practice agents actually use them with less care than traditional weapons.<sup>35</sup> It is worth noting that French police are the only ones in the EU to have “defensive ball launchers” and explosive grenades to disperse crowds.<sup>36</sup>

“Defensive ball launchers” are a targeting weapon as members of the police forces point a weapon in the direction of demonstrators and open fire.<sup>37</sup> Several victims of “defensive ball launchers” have reported psychological trauma in addition to physical injuries.<sup>38</sup> In crowd situations, aiming is made difficult by the distance and the movement of targeted persons, which increases the risk of serious injury.<sup>39</sup> In addition to the risks of injury, the gesture of pointing a weapon in the direction of demonstrators has a very strong symbolic value since it places police in opposition to the protesters, representing clear hostility and domination.

The severe impacts of the increased use of “defensive ball launchers” have been documented, including head injuries (e.g. facial fractures) and an increase in eye injuries, with a notable rise between 2016 and 2019: the number of open eyeballs was zero in 2016, and a total of 22 for 2018-2019.<sup>40</sup> According to *Action des Chrétiens pour l'Abolition de la Torture France* (ACAT France), between 2010 and 2019, 71 persons were seriously injured by flashballs and LBD 40, among which 48 lost part of or their entire sight from one eye, and two were killed.<sup>41</sup> ACAT France also documented serious injuries due to dispersion grenades in the same period.<sup>42</sup> The *Inspection Générale de la Police Nationale* (IGPN), has started providing some information about such weapons in its annual report since 2019. Police officers are required to fill in a *TSUA*<sup>43</sup> (weapons usage tracking file) after each use. However, this administrative process is not appropriate and adapted to the large-scale use of “less-lethal weapons” during protests or riots. Indeed, as the *Défenseur des droits* reported in his 2019 decision, such files are often not correctly filled in because they take too long and are not adapted

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<sup>35</sup>This independent constitutional authority reunites the missions previously assigned to four different authorities: the High authority for the fight against discrimination and for equality (HALDE), The Defender of Children, the Republic Mediator and the National Commission for police ethics (CNDS). The organic law n° 2011-333 and ordinary law n° 2011-334 from 29 March 2011 specified the status, missions, powers and resources of this new institution. More information available at: <<https://defenseurdesdroits.fr/en>>; Defender of Rights, Report of the Defender of Rights on “The maintenance of order with regard to the rules of deontology” (December 2017) page 26.

<sup>36</sup>Sebastian Roché, Police violence in France (Esprit, January 2020). Available at: <[https://esprit.presse.fr/actualites/sebastian-roche/les-violences-policieres-en-france-42562#\\_ftn10](https://esprit.presse.fr/actualites/sebastian-roche/les-violences-policieres-en-france-42562#_ftn10)>.

<sup>37</sup>Action des Chrétiens pour l'Abolition de la Torture, Policing at What Cost? An investigation into the evolution of policing practices in France and their impacts on freedom (March 2020) page 97. Available at: <<https://www.acatfrance.fr/rapport/lordre-a-quel-prix>>.

<sup>38</sup>Action des Chrétiens pour l'Abolition de la Torture, Policing at What Cost? An investigation into the evolution of policing practices in France and their impacts on freedom (March 2020) 97. Available at: <<https://www.acatfrance.fr/rapport/lordre-a-quel-prix>>; Franceinfo, One year later, this young victim of an LBD shooting in Lyon is anxiously awaiting the results of the police investigation (27 April 2021). Available at: <<https://france3-regions.francetvinfo.fr/auvergne-rhone-alpes/rhone/lyon/un-an-apres-cette-jeune-victime-d-un-tir-de-lbd-a-lyon-attend-avec-inquietude-les-resultats-de-l-enquete-policier-2063290.html>>.

<sup>39</sup>Defender of Rights, Report of the Defender of Rights on “The maintenance of order with regard to the rules of deontology” (December 2017) page 26. Available at:

<[https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd\\_rt\\_201712\\_maintien\\_ordre.pdf](https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd_rt_201712_maintien_ordre.pdf)>.

