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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX TO
HUMAN RIGHTS COUNCIL RESOLUTION 5/1

France

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations ¹

<i>Core universal human rights treaties</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of Treaty bodies</i>
ICERD ²	28 July 1971	Yes (arts. 4, 6, 15)	Individual complaints (art. 14): Yes
ICESCR ³	4 November 1980	Yes (arts. 6,8, 9, 11, 13)	-
ICCPR ⁴	4 November 1980	Yes (arts. 4(1), 9, 13,14, 14(5),20(1), 21, 22 and 27;	Inter-State complaints (art. 41): No
ICCPR-OP 1 ⁵	17 February 1984	Yes (arts. 1, 5)	-
ICCPR-OP 2 ⁶	2 October 2007	No	-
CEDAW ⁷	14 December 1983	Yes (arts. 9, 14 2 (c),(h), 16 1(g), 29)	-
OP-CEDAW ⁸	9 June 2000	No	Inquiry procedure (art. 8 and 9): Yes
CAT ⁹	18 February 1986	Yes (art. 30(1))	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC ¹⁰	7 August 1990	Yes (arts. 6, 30, 40)	-
OP-CRC-AC ¹¹	5 February 2003	No	-
OP-CRC-SC ¹²	5 February 2003	No	-
<i>Core treaties to which France is not a party: OP-CAT¹³ (signature only, 2005), ICRMW¹⁴, CPD¹⁵ (signature only, 2007), CPD-OP¹⁶ and CED¹⁷ (signature only, 2007).</i>			
<i>Other main relevant international instruments¹⁸</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol ¹⁹		Yes	
Refugees and stateless persons ²⁰		Yes, except 1961 Convention	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ²¹		Yes, except Protocol III	
ILO fundamental conventions ²²		Yes	
UNESCO Convention against Discrimination in Education		Yes	

1. In 2007, the Committee against Torture (CAT) urged the State to ratify the OP-CAT.²³ In 2008, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged France to ratify the treaties to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.²⁴ The HR Committee called on France to reconsider withdrawing its reservations and declarations to International Covenant on Civil and Political Rights (ICCPR).²⁵ CEDAW called on France to finalize as soon as possible the procedure of withdrawal of its reservation to article 14, 2 (c), and withdraw its declarations and reservations to article 14, 2(h) and article 16, 1(g).²⁶ The Committee on the Rights of the Child (CRC)²⁷ urged France to withdraw its reservation to article 30 of the Convention, while the Committee on Economic, Social and Cultural Rights (CESCR) called on the

State to withdraw its reservation to article 27 of the ICCPR.²⁸ The Independent Expert on minority issues endorsed these two recommendations.²⁹

2. CESCR and the Independent Expert on minority issues³⁰ recommended that France ratify the Council of Europe Framework Convention on the Protection of National Minorities; CESCR also recommended the ratification of the European Charter for Regional and Minority Languages.³¹

3. In accordance with its international obligations under Article 4.3 of the ICCPR, France notified that a state of emergency, owing to the 2005 outburst of urban violence, was established on 8 November 2005 and lifted from 4 January 2006.³²

B. Constitutional and legislative framework

4. In 1997, the HR Committee noted that article 55 of the French Constitution provides for the direct applicability of ICCPR and its primacy over domestic law³³, while in 2005 CESCR expressed concern that, despite this constitutional provision, the ICESCR and its provisions are not considered directly applicable by some courts.³⁴ In 2008, CEDAW also regretted that no court decisions had so far referred to the Convention.³⁵

C. Institutional and human rights infrastructure

5. CESCR noted the existence of two national human rights institutions, the National Consultative Commission of Human Rights (*Commission Nationale Consultative des Droits de l'Homme* (CNCDH) and the National Ombudsman (*Le Médiateur de la République*).³⁶ The CNCDH was accredited with "A" status by ICC in October 2007.³⁷ The Committee on the Elimination of Racial Discrimination (CERD) welcomed the role played by the CNCDH in efforts to combat racial discrimination³⁸, and CRC noted its advisory role on legislation relating the Convention.³⁹ CERD also welcomed the establishment of an Observatory for Immigration and Integration Statistics in 2005.⁴⁰

6. In 2005, CAT commended the establishment of the National Commission on Security Ethics, which provides comprehensive reports on the behaviour of police officers; as well as the establishment of the National Commission for the Monitoring of Holding Centres and Facilities and Waiting Areas to ensure respect for the rights of foreigners who are denied admission on the State's territory.⁴¹ CRC welcomed the establishment of an Ombudsman for Children, as well as a Commission of Inquiry on the Rights of the Child.⁴² It further welcomed the establishment of the National Monitoring Centre for At-risk Children (Observatoire national de l'enfance en danger).⁴³ CERD, the Independent Expert on Minority Issues⁴⁴ and an ILO Committee of Experts⁴⁵ welcomed the establishment of the High Authority against Discrimination and for Equality (HALDE)⁴⁶, and CEDAW commended in particular its mandate to investigate complaints of discrimination against women.⁴⁷ The Independent Expert also noted that the Inter-Ministerial Committee to Combat Racism, Anti-Semitism and Xenophobia, inactive since 2005, should be reinstated and convened on a regular basis.⁴⁸

D. Policy measures

7. In 2008, CEDAW welcomed the gender mainstreaming policies launched by the State, as well as the increase in gender budgeting, and expressed appreciation for gender policies on international development.⁴⁹

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with Treaty bodies

<i>Treaty Body⁵⁰</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2004	March 2005	August 2006	Combined seventeenth to nineteenth reports due in August 2008
CESCR	2000	November 2001	-	Third report overdue since 2006, submitted in 2007 and scheduled for consideration in April 2008
HR Committee	1996	July 1997	-	Fourth report, overdue since 2000, submitted in 2007 and scheduled for consideration in July 2008
CEDAW	2006	January 2008	-	Combined seventh to eighth reports due in 2013
CAT	2003	November 2005	February 2007	Combined fourth to sixth reports due in June 2008
CRC	2002	June 2004	-	Combined third and fourth reports scheduled for consideration in 2009
OP-CRC- AC	2006	October 2007	-	Information to be included in combined third and fourth reports to CRC
OP-CRC- SC	2006	October 2007	-	Ibid.

2. Cooperation with Special Procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	The Special Rapporteur on the sale of children, child prostitution and child pornography – Visit from 25 to 29 November 2002 ⁵¹ The Special Rapporteur on freedom of religion or belief – Visit from 18 to 29 September 2005 ⁵² The independent expert on minority issues – Visit from 19 to 28 September 2007 ⁵³
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on freedom of religion or belief wishes to thank the French authorities for the cooperation they extended to her during her visit. ⁵⁴ The Independent Expert on minority issue expressed her thanks to the Government of France for the excellent assistance and cooperation extended to her during the preparation and conduct of her visit and to those government officials with whom she met. ⁵⁵
<i>Follow-up to visits</i>	None

<i>Responses to letters of allegations and urgent appeals</i>	Between 01.01.2004 and 31.12.2007, a total of 17 communications were sent to the Government of France. Apart from communications sent for particular groups (e.g. Minorities, religious and ethnic groups etc.) 14 individuals were covered by these communications, including 5 women. Between 01.01.2004 and 31.12.2007, the Government of France replied to 10 communications, which represents replies to 59 % of the communications sent.
<i>Responses to questionnaires on thematic issues</i> ⁵⁶	France responded to 1 of the 12 questionnaires sent by Special Procedures mandate holders ⁵⁷ between 1 January 2004 and 31 December 2007, within the deadlines. ⁵⁸

3. Cooperation with the Office of the High Commissioner for Human Rights

8. The UN High Commissioner for Human Rights visited France from 6-7 February 2007. France contributes regularly to the budget of OHCHR⁵⁹ and to the UN Humanitarian Funds.⁶⁰

B. Implementation of international human rights obligations

1. Equality and non discrimination

9. In 2004, CRC called on the State to take steps to prevent and combat the persistence of practices of discrimination based on origin, colour, religion, or other status.⁶¹ In 2006, an ILO Committee of Experts noted that despite an abundance of laws and advisory bodies, racial discrimination persisted and was even worsening.⁶² In 2005, CERD expressed concern relating increased incidence of racist, anti-Semitic and xenophobic acts, and urged the State, inter alia, to apply more effectively existing provisions designed to combat such acts and to create greater awareness on the part of law enforcement personnel.⁶³ CERD called on the State to take the necessary preventive measures to halt racist incidents involving members of the security forces and other public officials.⁶⁴

10. CERD drew the State's attention to the situation of immigrant women, who sometimes fall victim to twofold discrimination.⁶⁵ In its follow up responses, the State provided information on steps taken to address the situation of foreign women, in particular by facilitating their social and economic integration.⁶⁶ CERD in turn requested that information on results achieved be included in the next periodic report.⁶⁷ CEDAW urged the Government to take effective measures to eliminate all forms of discrimination against immigrant women in accessing basic social services.⁶⁸ The Committee was especially concerned about restrictive family reunification practices, which mostly affect women, such as DNA and language proficiency tests.⁶⁹

11. CERD expressed concern about the unfavorable situation of immigrants with regard to of housing, employment and education, and encouraged the State to follow the recommendations contained in the 2004 expanded report of the Court of Audit (Cour des comptes) on the reception of immigrants and the integration of population groups of immigrant origin in this respect.⁷⁰ In its responses to CERD, the State provided information on follow up measures taken to facilitate access by individuals of immigrant origin to employment.⁷¹ In its reply, CERD requested that further information on the implementation of the recommendations of the Court of Audit be included in the next periodic report.⁷²

2. Right to life, liberty and security of the person

12. In 2003, following the death, in separate incidents, of two asylum seekers in the course of their forcible removal, the Special Rapporteur on the human rights of migrants sent a communication to which the Government replied assuring that, in one case, the law enforcement officials involved in the removal promptly reacted to save the asylum seeker and that, in the other case, two enquiries were carried out by relevant authorities.⁷³ Referring to the same cases, CAT, while noting that new instructions that authorize only professional techniques complying with medical regulations were issued, urged the State to allow the presence of human rights observers or independent doctors throughout the removal process.⁷⁴

13. In 2005 and 2007 respectively, CAT adopted Views on two individual communications where the complainants were due to be expelled from France to third countries where they were at risk of being subjected to torture. In both cases, the Committee requested interim measures, which were not implemented by the State. Consequently, the Committee found a violation of articles 3 and 22 of the Convention.⁷⁵ In 2004, the Working Group on Enforced or Involuntary Disappearances expressed its concern on the case of a foreigner who had reportedly lived in France for more than 7 years and had allegedly asked for the regularization of his status. Following his expulsion, his whereabouts have remained unknown.⁷⁶ The French authorities stated that they had requested the authorities of the country of origin to assist in finding him.⁷⁷

14. CAT remained concerned about the poor detention conditions in prisons and in administrative retention centres, and about the increase in violence among detainees as well as in the number of suicides reported to it. CAT recommended the setting up of a national mechanism to conduct periodic visits to places of detention⁷⁸ and urged the State to ensure that solitary confinement remains an exceptional measure of limited duration.⁷⁹

15. CRC⁸⁰ and the HR Committee⁸¹ were both concerned about detention of minor suspects in police custody for up to four days, and the detention by the police of children aged ten to thirteen years, for up to twenty-four hours. CRC called on the State to use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible and ensure that minors are separated from adults,⁸² while the HR Committee recommended that measures be taken to reduce the length of pre-trial detention and to ensure legal aid to juveniles.⁸³

16. In 2005, CAT remained concerned about reports of incidents of police violence, including cruel, inhuman and degrading treatment inside holding areas, particularly against people of non-Western origin, and recommended that the State enable the National Commission for the Monitoring of Holding Centres and Facilities and Waiting Areas to begin its work as soon as possible.⁸⁴ The State informed CAT that the Commission started its inspections in April 2006.⁸⁵

17. In 2005, CERD expressed concern about the situation of non-citizens and asylum seekers in holding centres and areas, and recommended strengthening the supervision of police personnel responsible for these centres.⁸⁶ In its follow up responses, the State provided information on steps taken to improve the living conditions and the monitoring of these facilities.⁸⁷ CERD in turn requested that additional information be included in the next periodic report of the State on the supervision of police officers and monitoring of holding facilities.⁸⁸ In 2005, the Special Rapporteur on the human rights of migrants sent

a communication to the Government expressing similar concerns without receiving a reply.⁸⁹

18. In 2008, CEDAW recommended that the State take measures to address all forms of violence against women, including domestic violence. It recommended strengthening the cooperation between the police, public prosecutor and civil society in the prevention of violence against women.⁹⁰ The Special Rapporteur on violence against women expressed her concern about the lack of a body responsible for documenting violence against women, especially homicides resulting from domestic violence. Such an entity would allow for better monitoring and prevention of domestic violence. In 2004, the Government indicated that it made the investigation and prevention of marital violence a priority.⁹¹

19. CEDAW was concerned about the increase in trafficking, in particular of women and girls.⁹² CRC expressed concern about the incidence of trafficking of children, prostitution and related issues.⁹³ CRC also urged the State to pursue measures to dismantle trafficking and exploitation networks, in particular of foreign children,⁹⁴ and to develop a comprehensive programme to address child pornography.⁹⁵

3. Administration of justice and the rule of law

20. In 2005, CAT reminded France that failure to comply with the Committee's request for interim measures is a serious breach of its obligations under article 22 of the Convention, and recommended that the State take all necessary measures to ensure that any such request is strictly complied with in the future.⁹⁶ CAT recommended that the National Commission on Security Ethics be enabled to accept cases referred to it directly by any person who claims to have been subjected to torture.⁹⁷

21. CAT urged the State to consider abrogating the system of discretionary prosecution, which gives State prosecutors the option of not prosecuting perpetrators of acts of torture in which police officers are implicated, in contravention of article 12 of the Convention.⁹⁸ The HR Committee recommended taking measures to guarantee that all investigations and prosecutions for ill-treatment are undertaken in full compliance with the provisions of the ICCPR, noting with concern that, in most cases there is little, if any, investigation of complaints of ill-treatment by the authorities. This results, according to the HR Committee, in virtual impunity.⁹⁹

22. CAT expressed concern about the special procedure applicable in cases of organized crime and delinquency, which may delay access to a lawyer until the 72nd hour of police custody; about the frequent resort to pre-trial detention and the duration of such detention. It recommended guaranteeing access to a lawyer within the first few hours of police custody, reducing the length of pre-trial detention and its use.¹⁰⁰

4. Right to family life

23. CRC encouraged the State to ensure that the right of the child to know his or her parents be fully enforced.¹⁰¹ CRC recommended that France ensure that cases of inter-country adoption be dealt with in accordance with the principles and provisions of the Convention, in particular article 21, and the Hague Convention of 1993.¹⁰²

5. Freedom of religion or belief and right to participate in public and political life

24. While the Special Rapporteur on freedom of religion or belief recognized that the

organization of a society according to the principle of the separation of Church and State guarantees the fundamental right to freedom of religion or belief, she was concerned that, in some circumstances, the selective interpretation and rigid application of this principle has operated at the expense of the above-mentioned right. The Special Rapporteur considered that the policy of the Government may have contributed to a climate of general suspicion and intolerance. In 1996, the publication, by a National Assembly's commission, of a list containing the names of almost one thousand of main and subsidiary belief groups, has negatively affected the right to freedom of religion or belief of some of their members.¹⁰³

25. The Special Rapporteur noted that in recent times the French authorities have adopted a more balanced approach to the phenomenon of the sects. A number of improvements nevertheless remain to be carried out, inter alia, to avoid the stigmatization of members of certain religious groups or communities of belief.¹⁰⁴ The Special Rapporteur urged the Government to ensure that its mechanisms, in particular the Inter-ministerial Mission to monitor and combat abuse by sects (MIVILUDES), dealing with religious groups or communities of belief deliver a message based on the principle that no one can be judged for his actions other than through the appropriate judicial channels.¹⁰⁵

26. In 2006, the Special Rapporteur expressed her concern about, in particular, Law 2004-228, of 15 March 2004, on the wearing of conspicuous religious symbols in public schools. She was of the opinion that this law has mainly affected certain religious minorities, and notably people of a Muslim background.¹⁰⁶ In her opinion, its implementation has led, in a number of cases, to abuses that have resulted in humiliation. The stigmatization of the headscarf has provoked instances of religious intolerance when women wear it outside school, at university or in the workplace.¹⁰⁷

27. The Independent Expert on minority issues recommended that the Government undertake more aggressive strategies to increase the number of people with immigrant heritage in the public service, particularly the police, civil service and the judiciary, in order better to reflect the broad diversity within French citizenry.¹⁰⁸

6. Right to work and to just and favourable conditions of work

28. In 2008, CEDAW called on France to ensure *de facto* equality for women in the labour market, to take steps to eliminate occupational segregation and to close the wage gap between women and men. The Committee also recommended assisting women with disabilities to access the labour market.¹⁰⁹

29. In 2005, an ILO Committee of Experts welcomed the Government's adoption of a "Diversity Charter" in October 2004, and noted a report, commissioned by the Ministry of Labour, Social Cohesion and Housing in 2005, confirming that ethnic origin continues to be an obstacle at the recruitment stage, regardless of the level of education or qualifications of the applicant.¹¹⁰

7. Right to social security and to an adequate standard of living

30. In 2004, CRC called on France to develop mental health programme for adolescents, taking into account the high rate of suicide in this age.¹¹¹

31. In 2007, the Independent Expert on minority issues welcomed proposed initiatives at

ministerial level to improve housing and living conditions in French suburbs and emphasized that priority should be given to ensuring that new or renovated housing is first offered to long-term residents of such suburbs.¹¹² CESCR recommended that France continue to develop policies on how to address the situation of the homeless adequately in a long-term perspective, not merely as a matter of urgency.¹¹³

32. CEDAW urged the State to develop an overall strategy to improve the situation of older and rural women.¹¹⁴ It also recommended increasing the minimum old-age pension, and improving the retirement pensions for people in agriculture and crafts.¹¹⁵

8. Right to education and to participate in the cultural life of the community

33. CERD¹¹⁶, CRC¹¹⁷, CEDAW¹¹⁸, the Special Rapporteur on freedom of religion or belief¹¹⁹ and the Independent Expert on minority issues¹²⁰ recommended that the State monitor Law 2004-228 of 15 March 2004, governing the wearing or clothing denoting religious affiliation in State primary and secondary schools, to ensure that it has no discriminatory effects.¹²¹ In 2006, an ILO Committee of Experts noted that for the school year 2003-2004 about 600 pupils resisted complying with this Act, and that for 2004-2005, 47 definitive expulsions were pronounced.¹²² The Committee feared that in practice the Act might end up keeping some children, particularly girls, away from public schools.¹²³

34. The Independent Expert on minority issues recommended that the right to education in mainstream schools for children of Gypsy/Traveller families is guaranteed and that steps are taken to protect the right of those children to not be segregated into schools or classes for the learning impaired, when there is no evidence of need.¹²⁴ CRC urged France to ensure that children with disabilities may exercise their right to education and facilitate their integration in the mainstream education system.¹²⁵

9. Minorities and Indigenous Peoples

35. The Independent Expert on minority issues noted that France has historically rejected the concept of minority rights and recognition of minority groups or collective rights on the basis of invoking incompatibility with the French Constitution.¹²⁶ In addition, CESCR¹²⁷ and the HR Committee¹²⁸ also expressed concern about the lack of recognition of minorities in France. CESCR¹²⁹ and CRC¹³⁰ emphasized that equality before the law is not always adequate to ensure the equal enjoyment of human rights, by certain minority groups such as Roma. CRC¹³¹ and CESCR¹³² equally suggested that the State review its position on minorities, ensuring that minority groups are recognized and protected as such. CESCR recommended that France increase efforts to preserve regional and minority culture.¹³³ CERD also encouraged France to promote the teaching of the languages of certain ethnic groups in its education system.¹³⁴

36. In 2006, an ILO Committee of Experts noted that a National Advisory Commission on Travellers (*gens du voyage*) had been created with the aim, among others, to provide a forum for national dialogue and to study the specific problems encountered by travellers and make proposals to improve their integration.¹³⁵ CERD recommended that the State provide travelers with improved facilities and infrastructures, and combat their exclusion more effectively in the fields of education, employment and access to health services.¹³⁶ In its responses, the State provided information, inter alia, on the National Advisory Commission on Travellers which began its work in 2006.¹³⁷ CERD in turn requested the State to include

further information in its next report on the implementation of legislation adopted, as well as on statistical data relating to children's access to education.¹³⁸

10. Migrants, refugees and asylum seekers

37. In 2007, CAT recommended that the State should consider the introduction of a procedure based on article 3 of the Convention, with a view to ensuring absolute protection for anyone at risk of torture if he or she is returned to a third State.¹³⁹ The Committee, also highlighted by UNHCR,¹⁴⁰ urged France to ensure that applications for asylum by persons from States to which the concepts of "internal asylum" or "safe country of origin" apply, are examined with due consideration for the applicant's personal situation.¹⁴¹ CRC expressed concern, also highlighted by UNHCR,¹⁴² about the methods in place to deal with asylum seekers and unaccompanied children in waiting zones of airports, and recommended that the principle of non-discrimination be included in judicial or administrative proceedings.¹⁴³

38. CRC expressed concern, also highlighted by UNHCR,¹⁴⁴ at the length of family reunification procedures for recognized refugees.¹⁴⁵ CERD expressed similar concerns in 2005 and both CERD and CRC recommended France, also highlighted by UNHCR,¹⁴⁶ to process applications from refugees for family reunification as speedily as possible.¹⁴⁷

11. Human Rights and counter - terrorism

39. The Special Rapporteur on torture notified the Government that it had received information alleging cases of torture concerning four individuals. In the framework of anti-terrorist activities, they were arrested in 2003, detained at an undisclosed location, submitted to torture and degrading treatment.¹⁴⁸ CAT expressed concern about the number of the allegations it has received regarding the ill-treatment by law enforcement officers of detainees and other persons, and recommended that all law enforcement officers receive adequate training.¹⁴⁹ In its responses, the State provided information on the various training modules.¹⁵⁰

40. In 2006, the Special Rapporteur on countering terrorism expressed his concern to the Government about modifications to certain provisions of the Penal Code and about a broad definition for acts of terrorism, which, should it be a risk of an imminent terrorist action, would include serious restrictions of the safeguards of detained persons.¹⁵¹

12. Situation in or in relation to specific regions or territories

41. CRC was concerned that discrimination persists, in particular in the field of economic and social rights, especially with respect to children residing in Overseas Departments and Territories, and reiterated its recommendation to minimize disparities.¹⁵² CERD noted that, for some local population groups in overseas communities, the fact that they do not have a full command of French may affect their enjoyment of their rights, notably their access to justice, and recommended that these groups benefit from the services of translators/interpreters, especially in judicial proceedings.¹⁵³ CAT¹⁵⁴ and CEDAW¹⁵⁵ noted that the reports submitted by France contained no information on the implementation of the Conventions in overseas departments and territories. CAT called on the State to include such information in the next periodic report, as well as information on the implementation of the Convention in territories that are not under its jurisdiction but where its armed forces are deployed.¹⁵⁶

42. In 2006, the United Nations Special Committee on decolonization adopted a draft resolution in which all parties involved in the question of the status of New Caledonia were urged to continue promoting a framework for the peaceful progress of that Territory towards an act of self-determination, and that such a framework would safeguard the rights of all New Caledonians, especially the indigenous Kanak people.¹⁵⁷ In March 2006, the Special Rapporteur on Indigenous Peoples wrote to the Government that he had received information about ongoing exploitation of mines in a territory belonging to the Kanak people, without their consent.¹⁵⁸

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

43. CRC commended the State for the adoption of new laws and regulations related to the Convention, *inter alia* the Act of 17 June 1998 on the prevention and suppression of sex offences and the protection of minors, and the Act of 6 February 2001 on inter-country adoption.¹⁵⁹ CRC also welcomed the adoption of laws and regulations related to OP-CRC-SC.¹⁶⁰

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

44. The Government of France sent a letter to the President of the General Assembly, on 9 May 2006, regarding France voluntary pledges and commitments in the field of human rights, to support its candidature as a member of the Human Rights Council.¹⁶¹

B. Specific recommendations for follow-up

45. CERD requested information, on the follow-up given to the Committee's recommendations¹⁶² on the situation of immigrants and population groups of immigrant origin in the field of employment and education; on the conditions in which non-citizens and asylum seekers are detained in holding centres and areas; and on travellers' access to education, employment, social security and the health system.¹⁶³ The State provided timely responses,¹⁶⁴ which the Committee considered at its seventieth session. CERD in turn requested that additional information be included in France's next periodic report.¹⁶⁵

46. CAT requested information by November 2006 on measures taken to implement recommendations¹⁶⁶ relating to the obligation of the State to guarantee that no person who is danger of being subjected to torture if returned to a third State, is expelled; the training of law enforcement personnel on the provisions of the Convention; and the importance of enabling the National Commission for the Monitoring of Holding Centres and Facilities and Waiting Areas to begin its work promptly.¹⁶⁷ The State provided responses on time on follow up measures taken. These responses continue to be under review.¹⁶⁸

47. The Independent Expert on Minority Issues recommended the collection of data regarding the socio-economic status of the population disaggregated by ethnic and religious identities, as well as along gender lines, as a tool to reveal the extent of social problems experienced by different ethnic and religious minority groups. Such data will assist in the development of appropriate and effective policies and practices to combat the effects of discrimination.¹⁶⁹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed below may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006, ST/LEG/SER.E.25.; complemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs, <http://untreaty.un.org/>.

² International Convention on the Elimination of All forms of Racial Discrimination.

³ International Convention on Economic, Social and Cultural Rights.

⁴ International Covenant on Civil and Political Rights.

⁵ First Optional Protocol to the International Covenant on Civil and Political Rights.

⁶ Second Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

⁷ Convention on the Elimination of all Forms of Discrimination Against Women.

⁸ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁰ Convention on the Rights of the Child.

¹¹ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

¹² Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

¹³ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁴ International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families.

¹⁵ Convention on the Rights of Persons with Disabilities.

¹⁶ Optional Protocol to the Convention on the Rights of Persons with Disabilities.

¹⁷ International Convention for the Protection of All Persons from Enforced Disappearance.

¹⁸ Other relevant information, including regional obligations and commitments, may be found in the pledges and commitments undertaken by France before the Human Rights Council, as contained in the note verbale dated 9 May 2006 sent by the Permanent Mission of France to the United Nations addressed to the President of the General Assembly..

¹⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

²⁰ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

²¹ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

²² International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of

Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

²³ CAT, Concluding observations, CAT/C/FRA/CO/3, adopted on 24 November 2005, paras. 4 (g) and 17.

²⁴ CEDAW, Concluding observations, CEDAW/C/FRA/CO/6, adopted on 18 January 2008, para. 44.

²⁵ HR Committee, Concluding observations, CCPR/C/79/Add.80, adopted on 31 July 1997, paras. 3 and 27.

²⁶ CEDAW, *op.cit.*, paras. 8 and 11.

²⁷ CRC, *op. cit.*, para. 61.

²⁸ CESCR, *op. cit.*, para. 25.

²⁹ A/HRC/7/32/Add.2, para 77

³⁰ Report of the Independent Expert on Minority Issues, Mission to France, A/HRC/7/32/Add.2, para 77.

³¹ CESCR, *op. cit.*, para. 25.

³² The Government notified the Secretary-General on 15 November 2005 that a state of emergency had been established pursuant to the Decree dated 8 November 2005, and informed on 12 January 2006 that it had been lifted with effect from 4 January 2006. See notifications under Article 4(3) of the ICCPR, available at <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty6.asp> (accessed on 14 March 2008).

³³ HR COMMITTEE, *op. cit.*, para. 7.

³⁴ CESCR, *op. cit.*, para. 13.

³⁵ CEDAW, *op.cit.*, para.12.

³⁶ CESCR, *op. cit.*, para. 5.

³⁷ A/HRC/7/NI/0004, page 2. A list of national human rights institutions (NHRIs) with accreditation status granted by the International Coordination Committee of NHRIs (ICC), is included as an annex in the forthcoming report of the Secretary general on national institutions for the promotion and protection of human rights (A/HRC/7/69) and the report of the Secretary general on the process currently utilized by the ICC to accredit NHRIs in compliance with the Paris Principles and ensure that the process is strengthened with appropriate periodic review and on ways and means of enhancing participation of NHRIs in the work of the Human Rights Council (A/HRC/7/70).

³⁸ CERD, *op. cit.*, para. 8.

³⁹ CRC, Concluding observations, CRC/C/15/Add.240, adopted on 4 June 2004, para. 6.

⁴⁰ CERD, *op. cit.*, para. 10.

⁴¹ CAT, *op. cit.*, para. 4 (a) and (b).

⁴² CRC, Concluding observations, CRC/C/15/Add.240, adopted on 4 June 2004, para. 3 (b).

⁴³ CRC, Concluding observations, CRC/C/OPSC/FRA/CO/1, adopted on 5 October 2007, para. 4(a).

⁴⁴ A/HRC/7/32/Add.2, pages 2 and 3

⁴⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 062006FRA111, para. 1.

⁴⁶ CERD, *op. cit.*, para. 11.

⁴⁷ CEDAW, *op.cit.*, para. 5.

⁴⁸ A/HRC/7/32/Add.2, para. 84

⁴⁹ CEDAW, *op.cit.*, paras. 6 and 7.

⁵⁰ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
OP-CRC-AC	Optional Protocol to the CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to the CRC on the sale of children, child prostitution and child pornography

⁵¹ Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2004/9/Add.1

⁵² Report of the Special Rapporteur on Freedom of Religion or Belief, Mission to France, E/CN.4/2006/5/Add.4

⁵³ A/HRC/7/23/Add.2.

⁵⁴ E/CN.4/2006/5/Add.4, para 3

⁵⁵ A/HRC/7/23/Add.3, para 2

⁵⁶ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

⁵⁷ See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (iii) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (vi) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (viii) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003; (xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

⁵⁸ Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3) : Questionnaire to identify policies and practices by which states regulate, adjudicate and otherwise influence corporate actions, para. 7.

⁵⁹ See OHCHR Annual Reports 2004, page 13, 2005, page 15 and 2006 page 158.

⁶⁰ United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, United Nations Voluntary Fund for Victims of Torture, United Nations Voluntary Fund for Indigenous Populations.

⁶¹ CRC, *op. cit.*, para. 19.

⁶² ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, Doc. No. 062007FRA111, para. 3.

⁶³ CERD, *op. cit.*, 17.

⁶⁴ CERD, *op. cit.*, para. 19.

⁶⁵ CERD, *op. cit.*, para.13.

⁶⁶ Information provided by France on the implementation of the Concluding Observations of CERD, CERD/C/FRA/CO/16/ADD.1, 3 August 2006, paras. 29 to 34.

⁶⁷ Letter from the President of the Committee on the Elimination of Racial Discrimination to the Permanent Mission of France, 9 March 2007. <http://www2.ohchr.org/english/bodies/cerd/followup-procedure.htm>

⁶⁸ CEDAW, *op.cit.*, paras. 22 and 23.

⁶⁹ CEDAW, *op.cit.*, para. 22.

⁷⁰ CERD, *op. cit.*, paras. 12 and 13.

⁷¹ Information provided by France on the implementation of the Concluding Observations of CERD, CERD/C/FRA/CO/16/ADD.1, 3 August 2006, paras. 21 to 34.

⁷² Letter from the President of the Committee on the Elimination of Racial Discrimination to the Permanent Mission of France, 9 March 2007. <http://www2.ohchr.org/english/bodies/cerd/followup-procedure.htm>

⁷³ E/CN.4/2004/76/Add.1, paras 65, 72 and 73.

⁷⁴ CAT, *op. cit.*, para. 11.

⁷⁵ Communication No.195/2003, CAT/C/34/D/195/2002, adopted on 24 May 2005. In communication No. 195/2003, CAT found a violation of arts. 3 and 22. Communication No. 300/2006, CAT/C/38/D/300/2006, adopted on 11 May 2007. In Communication No. 300/2006, CAT also found a violation of arts. 3 and 22.

⁷⁶ E/CN.4/2005/65, paras 138, 139 and 140

⁷⁷ A/HRC/4/41, para 181

⁷⁸ CAT, *op. cit.*, para. 17.

⁷⁹ CAT, *op. cit.*, para. 19.

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- ⁸⁰ CRC, op. cit., paras. 58 and 59.
- ⁸¹ HR COMMITTEE, op. cit., para. 17.
- ⁸² CRC, op. cit., paras. 58 and 59.
- ⁸³ HR COMMITTEE, op. cit., para. 17.
- ⁸⁴ CAT, op. cit. para. 18.
- ⁸⁵ Comments by the Government of France on the conclusions and recommendations of the Committee against Torture, CAT/C/FRA/CO/3/Add.1, 13 February 2007, paras. 76 to 82.
- ⁸⁶ CERD, op. cit., para.14.
- ⁸⁷ Information provided by France on the implementation of the Concluding Observations of CERD, CERD/C/FRA/CO/16/ADD.1, 3 August 2006, para. 35 to 52.
- ⁸⁸ Letter from the President of the Committee on the Elimination of Racial Discrimination to the Permanent Mission of France, 9 March 2007.
- ⁸⁹ E/CN.4/2006/73/Add.1, paras 37-44
- ⁹⁰ CEDAW, op.cit., para. 29.
- ⁹¹ E/CN.4/2005/72/Add.1, paras 161-163.
- ⁹² CEDAW, op.cit., paras. 30 and 31.
- ⁹³ CRC, op. cit., paras. 54 and 55.
- ⁹⁴ CRC, Concluding observations, CRC/C/15/Add.240, adopted on 4 June 2004, para. 53.
- ⁹⁵ CRC, Concluding observations, CRC/C/OPSC/FRA/CO/1, adopted on 5 October 2007, para. 16 and 17.
- ⁹⁶ CAT, op. cit., para. 12.
- ⁹⁷ CAT, op. cit., para. 22.
- ⁹⁸ CAT, op. cit., para. 20.
- ⁹⁹ HR COMMITTEE, op. cit., paras. 15 and 16.
- ¹⁰⁰ CAT, op. cit., para. 16.
- ¹⁰¹ CRC, op. cit., paras. 23 and 24.
- ¹⁰² CRC, op. cit., paras. 33 and 34.
- ¹⁰³ E/CN.4/2006/5/Add.4, pages 2-3, paras. 74, 75, 76, 77.
- ¹⁰⁴ E/CN.4/2006/5/Add.4, para 110
- ¹⁰⁵ E/CN.4/2006/5/Add.4, paras 112
- ¹⁰⁶ E/CN.4/2006/5/Add.4, paras 98
- ¹⁰⁷ E/CN.4/2006/5/Add.4, para. 101
- ¹⁰⁸ A/HRC/7/32/Add.2, para 86
- ¹⁰⁹ CEDAW, op.cit., para. 27.
- ¹¹⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 062006FRA111, para1, 4 and 5.
- ¹¹¹ CRC, op. cit., para. 43 (a).
- ¹¹² A/HRC/7/32/Add.2, para. 53 and 87
- ¹¹³ CESCR, op. cit. para. 31.
- ¹¹⁴ CEDAW, op.cit., paras. 37 and 39.
- ¹¹⁵ CEDAW, op.cit., para. 27.
- ¹¹⁶ CERD, op. cit., para. 18.
- ¹¹⁷ CRC, op. cit., para. 26.
- ¹¹⁸ CEDAW, op.cit., para. 20.
- ¹¹⁹ E/CN.4/2006/5/Add.4, paras 98, 99 and 101
- ¹²⁰ A/HRC/7/32/Add.2, para. 94
- ¹²¹ CEDAW, op.cit., para. 20.
- ¹²² ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 062006FRA111, para. 9.
- ¹²³ ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 062006FRA111, para. 9.
- ¹²⁴ A/HRC/7/32/Add.2, para. 90
- ¹²⁵ CRC, op. cit., para. 41 (c).
- ¹²⁶ A/HRC/7/32/Add.2, page 3
- ¹²⁷ CESCR, op. cit., para. 15.
- ¹²⁸ HR COMMITTEE, op. cit., para. 24.
- ¹²⁹ CESCR, op. cit., para. 15.
- ¹³⁰ CRC, op. cit., para. 60.
- ¹³¹ CRC, op. cit., para. 61.
- ¹³² CESCR, op. cit., para. 25.
- ¹³³ CESCR, op. cit., para. 26.

