

3France's review in the Working Group
Wednesday 14 May 2008, Morning 9.00-12.00
Overview of the Working Group session

The Troika

The Troika was composed of representatives from Zambia, Italy and Malaysia. None of them took the floor during the interactive dialogue.

Presentation by France

Recognition of problems and/or concerns:

- Discrimination on the grounds of religion should be combated further (secularism does not mean indifference)
- In 2007 there were 144 cases reported of lack of respect for human rights by people of public order.
- Prison conditions are not satisfactory (problem of overpopulation). France is building 22 new prisons and closing 16 old ones down.
- Cooperation with UN on human rights: improvements are necessary. An inter ministerial mechanism will be set up to look at recommendations by treaty bodies, and these will be published to an prepare action plan as follow up of Durban and Vienna conferences.

Measures taken/achievements made:

- Civil society: annual meetings will be held with representatives of civil society prior to drafting laws for them to play an advisory role. Civil society is also involved in the drafting of periodic reports for treaty bodies and its follow-up.
- France was active in the development of OP-ICESRC
- Appointment in 2007 of Secretary of State for foreign affairs and human rights and a High Commissioner for solidarity (to counter poverty), and an Ambassador for Human Rights in 2000
- Independent human rights bodies set up: national commission for computer science freedom, a high authority to counter discrimination and promote equality set up in 2005 as well as a national agency for social cohesion. A monitor general set up in 2007 to deal with areas of deprivation of freedom. The statutes of the national advisory commission on human rights were modified in 2007 in accordance with Paris principles
- The need to combat discrimination has been integrated within the judiciary.
- A special commission was set up to promote the integration of nomadic peoples in society: measures were taken to deal with housing, education, job opportunities
- The notion of minorities is not recognized in French law because human rights of each person are respected, irrespective of the group they belong to. Foreigners enjoy assistance from the state via a contract for integration including language and civic training.
- Rights of asylum: we are number 2 in welcoming refugees in Europe. Fundamental changes in legislation were made.

No specific reference was made to the written questions that were submitted prior to the review session.

Interactive dialogue

Number of countries that took the floor

39 States took the floor during the interactive dialogue; **25 members States of the Human Rights Council:** *Egypt, Azerbaijan, Cameroon, Mexico, Switzerland, Netherlands, China, Cuba, Canada, Germany, Senegal, Brazil, Qatar, India, Bangladesh, Indonesia, UK, Japan, Guatemala, Djibouti, Madagascar, Slovenia, Russia, Philippines, South Africa;* **14 non- member States:** *Morocco, Chili, Albania, Austria, Colombia, Czech Republic, USA, Argentina, Mauretania, Sweden, Côte d'Ivoire, Chad, Iran, Haiti.*

Questions/issues raised

Immigration/immigrants: Morocco (plan for European covenant on immigration, statistics on job opportunities for immigrants); *sign convention of migrant workers* – Albania; *measures to ensure that individuals will not be send back to countries where they might risk torture* – Netherlands; guarantee rights of migrant workers, especially illegal ones – Cuba; *individual assessment of asylum seekers with regard to possible exposition to torture when send back* – Czech Republic; measures to ensure right to work and education of immigrants and their families and children – Japan; *discrimination of women in integration* – South Africa; *measures to improve situation of immigrants with regard to housing, employment and education* – South Africa

Minorities: *written questions on representation of minorities in elected positions* – Netherlands; *measures to address minority rights* – Germany

Racism/discrimination: *additional governance to sanction intolerance* – Morocco; *France's position on freedom of expression and incitement to discrimination* – Cuba; framework conventions signed last December to combat discrimination – Mauritania; *measures taken to combat racism and discrimination* – Indonesia, UK (sufficient financing of these measures); *high authority to combat discrimination* – Guatemala; *training for magistrates who are confronted with discrimination* – Madagascar

Women: *participation of women in political life* – Chili, Slovenia (only 107 out of 577 women in parliament so far); *measures to improve representativeness of women and equality throughout society* – Chili; *violence against women* – Chili (2006 circulaire on marital violence, plans for a law on violence against women), Switzerland (measures to reduce it), Haiti (172 women killed by their partners in 2007), Indonesia (domestic violence), Australia; *implementation of CEDAW committee recommendations to guarantee equal pay and guarantee jobs to handicapped women* – China; *measures to close the wage gap* – Philippines