<sup>40</sup>Laurène Dufayet, Nicolas Soussy and Charlotte Giordard, French protests: why defensive bullet launchers should be banned (The Lancet, VOLUME 396, ISSUE 10253, P757-758, September 12, 2020). Available at:

<[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)31869-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)31869-9/fulltext)>; Aurore Chauvin et al., Ocular injuries occurred by less-lethal weapons in France, (The Lancet, vol. 394, n° 10209, 2 November 2019) 1616-7. Available at: <[https://www.researchgate.net/publication/336987252\\_Ocular\\_injuries\\_caused\\_by\\_less-lethal\\_weapons\\_in\\_France](https://www.researchgate.net/publication/336987252_Ocular_injuries_caused_by_less-lethal_weapons_in_France)>.

<sup>41</sup>Action des Chrétiens pour l'Abolition de la Torture, Policing at What Cost? An investigation into the evolution of policing practices in France and their impacts on freedom (March 2020) page 93. Available at: <<https://www.acatfrance.fr/rapport/lordre-a-quel-prix>>.

<sup>42</sup>Action des Chrétiens pour l'Abolition de la Torture, Policing at What Cost? An investigation into the evolution of policing practices in France and their impacts on freedom (March 2020) page 93. Available at: <<https://www.acatfrance.fr/rapport/lordre-a-quel-prix>>.

<sup>43</sup> Fichier de traitement de suivi de l'usage des armes

to the situation.<sup>44</sup> Data provided in IGPN's reports about the use of less-lethal weapons such as "defense-ball launchers" can, thus, be under-estimated.<sup>45</sup>

In the absence of systematic official statistics, CSOs and journalists gather data to identify the types of weapons used by law enforcement, as well as to monitor incidents.<sup>46</sup> Between 2010 and 2014, shots from the police and *gendarmerie* with "less-lethal weapons" in law enforcement has increased considerably from 40 shots to 463 shots.<sup>47</sup> Between 2017 and 2018 and in the midst of the *gilets jaunes* (Yellow vests) movement,<sup>48</sup> the IGPN reported an exponential increase in the use of "defensive ball launchers," with 4,005 reports (a 61 % increase compared to 2017) for 19,071 rounds of ammunition fired (a 200 % increase compared to 2017).<sup>49</sup> Over a third (36%) of complaints made against the police related to the Yellow vests protests pertained to the use of defensive ball launchers and grenades and 38% regarding beatings and the use of batons.<sup>50</sup>

Public outcry over the use of "defensive ball launchers" peaked during the Yellow Vests protests considering the seriousness and number of casualties. In February 2019, UN Special Procedures criticised the disproportionate use of force by the police, including the serious injuries caused by a disproportionate use of "less-lethal weapons" like grenades and "defensive bullets."<sup>51</sup> In January 2019, the *Défenseur des Droits* reiterated his recommendations to forbid the use of "defensive ball launchers" in the context of public protests.<sup>52</sup> The national human rights institution (*Commission nationale consultative des droits de l'Homme, CNCDH*), in an opinion dated February 2021, noted that "the supervision of demonstrators during collective mobilizations, or occupations of public or private property, has given rise in recent years to unprecedented recourse to the use of force, resulting in numerous illegitimate acts of violence." The CNCDH, "noting the increase in the number of injuries caused by the use of mutilating weapons, which cause irreversible injuries to demonstrators, recommends abandoning the use of defensive ball launchers and dispersion grenades."<sup>53</sup> In January 2020, it stated that it was also "very concerned about the chilling effect of police violence on the exercise of the freedom to demonstrate and about the impediments to the freedom to inform and the right to testify."<sup>54</sup>

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<sup>44</sup>Defender of Rights, decision n° 2019-263 (10 December 2019). Available at: <[https://juridique.defenseurdesdroits.fr/index.php?lvl=notice\\_display&id=31076&opac\\_view=-1](https://juridique.defenseurdesdroits.fr/index.php?lvl=notice_display&id=31076&opac_view=-1)>.

<sup>45</sup> Rapport annuel de l'IGPN 2021, page 59. Available at: <<https://www.interieur.gouv.fr/Publications/Rapports-de-l-IGPN/Rapport-annuel-d-activite-de-l-IGPN-2021>>.

<sup>46</sup>Omega Research Foundation, Visual guide to military, security and police equipment (2015). See also Mispo.org a fully searchable online databank containing thousands of images of military, security and police (MSP) equipment, available at <<http://www.mispo.org>>.

<sup>47</sup>Sebastian Roché, Police violence in France (Esprit, January 2020). Available at: <[https://esprit.presse.fr/actualites/sebastian-roche/les-violences-policieres-en-france-42562#\\_ftn10](https://esprit.presse.fr/actualites/sebastian-roche/les-violences-policieres-en-france-42562#_ftn10)>.

<sup>48</sup> This was a grassroots citizens' protest movement, which began in early November 2018 against a planned rise in the tax on diesel and petrol. The movement was named "gilets jaunes" (yellow vests) because protesters wore fluorescent yellow jackets that all motorists must by law carry in their cars.

<sup>49</sup>General Inspectorate of the National Police (IGPN) Police nationale, 'IGPN Annual Report 2018' (17 June 2019) page 29. Available at: <<https://www.interieur.gouv.fr/Publications/Rapports-de-l-IGPN/Rapport-annuel-d-activite-de-l-IGPN-2018>>.

<sup>50</sup> 6th Periodic report of France on the implementation of the International Covenant on Civil and Political Rights, UN Doc CCPR/C/FRA/6 para. 228. Available at:

<[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fFRA%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fFRA%2f6&Lang=en)>.

<sup>51</sup>OHCHR, France: UN experts denounce severe rights restrictions on "gilets jaunes" protesters (Geneva, 14 February 2019).

Available at: <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24166&LangID=E>>.

<sup>52</sup>Defender of Rights, decision n° 2019-029 (13 January 2019). Available at: <[https://juridique.defenseurdesdroits.fr/doc\\_num.php?explnum\\_id=18403](https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=18403)>.

<sup>53</sup>French National Consultative Commission on Human Rights (CNCDH), Opinion on police-public relations: rebuilding trust between the police and the public (A-2021-2, 11 February 2021) paragraph 44. Available at: <<https://www.cncdh.fr/publications/avis-sur-les-rapports-entre-police-et-population-2021-2>>.

<sup>54</sup>French National Consultative Commission on Human Rights (CNCDH), Statement on illegitimate police violence (D-2020-2, 28 January 2020). Available at: <<https://www.cncdh.fr/publications/declaration-sur-les-violences-policieres-illegitimes-d-2020-2>>.

To respond to such concerns, in September 2020, the government launched a new *Schéma National du Maintien de l'Ordre* (SNMO, National Framework for Maintaining Public Order).<sup>55</sup> Regrettably, it only confirmed the continued use of these weapons with slight changes.<sup>56</sup> Moreover, while the SNMO recalls the principles of necessity and proportionality in the use of force, it does not provide any details on their implementation, particularly when considering the use of “less-lethal weapons” for “crowd control”.<sup>57</sup> With regard to its analysis of the SNMO, the CNCDH deplores that the plan “never refers to the notion of “de-escalation,” which was expressly rejected by the leaders of the national police during the CNCDH hearings, thus perpetuating France's isolation from its European neighbours (...)”<sup>58</sup>

To renew public confidence in the police, the government launched a public consultation called *Le Beauvau de la sécurité*, from 1 February 2021 to 14 September 2021. Following this consultation, the government published a draft law on the orientation and programming of the Ministry of Interior.<sup>59</sup> However, the draft does not address issues caused by the use of “less-lethal” weapons or more broadly of police violence, largely focusing instead on increasing the number of police officers and the Ministry of Interior’s budget for the police.<sup>60</sup>

## Recommendations

- Make it compulsory for law enforcement officers to record and report promptly and transparently on the use of weapons and to include sufficient information to establish whether the use of force was necessary and proportionate by setting out the details of the incident, including the reasons for the use of force, its effectiveness and its consequences.
- Immediately ban the use of “defensive ball launchers” and dispersion grenades in law enforcement operations.
- Review law enforcement intervention tactics to ensure that they are based on dialogue and de-escalation strategies, to reduce the use of force and prevent human rights violations.
- Ensure diligent investigation by an independent authority and accountability for all complaints of violence during public protests and investigate whether police tactics were necessary and proportional.

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<sup>55</sup>French Ministry of the Interior, ‘National framework for maintaining public order’ (16 September 2020). Available at: <<https://www.interieur.gouv.fr/sites/minint/files/medias/documents/2021-12/schema-national-du-maintien-de-l-ordre-decembre-2021.pdf>>.

<sup>56</sup>According to the SNMO, “Defensive ball launchers” will now, except in the case of “self-defence,” have to be used with a supervisor responsible for assessing the overall situation and the movements of the demonstrators, to make sure that the shooter understands the orders and to designate the objective. This system will be evaluated after one year of implementation. The SNMO also confirmed a January 23, 2019, instruction by virtue of which LBD carriers should be equipped with a belly-mounted camera whenever possible, or provide for an LBD carrier/camera carrier pairing (with the supervisor). Camera carriers must record the conditions under which the LBD was used. See: Amnesty International, *New Policing Model: A missed opportunity* (22 September 2020). Available at: <<https://www.amnesty.fr/liberte-d-expression/actualites/schema-du-maintien-de-lordre-occasion-manquee>>.

<sup>57</sup>French Ministry of the Interior, ‘National framework for maintaining public order’ (16 September 2020), paragraph 3.3. Available at: <<https://www.interieur.gouv.fr/sites/minint/files/medias/documents/2021-12/schema-national-du-maintien-de-l-ordre-decembre-2021.pdf>>. See: Amnesty International, *New Policing Model: A missed opportunity* (22 September 2020). Available at: <<https://www.amnesty.fr/liberte-d-expression/actualites/schema-du-maintien-de-lordre-occasion-manquee>>.

<sup>58</sup>French National Consultative Commission on Human Rights (CNCDH), *Opinion on police-public relations: rebuilding trust between the police and the public* (A-2021-2, 11 February 2021) paragraph 46. Available at: <<https://www.cncdh.fr/publications/avis-sur-les-rapports-entre-police-et-population-2021-2>>.

<sup>59</sup>French Ministry of the Interior, ‘Projet de loi d’orientation et de programmation du ministère de l’intérieur 2022-2027’ (draft law on the orientation and programming of the Ministry of the Interior 2022-2027) (16 March 2022). Available at: <<https://www.interieur.gouv.fr/sites/minint/files/medias/documents/2022-03/16-03-2022-projet-de-loi-d-orientation-et-de-programmation-du-ministere.pdf>>.

<sup>60</sup>France Info, ‘REPLAY. Les annonces d’Emmanuel Macron pour conclure le Beauvau de la sécurité’ (14 September 2021), available at: <[https://www.francetvinfo.fr/faits-divers/police/violences-policieres/direct-beauvau-de-la-securite-suivez-le-discours-d-emmanuel-macron-a-partir-de-12h30\\_4769999.html](https://www.francetvinfo.fr/faits-divers/police/violences-policieres/direct-beauvau-de-la-securite-suivez-le-discours-d-emmanuel-macron-a-partir-de-12h30_4769999.html)>.



- Divest from and demilitarise the police and invest instead in social services and community-driven initiatives to restore public trust in State institutions and to provide care for people and prevent harm.

### III. Use of drones by the police

A law focusing on surveillance tools and law enforcement protection (*Loi de sécurité globale préservant les libertés*, known as Global Security Law), was adopted in May 2021,<sup>61</sup> and originally foresaw the use of drones by the police, including to monitor public protests.<sup>62</sup> In September 2020, the *Défenseur des droits* underlined that when used during protests, drones can have a deterrent effect and prevent people from protesting.<sup>63</sup> In January 2021, the *Commission Nationale de l'Informatique et des Libertés (CNIL)* alerted the government to concerns on the use of drones by the police.<sup>64</sup>

In May 2021, the Constitutional Court struck down the provisions of the Global Security Law that allowed police officers to use drones and deploy onboard cameras in their vehicles stating, *inter alia*, that “the implementation of such surveillance systems must be accompanied by special guarantees to safeguard the right to respect for private life.”<sup>65</sup> Despite these concerns, in July 2021 a new draft law, *Loi relative à la responsabilité pénale et à la sécurité intérieure* (law on criminal liability and internal security) re-integrated several articles of the Global Security Law regarding the use of drones by police. An analysis of the draft law done by the French judges’ and lawyers’ unions and the Ligue des Droits de l’Homme underlined that most of the guarantees of the right to privacy that were lacking in the Global Security Law and that had justified its invalidation by the Constitutional Court, were also missing in the draft law on criminal liability and internal security, and that in some aspects this draft provided even less protection.<sup>66</sup>

The draft law was adopted on 24 January 2022.<sup>67</sup> The use of drones as permitted under Articles 15 and 16 of this law raises, among others, the following concerns:<sup>68</sup>

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<sup>61</sup> Loi n° 2021-646 du 25 mai 2021 pour une sécurité globale préservant les libertés. Available at: <<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000043530276/?isSuggest=true>>.

<sup>62</sup>National Assembly, Proposition of law n° 599, by the National Assembly, for a global security preserving the liberties, Chapter II Art. L. 242-5. – II 1°. Available at: <[https://www.assemblee-nationale.fr/dyn/15/textes/l15b4030\\_texte-adopte-commission](https://www.assemblee-nationale.fr/dyn/15/textes/l15b4030_texte-adopte-commission)>.

<sup>63</sup>Defender of Rights, Avis du Défenseur des droits n° 21-12 (20 September 2021) page 9. Available at: <[https://juridique.defenseurdesdroits.fr/doc\\_num.php?explnum\\_id=20954](https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=20954)>.

<sup>64</sup> “the use of mobile devices, discreet by nature and whose position at height allows them to film places that were previously difficult to access or even forbidden to cameras. The image capture that they allow is therefore considerably extended and, above all, can be individualised, by allowing the tracking of people in their movements, without their knowledge and over a period of time that can be long. Moreover, more than the cameras currently in use, these surveillance devices are likely to affect the exercise by citizens of other fundamental freedoms (right to demonstrate, freedom of worship, freedom of expression” CNIL, Deliberation No. 2021-011 of 26 January 2021 concerning an opinion on a draft law on global security (Request for opinion n° 20020769) page 3 and 4. Available at: <[https://www.cnil.fr/sites/default/files/atoms/files/d-2021-011\\_pplsecu.pdf](https://www.cnil.fr/sites/default/files/atoms/files/d-2021-011_pplsecu.pdf)>.

<sup>65</sup> “Constitutional Court, Decision n° 2021-817 DC of 20 May 2021, paragraph 135. Available at: <<https://www.conseil-constitutionnel.fr/decision/2021/2021817DC.htm>>.

<sup>66</sup>Syndicat de la Magistrature, Syndicat des Avocats de France, La Quadrature du Net, Ligue des droits de l’Homme, Contribution extérieure sur la loi relative à la responsabilité pénale et la sécurité intérieure (30 December 2021) page 38-42. Available at: <<https://lesaf.org/notre-contribution-exterieure-sur-la-loi-responsabilite-penale-et-securite-interieure/>>.

<sup>67</sup> Loi No. 2022-52 du 24 Janvier 2022 relative à la responsabilité pénale et la sécurité intérieure. Available at: <<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045067923>>.

<sup>68</sup>Syndicat de la Magistrature, Syndicat des Avocats de France, La Quadrature du Net, Ligue des droits de l’Homme, Contribution extérieure sur la loi relative à la responsabilité pénale et la sécurité intérieure (30 December 2021) page 38-42. Available at: <<https://lesaf.org/notre-contribution-exterieure-sur-la-loi-responsabilite-penale-et-securite-interieure/>>.

- The broad list of purposes for which drones may be used including for “the prevention of attacks on people or property”; “security of assemblies in public spaces”; “regulation of transport flows”, “border surveillance and illegal crossing”; “rescuing people” and “the prevention of terrorist acts.”<sup>69</sup> This formally endorses the use of mass surveillance technologies and the increasing militarised response to the exercise of the right to freedom of peaceful assembly as well as militarisation of France's migration policy.
- The Constitutional Court had invalidated the use of drones in the Global Security Law considering that “the legislator itself has not set any maximum limit to the duration of such an authorisation [...] nor any limit to the perimeter within which surveillance can be implemented.”<sup>70</sup> Despite this,
  - The new law fails to set a maximum limit on the number of authorisations that can be issued by the State representative in the department or, in Paris, by the police prefect,<sup>71</sup> for the use of drones (except for searches for causes of death or disappearance, limited to a total of two years);<sup>72</sup>
  - There is no *ex ante* control by an independent authority of the geographical perimeter where drones can be used.<sup>73</sup> This perimeter is left to the discretion of the State representative in the department or, in Paris, to the police prefect when delivering the authorisation.
- The new law provides that “the use of the devices provided for in this Article may only be authorised where it is proportionate to the purpose pursued.”<sup>74</sup> However, this is assessed by the State representative in the department or, in Paris, by the police prefect, and not independently by a judge.<sup>75</sup>
- The law authorises filming inside a home at any time and to use it to record an offence if the recording was not intentionally done inside a home.

In addition to police use of drones to monitor within France, this law authorises the use of drones for “border surveillance and illegal crossings.”<sup>76</sup> France has already received recommendations from human rights mechanisms regarding acts of violence and discrimination by the police against migrants, asylum-seekers and refugees.<sup>77</sup> The Special Rapporteur on racism has recommended that States ensure that border and immigration enforcement be subject to binding legal obligations to prevent, combat and remedy racial and xenophobic discrimination in the design and use of digital border

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<sup>69</sup>Art. L. 242-5.-I. Loi No. 2022-52 du 24 Janvier 2022 relative à la responsabilité pénale et la sécurité intérieure. Available at: <<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045067923>>.

<sup>70</sup>Constitutional Court, Decision n° 2021-817 DC of 20<sup>th</sup> May 2021: Law for a global security preserving liberties (20 May 2021) paragraph 138. Available at: <<https://www.conseil-constitutionnel.fr/decision/2021/2021817DC.htm>>.

<sup>71</sup>In each French department and region there is what we call a “Prefect”, who is the representative of the state. The prefect is a high civil servant, appointed by the President of the Republic. The role of the prefect is to ensure peace keeping and security, and to control the legality of what the local authorities (communes, departments, etc.) do. The prefect coordinates government action at local level: employment, social cohesion, regional planning, economic development, environment, etc. The prefect is a direct representative of the State and cannot challenge any government decisions and is therefore not an independent power as the judiciary is. In Paris, and since 2012 in Marseille, there is a prefect specially appointed for police matters, called the “police prefect”.

<sup>72</sup>Art. L. 242-5, IV Loi No. 2022-52 du 24 Janvier 2022 relative à la responsabilité pénale et la sécurité intérieure. Available at: <<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045067923>>.