¹³⁴ CERD, op. cit., para. 23.

¹³⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, Doc. No. 092006FRA111, para. 1.

¹³⁶ CERD, op. cit., para.16.

¹³⁷ Information provided by France on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/FRA/CO/16/Add.1, 13 February 2007, para. 60

¹³⁸ Letter from the President of the Committee on the Elimination of Racial Discrimination to the Permanent Mission of France, 9 March 2007.

¹³⁹ CAT, op. cit., para. 6.

¹⁴⁰ UNHCR submission to the UPR on France, p. 2, citing CAT/C/FRA/CO/3 para. 9.

¹⁴¹ CAT, op. cit., para. 9.

¹⁴² UNHCR submission to the UPR on France, p. 2, citing CRC/C/OPSC/FRA/CO/1 para. 6.

¹⁴³ CRC, Concluding observations, CRC/C/OPSC/FRA/CO/1, adopted on 5 October 2007, paras. 6 and 7.

¹⁴⁴ UNHCR submission to the UPR on France, pp. 3, citing CRC/C/15/Add.240 para. 31.

¹⁴⁵ CRC, Concluding Observations, 2004, para. 31.

¹⁴⁶ UNHCR submission to the UPR on France, pp. 2-3, citing CRC/C/15/Add.240 para. 32 and CERD/C/FRA/CO/16, para. 14.

¹⁴⁷ CRC, Concluding Observations, 2004, para. 32 and CERD, Concluding Observations, 2005, para. 14.

¹⁴⁸ E/CN.4/2005/62/Add.1, paras 673 -675.

¹⁴⁹ CAT, op. cit. para. 15.

¹⁵⁰ Comments by the Government of France on the conclusions and recommendations of the Committee against Torture, CAT/C/FRA/CO/3/Add.1, 13 February 2007, paras. 14 to 75.

¹⁵¹ A/HRC/4/26/Add.1, paras 22 - 23

¹⁵² CRC, op. cit., paras. 18 and 19.

¹⁵³ CERD, op. cit., para. 22.

¹⁵⁴ CAT, op. cit., para. 2.

¹⁵⁵ CEDAW, op.cit., para. 2.

¹⁵⁶ CAT, op. cit., para. 23.

¹⁵⁷ Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, New Caledonia, Working Paper prepared by the Secretariat, A/AC.109/2007/9, para. 51. See also A/AC.109/2006/SR.13 and A/AC.109/2006/L.13.

¹⁵⁸ A/HRC/4/32/Add.1, paras 188 and 192

¹⁵⁹ CRC, Concluding observations, CRC/C/15/Add.240, adopted on 4 June 2004, para. 3(a).

¹⁶⁰ CRC, Concluding observations, CRC/C/OPSC/FRA/CO/1, adopted on 5 October 2007, para. 4.

¹⁶¹ France's voluntary pledge submitted in support of its candidacy to the membership of the HRC, New York, 9 May 2006, p. 5-6 accessible at: <http://www.un.org/ga/60/elect/hrc/france.pdf>.

¹⁶² CERD requested follow up information on recommendations contained in paragraphs 13, 14 and 16 of its concluding observations.

¹⁶³ CERD, op. cit., para. 29.

¹⁶⁴ Report submitted by States Parties under Article 9 of the Convention, CERD/C/FRA/CO/16/Add.1

¹⁶⁵ Letter from the President of the Committee on the Elimination of Racial Discrimination to the Permanent Mission of France, 9 March 2007. <http://www2.ohchr.org/english/bodies/cerd/followup-procedure.htm>

¹⁶⁶ CAT requested follow up information on recommendations contained in paragraphs 10, 15 and 18 of its concluding observations.

¹⁶⁷ CAT, op. cit., para. 26.

¹⁶⁸ Report of the Committee against Torture to the General Assembly, Sixty-second session, A/62/44, para. 57.

¹⁶⁹ A/HRC/7/32/Add.2, para 82.