Asylum seekers: *refoulement* – sending rejected asylum seekers to countries violating human rights, including practicing torture – Chili, Netherlands, Czech Republic; *measures to improve detention facilities and conditions of asylum seekers and those seeking family reunification* – Indonesia

Religion: *ban of religious signs in public schools* – Egypt (assessment of consequences for Muslims), USA (impact of law on religious students and teachers), Brazil (impact of law on religious pluralism and respect for and protection of human rights), India (implementation of this law since 2004), Bangladesh (review the law); *balance between freedom of religion and protection against defamation of religions* – Qatar

Poverty: Azerbaijan (effectiveness of strategy to combat poverty – goal set last year was to reduce poverty by 1/3 in 5 years)

Detention conditions: measures to deal with overpopulation in prisons – Azerbaijan, Switzerland, Netherlands (deadlines); new legislation establishing greater penalties for minors – Switzerland; measures to shorten timeframe of process to improve detention conditions – Sweden; how to reconcile detention conditions with international human rights instruments – Côte d'Ivoire; reason for 23% increase in prisoners – Haiti

Overseas territories: Azerbaijan (reduce consequences of nuclear tests for people of overseas territories)

International human rights instruments: ratify convention on enforced disappearances – Albania; reduction of effectiveness of implementation at the national level through the use of reservations – Cameroon; implementation of the declaration of rights of indigenous peoples – Guatemala; reasons for France's reservation to the ICESR – Russia

National human rights institutions: coordination problems – Cameroon, Austria; relation between and results of the national commission on law enforcement and custody facilities – Colombia

Torture: *concerns of CAT and the human rights committee on the impunity of police officers implicated in torture* – Germany; *measures to protect detainees against ill-treatment in the light of the OP-CAT* – Brazil; *set up independent commission dealing with torture and ill-treatment* – Indonesia

Counter-terrorism: effects of anti-terrorist measures on human rights – Qatar

Trafficking in persons: action to combat this – Bangladesh (in particular of women and children), Japan

National human rights action plan: China – what content

Children: abusive corporal punishment of children – Indonesia; modernize prison conditions for juveniles – UK; measures to prevent recurrence of cases such as that of Zoe's Ark – Chad

Violence: Violence in suburbs – Djibouti

Judiciary: possibility for victims of human rights violations to take their case to court

Indigenous Peoples: the application of the United Nations Declaration on the Rights of Indigenous Peoples in overseas territories - Guatemala

Recommendations

ESCR

- Take specific measures to ensure protection of ESCR of all components of French society (**Egypt**)
- Speed up family reunification in accordance with recommendations made by the ESCR committee and UNHRC (**Czech Republic**)

Immigration/immigrants

- Sign the convention on migrant workers (**Egypt, Senegal**)
- Take effective steps to ensure the protection of migrants (**Azerbaijan**)
- Implementation of the foreseen covenant on immigration should apply to all migrants regardless of their status (**Mexico**)
- Don't send immigrants back to countries where they might risk torture (**Netherlands**)
- Continue efforts to guarantee rights of all migrants regardless of their status (**Cuba**)

Minorities

- Review France's position on the rights of minorities (**Canada, India**)
- Collect data on socio-economic status of minorities (**Canada**)
- Consider how to address needs of minorities within France's principle to not recognize them as a group (**Austria**)
- Set up an institutional model to integrate minorities into police and judiciary to achieve greater representation (**India**)
- Enforce existing anti-discrimination legislation more effectively and compile statistics on minority groups (**UK**)
- Find effective ways to realize ways to ensure rights of people of minorities (**Russia**)

Religion

- Adopt a law to ban religious and racial hatred (**Egypt**)
- Cancel the prohibition of hijab in public schools (**Canada**)

Overseas territories

- Take Durban into account when dealing with issues in overseas territories (**Egypt**)
- Strengthen the inclusion of human rights situations in overseas territories in reports (**Canada, Russia**)

Discrimination/racism

- Strengthen the fight against racism and xenophobia (**Azerbaijan**)
- Withdraw reservations to art 4 of convention on racial discrimination (**Cuba**)
- Take necessary measures to combat discrimination (**Iran**)
- Intensify struggle against racism (**Haiti**)

International human rights instruments

- Conduct a study into the compatibility of French legislation with international standards (in case of its absence) (**Mexico**)

Counter-terrorist measures

- React to recommendations made by the Special Rapporteur with regard to the extension of the definition of a terrorist, the allowed detention period and access to a lawyer (**Mexico**)

Women

- Make violence against women punishable and take into account the recommendation of the Special Rapporteur on collecting data (**Switzerland**)
- Consider cancellation of reservation to CEDAW (**Japan**)
- Accelerate measures to eliminate discrimination against women (**South Africa**)

Detention conditions

- Report back about concrete measures taken and implement recommendations of the CAT committee as soon as possible (**Netherlands**)
- Increase human rights training for law enforcement officials (**UK**)

Torture

- Take measures to implement CAT committee recommendations (**Czech Republic**)
- Avoid experiments with electric impulsion weapons which inflict pain and could constitute an act of torture (**Côte d'Ivoire**)

Trafficking

- Take necessary measures to combat trafficking (**Iran**)

UPR

- Include a gender perspective in the follow-up of the UPR (**Slovenia**)
- Provide a translation of the national report into Russian (**Russia**)

Answers provided by France

Status of women – gender equality, domestic violence (Chili, Switzerland, Haiti, Indonesia, Australia, China, Philippines, Switzerland); **ratification/signing of international human rights instruments** (Albania); **right to asylum** (Chili, Netherlands, Czech Republic, Indonesia); **prison conditions** (Azerbaijan, Switzerland, Netherlands); **disabled persons** (China); **national human rights institutions** (Cameroon, Austria), **racism** (Morocco, Cuba, Indonesia, UK, Madagascar, Azerbaijan, Cuba, Iran, Haiti); **counter-terrorism** (Qatar); **minorities** (Germany, Canada, India, Austria, UK); **impunity of police officials** (Germany); **religious symbols** (Egypt, USA, India); **migrants** (Albania, Egypt, Senegal); **trafficking** (Bangladesh, Iran); **urban policy** (UK)

Issues for follow-up

Delegation of France: France said it would remove disparities in payment between men and women within 5 years (companies will have to pay penalties from 2009 onwards), ratify the OP-CAT and Convention on Enforced Disappearances and sign the disability convention in 2008, conduct major prison reforms (close old prisons and build 22 new ones, creating 6.000 new places), set up a coordination institution for human rights institutions.

Questions/recommendations from other states: Albania, Egypt and Senegal recommended that France sign the convention on migrant workers. Many states asked and recommended to take more measures to combat discrimination, violence against women and improve detention conditions and asked France to review its non-recognition policy of minorities (or asked how their rights would be ensured in the absence of such a recognition). Canada and Bangladesh recommended abolishing the ban on religious symbols in schools. Guatemala asked about the implementation of the declaration of rights of indigenous peoples. It was also recommended that France implements the recommendations from the CAT committee and reports back on progress

made (Netherlands); to include a gender perspective in the UPR (Slovenia) and to translate the national report into all official UN languages (Russia).

States that made solely welcoming statements

Argentina

Human Rights mentioned during the review but on which France did not give a response

Poverty (Azerbaijan), the application of the United Nations Declaration on the Rights of Indigenous Peoples in overseas territories (Guatemala), national human rights action plan, violence in suburbs (Djibouti), experimentation of arms on prisoners (Côte d'Ivoire), reduce consequences of nuclear tests for people of overseas territories (Azerbaijan)

Human Rights mentioned in the NGOs reports but not raised during the review

Sexual orientation; Situation of human rights in French Guyana – indigenous peoples, exploitation of natural resources; Freedom of press – forcing journalists to reveal their sources.

Speaking times

Overall duration of the review: 2 hours 45 minutes

Of France:

- Opening statement: 20 minutes
- Overall speaking time employed to respond to other States' questions during the interactive dialogue: 36 minutes
- Answers to last question and concluding remarks: 12 minutes

Of other States

3 minutes for member States of the Human Rights Council, 2 minutes for non member States. Japan was the only state that really went over the time limit.

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