



France



2015 was marked by progress in the field of health; removal of the blanket ban on blood donation following the European Court of Human Rights (ECtHR) ruling in *Leger v France* signalled an intention to end discrimination based on sexual orientation and stigma. France also became the first European country to approve access to PrEP through the public health system. Legal developments included the recognition of a person as gender neutral and the punishment of Twitter users for use of hate speech, both for the first time. Deciphering public attitudes to LGBTI equality was complicated though; positive Eurobarometer figures seemed at odds with polls calling for the repeal of equal marriage.

Bias-motivated speech

- Three people were convicted and fined in January by the Correctional Court of Paris for using homophobic hashtags on Twitter. This was the first time that a French court had fined Twitter users for inciting anti-LGBTI sentiment. LGBTI organisation Comité IDAHO brought the case after messages calling to “burn the gays” (#BrulonsLesGaysSurDu) and “gays must disappear” (#LesGaysDoiventDisparaîtreCar) appeared on Twitter in 2013. While the fines handed down, ranging from EUR 300-500, were ultimately at the lower end of the scale (the maximum punishment is EUR 45,000 fine and/or 1 year’s imprisonment), LGBTI groups called the ruling a “significant victory”.

Bodily integrity

- In August, a court in Tours authorised an intersex person to register their sex as neutral on their birth certificate. This is the first time that any French court has recognised an individual as having a gender other than male or female. The plaintiff in the case was born with genitalia that were neither completely male nor female but was classified as male at birth. The decision was still under appeal at the end of 2015.

Equality and non-discrimination

- The Council of Paris voted to introduce a new non-gendered Parisian citizenship card for individuals aged 6 and over in February. A majority of councillors voted in favour of an identity card that would allow Paris residents to choose their preferred gender marker; it had not been introduced by the end of the year.
- In March, the Comité consultatif national d'éthique (CCNE) announced it didn't recommend relaxing the law that restricted gay and bisexual men from donating blood. In a contrasting decision, the National Assembly voted on 4 April to amend existing health legislation to allow people to donate blood, regardless of their sexual orientation. Later that month, the Court of Justice of the European Union (CJEU) ruled that the imposition by EU member states of blood donation bans on men who have sex with men (MSM) may be justified, depending on the

situation in each individual member state. However, the *Leger vs France* decision also stated that the principle of proportionality might not be respected by a permanent ban.

- In an interview in November, the health minister Marisol Touraine (Socialist Party, PS) announced that the blanket ban on gay and bisexual men donating blood would be relaxed. Men who have not been sexually active with other men in the past 12 months will be permitted to donate blood. The deferral period will be four months for donating blood plasma. The revised deferral periods will be introduced in spring 2016, trialled for one year and then reviewed. The forms completed by blood donors prior to donation will also be revised to include more information on transmission risks.

“Giving one’s blood is an act of generosity and of civic responsibility that cannot be conditioned by sexual orientation.”

- Health Minister Marisol Touraine, 4 November 2015

- An assistant to the mayor of Marseille was sentenced to five months imprisonment for refusing to officiate at the wedding of a lesbian couple. The prison term was ultimately suspended but the finding of discrimination made against Sabrina Hout (PS) in September is believed to be the first of its kind since marriage equality was introduced in 2013. Hout officiated at four heterosexual ceremonies on the same day in August 2014 but not the ceremony involving two women. She said she was not feeling well and also cited religious reasons for not wanting to perform the marriage ceremony. In addition to the suspended prison term, she was ordered to pay EUR 1,200 in damages to each of the women.

Family

- In April, the Versailles Appeals Court ruled that four lesbian women were permitted to adopt children born to their partners after medically assisted insemination treatment. The couples had travelled abroad, as medically assisted insemination is still only available to different-sex couples in France. The appeal court’s decision overturned

a 2014 judgment which stated that the birth mother had committed fraud after going to Belgium to access the treatment. Also in April, a similar decision, affirming the right of a lesbian couple to travel abroad to have a baby, was handed down by an appeals court in Aix-en-Provence.

Freedom of expression

- On 4 December, an outdoor photo exhibition featuring images of same-sex couples was vandalised in Toulouse. Photographer Olivier Ciappa had included rainbow families, different-sex and same-sex couples in his anti-homophobia exhibit. Ciappa announced on 8 December that the exhibit was moving to another location in the city, surrounded by increased numbers of surveillance cameras.

Legal gender recognition

- Draft legislation on legal gender recognition was published by members of the parliamentary constitutional law committee in October. The bill would apply to those aged 18 or over and proposed no surgical or divorce requirements. However, applicants would be asked to prove they had been living in their true gender.

Participation in public, cultural and political life

- In January, gay diplomat Laurent Stefanini was nominated by President François Hollande to serve as ambassador to the Holy See. The Vatican did not reject Mr Stefanini's credentials outright but his nomination was met with silence. After months of inaction, the French government were reported to have abandoned their plan in October.
- Luc Carvounas (PS) became the first openly gay parliamentarian to marry. The senator and his partner got married in July, following their civil partnership three years earlier.

Public opinion

- According to Eurobarometer 2015, 72% of people surveyed in France believe that discrimination on the

basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 62% felt discrimination on this ground was widespread (EU 28 average was 56%). 81% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 90% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 82% said they would be comfortable or moderately comfortable (EU28 average was 67%).

- Religious conservative magazine *Valeurs Actuelles* published the results of a survey by Institut français d'opinion publique (IFOP) in October. 54% of those surveyed were in favour of altering the equal marriage law; 22% wanted a total repeal while 32% expressed a desire to rewrite the law to limit the ability of same-sex couples to adopt.

Social security and social protection

- On 24 November, health minister Marisol Touraine said that Pre-exposure Prophylaxis (PrEP) will be available free of charge through the public health system. France is the first in Europe (and the second country in the world after the USA) to approve PrEP. PrEP will be made available to individuals who "cannot, for diverse reasons, use condoms systematically and who belong to groups where HIV incidence is very high". Users of PrEP medication will be reimbursed by state public health care from January 2016.