

France: Genocide-denial law declared unconstitutional

ARTICLE 19

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ARTICLE 19 welcomes the decision of the French Constitutional Court that a law criminalising public denial of crimes of genocide is unconstitutional and incompatible with the Constitution's guarantees to the right to freedom of expression.

“ We applaud the Constitutional Court for ruling in favour of freedom of expression. The law's severe criminal sanctions would have interfered disproportionately with an individual's right to engage in historical debate. The Human Rights Committee has affirmed that laws which penalise the expression of opinions about historical facts are incompatible with a state's obligation to respect freedom of expression , ” says Dr Agnès Callamard, ARTICLE 19 Executive Director. *“ We urge President Sarkozy to respect the decision and refrain from seeking to draft another law, ”* she added.

French President Nicolas Sarkozy intended to ratify the law by the end of February. The French National Assembly approved the law on 22 December 2011 and the Senate on 23 January. The Constitutional Court was requested by MPs and senators to review the law and found it in violation of the Constitution and other national laws, in particular the Penal Code and the Law on Freedom of the Press.

ARTICLE 19 has previously raised a number of concerns about the law and petitioned the French president not to sign it. We have argued that holding an individual criminally liable for denials of historical events amounts to an unacceptable restriction on the right to freedom of expression. Because no pressing social need exists for the suppression of historical debate, the law is not necessary in a democratic society and therefore violates both the International Covenant on Civil and Political Rights and the European Convention on Human Rights. This has been reaffirmed in General Comment No. 34, adopted last year by the UN Human Rights Committee.

Since international freedom of expression standards do not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events, ARTICLE 19 calls on the French Parliament to reject President Sarkozy's request to draft yet another such law.