<sup>73</sup> Ibid

<sup>74</sup>Art. L. 242-5, I Loi No. 2022-52 du 24 Janvier 2022 relative à la responsabilité pénale et la sécurité intérieure. Available at: <<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045067923>>.

<sup>75</sup>La Quadrature du Net, Les drones policiers autorisés par le conseil constitutionnel (21 January 2022).

Available at: <<https://www.laquadrature.net/2022/01/21/les-drones-policiers-autorises-par-le-conseil-constitutionnel/>>.

<sup>76</sup>Art L. 242-4 b) Loi No. 2022-52 du 24 Janvier 2022 relative à la responsabilité pénale et la sécurité intérieure. Available at: <<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045067923>>.

<sup>77</sup>A/HRC/38/4 (UPR 2018 ), recommendation 144.55; CAT/C/FRA/CO/7 (CAT 2016 ), paras.16 and 18;

technologies.<sup>78</sup> More generally, the use of drones by law enforcement also raises concerns regarding the risk of over-policing of minorities given the many allegations of abusive and/or discriminatory identity checks by the French police against Black and Arab youth and recent court rulings recognising “gross misconduct” of the State for unjustified identity checks and irregular arrests of minors by the police.<sup>79</sup>

## Recommendations

- Repeal legal provisions authorising the use of drones by police and border enforcement and ban such use. In the interim:
  - Ensure that the images filmed by drones will not be extracted and processed by facial recognition or personal data processing software.
  - Analyse the human rights impacts of the use of drones on the right to equality and non-discrimination, particularly on minorities, migrants and asylum-seekers and take all measures to prevent and remedy any such impacts.
  - Monitor and analyse the human rights impacts of drones on the right to peaceful assembly and the right to privacy and take all measures to prevent and remedy any such impacts.

## IV. National police operational reserve and firearms

Article 12 of the above-mentioned law on criminal responsibility and internal security transforms the civilian reserve of the national police into an operational reserve.<sup>80</sup> The aim is to recruit 30,000 volunteer police officers, 70% of whom are civilians, by 2030.<sup>81</sup> Article 12 extends the possibility of carrying a weapon to all police reservists, including volunteers who are of legal age, pass background checks, are in good physical condition and who have fulfilled their national service obligations.<sup>82</sup> Volunteers undergo an initial 10-day training course, 50% of which is largely dedicated to handling a weapon.<sup>83</sup>

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<sup>78</sup> UN General Assembly, Seventy-fifth session ‘Report of the Special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance’ (10 November 2020) UN Doc A/75/590, para. 58.

<sup>79</sup> Human Rights Watch, They Talk to Us Like We’re Dogs: Abusive Police Stops in France (18 June 2020). Available at: <<https://www.hrw.org/report/2020/06/18/they-talk-us-were-dogs/abusive-police-stops-france>>; French National Consultative Commission on Human Rights (CNCDH), Prevention of discriminatory and/or abusive identity control practices (8 November 2016). Available at: <[https://www.cncdh.fr/sites/default/files/161108\\_avis\\_pratiques\\_des\\_controles\\_didentite\\_format\\_a5.pdf](https://www.cncdh.fr/sites/default/files/161108_avis_pratiques_des_controles_didentite_format_a5.pdf)>; Chloé Pilorget-Rezzouk, Abusive identity controls: why the State is condemned for “gross negligence” (Libération, 29 October 2020). Available at: <[https://www.liberation.fr/france/2020/10/29/controles-abusifs-pourquoi-l-etat-est-condamne-pour-faute-lourde\\_1803829/](https://www.liberation.fr/france/2020/10/29/controles-abusifs-pourquoi-l-etat-est-condamne-pour-faute-lourde_1803829/)>.

<sup>80</sup>Loi No. 2022-52 du 24 Janvier 2022 relative à la responsabilité pénale et la sécurité intérieure. Available at: <<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045067923>>.

<sup>81</sup>BFMTV, Armés après 10 jours de formation, les réservistes de la police vont patrouiller dès la fin de l’été (9 August 2022). Available at: <[https://rnc.bfmtv.com/actualites/police-justice/armes-apres-10-jours-de-formation-les-reservistes-de-la-police-vont-patrouiller-des-la-fin-de-l-ete\\_AV-202208090277.html](https://rnc.bfmtv.com/actualites/police-justice/armes-apres-10-jours-de-formation-les-reservistes-de-la-police-vont-patrouiller-des-la-fin-de-l-ete_AV-202208090277.html)>.

<sup>82</sup>Réserve opérationnelle de la Police nationale (National Police Operational Reserve). Available at: <<https://www.service-public.fr/particuliers/vosdroits/F34110#:~:text=Vous%20signez%20un%20contrat%20d'engagement%20d'une%20durée%20de,maximum%2090%20jours%20par%20an.&text=en%20tant%20que%20policier%20réserviste,convocations%20qui%20vous%20seront%20adressées>>.

<sup>83</sup>BFMTV, Au cœur de la formation des premiers réservistes de la police nationale (31 juillet 2022). Available at: <[https://rnc.bfmtv.com/actualites/police-justice/au-coeur-de-la-formation-des-premiers-reservistes-de-la-police-nationale\\_AV-202207310132.html](https://rnc.bfmtv.com/actualites/police-justice/au-coeur-de-la-formation-des-premiers-reservistes-de-la-police-nationale_AV-202207310132.html)>.

Furthermore, although the recruitment criteria include “not having been sentenced to loss of civic rights or prohibition from holding public office, or to a criminal or correctional sentence entered in bulletin no. 2 of the criminal record,”<sup>84</sup> no background checks are expressly envisaged for complaints and/or investigations of domestic violence. This is very concerning because out of 122 femicides committed in France in 2021 - which is an increase of 20% compared to 2020 - 44 of them were committed with firearms.<sup>85</sup> In 2021, 36% of femicides (1 in 3), were committed with a firearm. These include shotguns, service weapons and illegally obtained firearms. According to data gathered by Reporterre, “a shotgun was used in at least 27.54% of the 102 femicides in 2020, and 25.44% of the 106 murders in 2021. That is 1 in 4 femicides caused by a hunting weapon.”<sup>86</sup> It is important to note that in 2021, “of the perpetrators who used a firearm, the weapon was declared and legally held on 22 occasions (a proportion of 48%)”.<sup>87</sup>

## Recommendations

- Ensure that background checks of candidates to the police reserve also include checking for complaints and/or investigations of domestic violence.
- Prohibit the use of firearms by the newly created volunteer-based police reserve.
- Instead of increasing police forces, use financial resources towards building safe communities based on human security through funding in, among others, education, housing, social security, and the fight against inequalities and discrimination.

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<sup>84</sup>National police website, Autres recrutements: Réserviste opérationnel. Available at: <<https://www.devenirpolicier.fr/nous-rejoindre/autres-recrutements/reserviste-operationnel>>.

<sup>85</sup>Ministry of the Interior, National study on violent deaths in couples 2021 (26 August 2022) page 15. Available at: <<https://www.interieur.gouv.fr/actualites/actu-du-ministere/etude-nationale-sur-morts-violentes-au-sein-du-couple-2021>>.

<sup>86</sup> Reporterre, Féminicides, suicides, les ravages des fusils de chasse (9 December 2021). Available at: <<https://reporterre.net/Feminicides-suicides-les-ravages-des-fusils-de-chasse>>.

<sup>87</sup> Ministry of the Interior, National study on violent deaths in couples 2021 (26 August 2022) page 15. Available at: <<https://www.interieur.gouv.fr/actualites/actu-du-ministere/etude-nationale-sur-morts-violentes-au-sein-du-couple-2021>>.