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France: Genocide-denial bill threatens freedom of expression

A bill passed by the French Senate yesterday would violate freedom of expression by paving the way to making it a criminal offence to publicly question events labelled “genocide” in French law, Amnesty International said today.

In 2001, a French law officially declared that the mass killings and forced displacement of Armenians in the Ottoman Empire in 1915 constituted a genocide.

The new bill would impose up to a one-year jail sentence and/or a €45,000 fine on anyone found guilty of “outrageously” questioning or trivializing events defined in French law as genocide and meeting the definition of genocide of the French penal code.

“This bill, if implemented, would have a chilling effect on public debate and contravene France’s international obligations to uphold freedom of expression,” said Nicola Duckworth, Europe and Central Asia Director at Amnesty International.

“People should be free to express their opinions on this issue – in France, Turkey and elsewhere.”

Turkish authorities have consistently denied that what took place in 1915 was an act of genocide. People in Turkey who contest that official version of the events have been prosecuted, in violation of their right to freedom of expression.

The European Court of Human Rights has repeatedly held that freedom of expression applies not only to inoffensive ideas, “but also to those that offend, shock or disturb the State or any sector of the population”.

International human rights law allows for restrictions on the exercise of freedom of expression if necessary and proportionate for certain specific purposes including respect of the rights or reputations of others or to protect national security or public order.

Amnesty International believes that neither of these applies in this instance, and the new legislation would criminalize the exercise of freedom of expression that is seen as “outrageously” contesting or trivializing historical events or their characterisation.

International human rights law also obliges states to prohibit advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

But while the French authorities claim the law would implement EU guidelines aimed at combating racist or xenophobic speech that is “likely to incite violence or hatred”, the new bill does not mention such incitement as an element of the types of expression that will be prohibited, and France already has in place legislation which prohibits such incitement.

“The real issue at stake with this bill is not whether the large-scale killings and forced displacement of Armenians in 1915 constituted a genocide, but the French authorities’ attempt to curtail freedom of expression in response to that debate,” said Nicola Duckworth.

“French authorities are failing to comply with their international human rights obligations.”