

French Senate votes to give officials legal indemnity over coronavirus infections

Jacques Valentin
9 May 2020

During its vote this week supporting the government's policy to end the nationwide lockdown on May 11, the French Senate adopted provisions limiting criminal liability throughout the coronavirus health emergency. The Senate's vote expands already existing restrictions on liability that the government had passed in 2000 in the wake of previous healthcare crises. The ruling class is seeking to grant itself legal immunity as it launches an end to confinement that will cause thousands of new COVID-19 cases.

The Senate amendment, proposed by the Republicans (LR), provides that "no one may be held liable for having either exposed another person to a risk of contamination or caused or contributed to causing such contamination," unless the acts were committed "through imprudence or negligence in the exercise of administrative police powers" or "in manifestly deliberate violation" of a particular duty of care or safety of a police measure.

These provisions cover the entire period since the state declared a national health emergency in March, and apply not only to elected representatives and ministers, but also to civil servants and private employers, who have specific guarantees if they put their employees at risk. They abolish the previous requirement of "serious misconduct," since misconduct could now be sought only in very restrictive circumstances where one of the administrative police measures enacted by the government has not been complied with.

The Senate vote follows a wave of legal suits by caregivers and families of those who have died from COVID-19, with targets including ministers, senior government officials and private employers. It is expected that more lawsuits will follow.

President Macron, who as head of state is not

criminally liable for offences committed in the course of his duties, but who is co-responsible with the Prime Minister for the government's policy, has not openly expressed his opposition to the lawsuits, which damages the facade of national unity that the government seeks to present around its policy.

The Court of Justice of the Republic is the only institution that can try government ministers for acts committed in the course of their official duties. It has already received numerous complaints for offences such as manslaughter, endangerment of the lives of others or wilful failure to take measures to combat a disaster. Prime Minister Édouard Philippe, former Health Minister Agnès Buzyn and her successor Olivier Véran are among the ministers targeted

In the context of the drive to reopen the economy, Prime Minister Philippe declared on April 28 in the Senate: "We feel that the prolonged halt in production of entire sections of our economy ... the interruption of public or private investment... would mean not only the problems of a prolonged lockdown, but with a far more terrible risk of collapse."

"So we have to learn to live with COVID-19," he added. In other words, the economy must be revived at all costs, with thousands of workers infected and killed, rather than stopping the spread of the virus by taking the necessary public health measures.

In Europe, the German government sees the pandemic as an opportunity to strengthen its economic dominance. The American ruling class is centrally concerned with strengthening itself against China in Asia and internationally.

Workers who continued to work throughout the national lockdown have paid a heavy price to their health, and many have died. This will only intensify with the full reopening of the economy. This lies

behind the ruling class's demands for political and economic decision-makers to be protected from the consequences of their own actions.

Most of the provisions announced by the public authorities that are supposed to guarantee the safety of workers after the end to the lockdown on May 11 have simply not been put in place and evaluated. It will be even more difficult to put them in place after May 11.

In the public transport system, the national and Parisian railways have already announced in the press that they will be unable to transport the expected number of workers while respecting social distancing guidelines. Schools are to be reopened under conditions where it remains unclear what the impact of the virus is on children and how they spread it, and where teachers and mayors are unable to prepare their classrooms in time in line with official recommendations.

The Fauchon law, which was passed in 2000, is being presented as a model for the legislation, under the banner of protecting local mayors from the legal consequences of the government's policies. As explained by the *World Socialist Web Site* in 2003, this law, under the pretext of protecting mayors, was aimed at protecting senior public and private officials from their responsibility in major public health scandals.

These included the tainted blood scandal where, in the 1980s, the Socialist Party government allowed health authorities to use blood stocks contaminated with the AIDS virus to be used for hemophiliacs, resulting in mass deaths among hemophiliacs in France; the huge excess mortality linked to the 2003 heat wave; and countless deaths linked to the continued use of asbestos.

As with the Fauchon law passed by the Republicans for the benefit of the Socialist Party, the ruling class is closing ranks as the political system is shaken by a major crisis.

Prime Minister Philippe has said the government opposes the amendment, but in reality the draft legislation was first pushed by an appeal from 138 deputies and 19 senators of the government's party Republic on the Move. Intense negotiations between the parties are under way to try to get the senatorial draft passed in the National Assembly or to find an arrangement to achieve a similar result by some other means.

Whatever the outcome of the negotiations conducted

behind the scenes by the main parties, they confirm that ensuring the health and safety of workers forced to return to work are not on the agenda of the ruling class, which is concerned instead with ensuring its own impunity.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact