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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

France *

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its second session from 5 to 19 May 2008. The review of France was held at the 13th meeting on 14 May 2008. The delegation of France was headed by François Zimeray, Ambassador for Human Rights. For the composition of the delegation, composed of 17 members, see annex below. At its 17th meeting held on 19 May 2008, the Working Group adopted the present report on France.
2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of France: Zambia, Italy and Malaysia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of France:
 - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/2/FRA/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/2/FRA/2);
 - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/2/FRA/3).
4. A list of questions prepared in advance by Denmark, Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland was transmitted to France through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 13th meeting, on 14 May 2008, Mr. François Zimeray, Ambassador for Human Rights and Head of Delegation, before introducing the national report expressed his thoughts and solidarity for the thousand of victims of the natural catastrophes that have dramatically hit the people of Myanmar and China. Referring to the national report, he then stated that it had been prepared through consultations between different parts of the administration and with civil society. Responding to a written question submitted in advance, Mr. Zimeray said that all main actors from civil society, trade unions as well as opinion and religious movements were given the opportunity to share their views on the human rights situation and to submit written contributions. Further, he informed that dialogue with the *Commission nationale consultative des droits de l'Homme* (CNCDDH) had been ongoing. The Head of Delegation also explained the commitment of France to uphold human rights at the international level. He recalled, inter alia, the recent active engagement of his country in the establishment of the UPR mechanism and the negotiations on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights.
6. At national level, Mr. Zimeray stated that in 2007 the human rights protection system was reinforced by the appointment of a State Secretary for Foreign Affairs and Human Rights as well as the *Haut-commissaire aux solidarités* in charge of fighting poverty, and the establishment in 2000 of the post of Ambassador for Human Rights. The French Constitution provides a central place for human rights and several independent administrative authorities have been created in order to protect the rights of citizens, such as for example, the *Commission nationale informatique et*

libertés (CNIL), the *Haute autorité de lutte contre les discriminations et pour l'égalité* (HALDE), created in 2004, the *Commission nationale de déontologie de la sécurité* (CNDS), the *Défenseur des enfants* and the *Contrôleur général des lieux de privation de liberté*, established in 2007. The CNCDH was once again accredited in 2007 by the International Coordination Committee for National Human Rights Institutions (ICC), in light of the Paris Principles. Its independence was reinforced and functions were improved further to a review of its statutes.

7. The Ambassador for Human Rights further stated that the national report focused on difficulties - and sometimes criticism - raised by international expert organs and civil society. He explained that freedom of religion and belief has been recognized in France since 1789 and that French laicism (*laïcité*) is not exclusive of the freedom to believe. The French authorities maintain a dialogue with faith representatives, such as the *Conseil français du culte musulman*. He stated that all forms of discrimination are contrary to French values and must be combated. In this regard, the Ministry of Justice also established anti-discrimination focal points within all high courts. Regarding Travellers (*Gens du voyage*), a consultative national commission has been established and includes representatives of the authorities and of Travellers (*Gens du voyage*), and measures have been taken with regard to residence, housing, access to work and right to education. He further explained that French legislation fully integrates equality between men and women. The 2004 Equality Charter aims at mobilizing all public and private actors. Almost three quarters of its measures have been implemented but more still needs to be undertaken in order to ensure full parity.

8. The Ambassador for Human Rights further explained the importance placed on the respect for ethics and human rights by law enforcement personnel. He noted that the latter are trained in this regard and that public authorities exercise strict control and sanction breaches vigorously. In 2006, 114 disciplinary sanctions and 76 judicial condemnations were pronounced for violence. A national commission for ethics within the security sector was established in 2000. Conditions of detention in France are not sufficiently satisfactory, notably due to the overcrowding of prisons, a fact that had been often highlighted by human rights treaty bodies, the European Committee for the Prevention of Torture and the CNCDH. He informed that measures have been taken to remedy the most critical situations. This should lead in 2012 to the creation of 22 new penitentiary establishments, and the closing of 16 old ones. In addition, active political measures have been taken in relation to new ways to execute sentences. All detainees will be able to directly access the *Médiateur de la République* as of 2010. Detainees are currently able to challenge all administrative sanctions and decisions in front of a judge. Regarding the rights of asylum-seekers, the Head of Delegation explained that France remains deeply committed to its international obligations and constitutional order. He noted that France is the second country in Europe with regard to receiving asylum requests. Since 1 January 2004, significant changes have been introduced into French legislation. In this regard France takes into account persecutions by non-State actors, in conformity with the doctrine of UNHCHR. France strengthened the protections covered by the 1951 Convention relating to the Status of Refugees, by creating an additional protection covering persons that are at risk of inhuman and degrading treatment. The *Office Français pour la Protection des Réfugiés et des Apatrides* (OFPRA) is the sole institution which decides on asylum issues, with full independence and under the control of an independent jurisdiction (*Cour nationale du droit d'asile*). France further indicated that its country will in 2008 take many actions with regard to international human rights treaties (see details of under the chapter on voluntary commitments). Finally, the Head of Delegation stated that in the new world we entered, threatened by divisions, and in which some would like to see a clash of civilizations, France believes on the contrary in the alliance of civilizations, guaranteed by the universal respect of rights and freedoms.

B. Interactive dialogue and responses by the State under review

9. During the ensuing interactive dialogue, 40 delegations made statements. A number of delegations commended France on the quality of its presentation and the national report, including related consultations with civil society. They also noted France's history in promoting and protecting human rights, including the *1789 Declaration des Droits de l'Homme et du Citoyen*, the Universal Declaration of Human Rights adopted by the General Assembly in Paris in 1948, and France's recent role and contribution in the negotiations and adoption of the International Convention for the Protection of All Persons from Enforced Disappearance.

10. Morocco noted with satisfaction the important role played by the CNCDH in the promotion and protection of human rights and encouraged the setting up of such institutions, in accordance with the Paris Principles. Morocco asked for more information about the projected establishment of a European Pact for immigration. Morocco also asked for statistics regarding the access to employment of migrants or persons with immigrant heritage. Morocco also asked about France's intentions to provide additional measures to prevent and sanction intolerance.

11. Chile noted that despite improvements in recent years, the participation of women in Parliament is still far from the ideal of equal democracy and asked about the kinds of measures which could improve their representation in public life and establish cultural equality. It enquired about measure taken by France to implement the circular of 19 April 2006 on domestic violence and whether France has any intent to establish a law on violence against women. Chile also asked whether there are any measures to guarantee that an asylum-seeker whose claim is rejected will not be sent to a country where rights might be violated

12. With reference to the Special Rapporteur on freedom of religion or belief, who had found that the law on religious symbols has had an important impact on the Muslim community, Egypt enquired about the assessment of the Government in this regard and about the measures envisaged to resolve this problem. Noting that France has always been devoted to the integration of the various communities on its territory, Egypt stated that socio-economic inequalities have continued over the decades and recommended that programmes and specific measures be adopted to ensure the protection of economic, social and cultural rights of all components of society. Egypt also recommended accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). Egypt mentioned a court decision concerning the publication of cartoons against Islam in 2005, which raised questions of compatibility with the jurisprudence developed by the European Court of Human Rights. Since Islam is the second religion in France, and since it is essential to protect all religious communities on an equal basis, Egypt recommended that a law banning incitement to religious and racial hatred be adopted. Furthermore, Egypt recommended that France consider its commitment in line with paragraph 101 of the Durban Declaration when addressing questions with respect to legislation and studies on colonialism and the slave trade, in particular with respect to overseas territories.

13. Azerbaijan welcomed the establishment of the post of Ambassador of Human Rights and HALDE, as well as the attention attached to increase the representation of women in society. It noted that in France, seven million people live below the poverty line. Azerbaijan called upon France to strengthen the fight against racism and xenophobia, in particular against Islamophobia and anti-Semitism. Integrating ethnic and religious minorities into society is another urgent issue. Furthermore, Azerbaijan stated that measures must be taken to better guarantee the protection of migrants and that signing and ratifying the ICRMW would be a major step into this direction. Azerbaijan asked what achievements have been made in fighting poverty, what measures have been

taken to resolve the problem of prison overcrowding, and whether measures are being envisaged to prevent or reduce the consequences of nuclear tests for the population living in overseas territories.

14. Albania welcomed France's role in the creation of the Human Rights Council and its contribution to the negotiation and adoption of the International Convention on the Protection of All Persons from Enforced Disappearance, and recommended that France complete the domestic process in order to ratify it as soon as possible. It noted the reasons provided by France regarding the reasons it cannot consider acceding to the ICRMW. In this regard, Albania stated that holding the presidency of the European Union later in 2008 will offer an opportunity for France to take the initiative with a view to ratifying the convention on the issue at the regional level.

15. Cameroon noted with interest the attention France attaches to combating racism and xenophobia and all forms of discrimination and the important legislative apparatus in this area; the concern to find appropriate solutions to the problem of overpopulation in prisons and securing police operations; equality of gender; and clandestine migration. Cameroon asked whether the multiplication of institutions in charge of human rights issues leads to problems of coordination and whether the reservations to treaties and conventions ratified by France do not considerably reduce their implementation at the national level.

16. Mexico commended France on its initiative to promote a European Pact on Migration and recommended that in the elaboration of this initiative, central attention be given to the consideration of human rights to ensure that its implementation is guaranteed for all migrants regardless of their status. Mexico recognized France's commitment in regard to international criminal justice and recommended the withdrawal of the declaration under article 124 of the Rome Statute of the International Criminal Court. Mexico enquired about an independent study which refers to the compatibility of French legislation with international human rights standards regarding the rights and protection of migrants, including migrant workers, and suggested the elaboration of an independent study addressing the concerns expressed in the subparagraph 1 of paragraph 13 of the national report. Mexico endorsed the concerns expressed by the Special Rapporteur on the protection of human rights while countering terrorism contained in its communication dated 26 April 2006 regarding the extension of the criminal definition of terrorism, the period of detention of suspects and the period of getting access to a lawyer and recommended to France to respond to the aforementioned communication.

17. Switzerland raised three issues: violence against women, conditions of detention and fight against recidivism. On violence against women, Switzerland asked for more information regarding measures which may be taken to reduce domestic violence. Is this type of offence automatically prosecuted or only following a complaint? Switzerland recommended that France introduce automatic prosecution for all acts of domestic violence, if this is not done already. Switzerland further recommended that France take into account the concerns of the Special Rapporteur on violence against women regarding the absence of an agency in charge of gathering information on violence against women, particularly regarding homicides in the context of domestic violence. Switzerland expressed concerns about conditions of detention, particularly overpopulation, and asked for more information on measures planned to remedy this issue. Switzerland asked whether it was possible to provide a date for the appointment of a *Contrôleur des lieux privés de liberté*. It then asked for more details on the new legislation on stricter penalties for recidivists, particularly minors, and enquired about consequences of such a law on a system that appears to already have reached the limit of its capacities. Switzerland recommended that France pursue efforts to foster social integration and reinsertion of recidivist minors. It welcomed France's efforts to combat torture and requested a copy of France's manual on detecting signs of torture.

18. The Netherlands requested further information concerning the representation of minorities in elected positions. With reference to concerns expressed by the Committee against Torture (CAT), the Netherlands stated that there is an urgency to change the poor prison conditions, including overcrowding of prisons and the long periods of pre-trial detention, and asked what deadlines France considers for meeting international standards in prisons and implementing the recommendations. The Netherlands recommended that France report back to the Human Rights Council about further concrete measures taken with regard to the improvement of prison conditions according to international standards and that the recommendations of the different treaty bodies in this regard be implemented as soon as possible. With reference to the recommendation of CAT to consider the introduction of a procedure on article 3 of the Convention, the Netherlands recommended that France make effective efforts to respect its international obligations not to forcibly return any individual to a country where he or she may be at risk of serious human rights violations, including torture or other ill-treatment.

19. China noted that in recent years, positive efforts have been made to improve legislation and positive steps taken to protect human rights. In this regard, China referred to various agencies that protect human rights. China recalled the recommendation made in 2008 by the Committee on the Elimination of Discrimination against Women (CEDAW) that France ensure that women enjoy equality for pay and employment, and help disabled women to find jobs, and asked whether it is planned to implement this recommendation. Finally, it asked what France is planning to do regarding the National Plan of Action on Human Rights and what the content of the plan will be.

20. Noting the legislative measures taken for the rights of women and children and concerning the fight against all forms of discrimination and intolerance, Cuba expressed hope that this legal structure will be found in effective policies to strengthen the concepts of inclusion, equality and non-discrimination and will apply in an equal manner to all members of the multicultural and diverse French society. In reference to the national report, in which France stressed the importance of legislation combating all forms of discrimination, and to France's reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Cuba asked how the Government reconciles the right to freedom of expression and the prohibition of any propaganda organization, which is based on the concept of racial superiority or which claims to justify or promote racial hatred or discrimination. Cuba asked how the Government guarantees respect for the rights of migrant workers, particularly those in illegal situations and recommended that France consider the possibility of withdrawing its reservations to article 4 of ICERD and to continue its efforts to protect the rights of all migrants, regardless of their situation and status.

21. Canada noted the concerns expressed by the Committee on the Elimination of Racial Discrimination (CERD) regarding the increase in racist, anti-Semitic and xenophobic incidents and its calls to take preventive measures to put an end to racist incidents involving law enforcement authorities and other public officials. Canada also referred to the concerns of the Committee on Economic, Social and Cultural Rights regarding the rejection of the rights of minorities due to incompatibility with the French Constitution. Canada recommended that France review its position on the recognition of the rights of minorities and that it begin collecting data on the socio-economic status, disaggregated by ethnic identity, confession and gender, in order to identify social problems affecting ethnic and religious minorities. Canada noted that France prohibits wearing the veil, be it religious or not, in its public schools while tolerating wearing crucifixes. Canada is of the view that wearing the veil is part of freedom of religion and recommended that France remove its prohibition on wearing the hijab in public schools. Finally, Canada drew attention to CAT and CEDAW observations to the effect that France's reports do not contain any information on the implementation of the respective conventions in its overseas territories and departments.

22. In his response to questions following the dialogue, the Head of Delegation informed the meeting about the European Pact on Migration and France's priorities for its future Presidency of the European Union. He reiterated that his Government's priorities in this context are to improve the monitoring of borders, to organize legal migration and the removal of irregular migrants in coordination with countries of origin, and to harmonize the European asylum policy. France has already signed six conventions with countries of origin such as with Tunisia and Senegal and these conventions have already opened up professions for migrants coming to France.

23. Regarding the status of women, particularly victims of domestic violence and concerning gender equality, the representative of France referred to a two-fold approach, through legislation on one hand and through changing mentalities, mindsets or behaviour on the other hand. As regards the latter aspect, France acknowledged the importance of providing training for police and law enforcement officers to help them better deal with victims of violence, the need to have specialized investigators and psychologists, and underlined the existence of a toll-free phone line for victims. Today, an estimated 330,000 women consider themselves victims of domestic violence; this has an important economic cost. In 2004, 2006 and 2007 new laws have been adopted allowing for the removal of the violent spouse from the family home. According to a specific circular, no act of violence should remain without a response. In 2007, 83 per cent of cases led to a penal response, which constitutes a clear decrease in the number of cases in which lawsuits are dropped. Social responses are also provided and women who are victims are given priority access to public housing. France has organized a high profile awareness campaign to combat stereotypes through advertisements on television.

24. On issues related to gender and immigration, the agency for immigration has made improvements with regard to facilitating immigrants' access to law and has produced a guidebook on gender equality with a special focus on genital mutilation and forced marriages. To avoid forced marriages, France recently established the same legal age for marriage for both sexes. France also recognized that there were still disparities in salaries between men and women, referring to a 19 per cent average gap for the same work. France has set clear objectives with an "Equality" label: disparities have to be overcome within five years. The Government will negotiate sector by sector with trade unions, with the agency for employment and all other stakeholders at all levels. By the end of 2009, companies which have not established a plan to redress inequalities between men and women will be fined. Regarding women's representation in politics, the country is moving towards parity. There is a new legal requirement that all political parties must present equal numbers of men and women on their electoral lists, including in local elections; the non-respect of this requirement leads to paying a fine, according to the 2007 law. On the situation in prisons, France has a major reform plan and will close down obsolete prisons, since over half of them were built before 1945. 22 prisons will be built and 6,000 new beds added. Next year, a new facility will be opened every month. Sentencing will also be reformed with new ways to execute sentences, a new approach to the mission of reintegration that is devoted to prisons, the extended use of the possibility of partial releases and the development of an electronic bracelet programme. In response to questions about juvenile detention, additional specialized establishments will be built and developed. At present the already existing ones prioritize education.

25. On the question of disabilities, the representative of France stated that discrimination still exists. Nearly 10 per cent of the French population suffers from disability and laws provide for financial compensation, benefits and disability pensions. As regards access to employment, there is a strict requirement that persons with disabilities represent at least 6 per cent of the workforce, both in the public and private sectors.

26. France informed that it will establish an institution to coordinate the various existing bodies dealing with human rights issues.

27. On racism and xenophobia, France reminded that racism is a severely punished crime in France.. Incitement to racial hatred is punished. Referring to the cartoon case, France underlined the need to reconcile a high level of anti-racism with a high degree of respect for the right to freedom of expression, which is not an easy task. France punishes severely, with prison sentences, all incitements to racial hatred, be they related to Islamophobia or anti-Semitism, but tolerates genuine criticism and derision not intended to incite racial hatred. France stressed that there was no law on the religious veil in France; the law addresses the issue of distinctive religious symbols in public places, and mentions open religious symbols of any religion. In accordance with France's conception of laicism (*laïcité*), public places, including schools, should not be places of confrontation, where debates that exist at the domestic or international level would be reflected, but places where tolerance is taught. On terrorism and human rights, France has two imperatives to reconcile: ensuring the security of citizens and preserving, in the fight against terrorism, a very high level of respect for human rights. Those accused of terrorism have the same rights as any other person charged with criminal offences but specific procedural measures can apply, such as the period of custody, for example, which can be extended to six days, but only in the case of an imminent risk of a terrorist attack or if imperatively required by international cooperation. Since the adoption of the law, this has only applied in one case.

28. While expressing appreciation for the recent visit of the independent expert on minority issues, Austria stated that addressing certain specific needs of individuals belonging to minorities, as identified by the independent expert during her visit, in particular in the field of employment, education and access to housing, would not be in contradiction to the traditional position of France concerning the recognition of the concept of minorities as regarding group rights. Austria recommended that the Government consider how best the specific needs of individuals belonging to minorities could be addressed in order to ensure their equal enjoyment of all human rights, as provided for in the Constitution.

29. Colombia stated that in order to be effective in the promotion and protection of human rights, it is important to have independent, objective and impartial mechanisms and effective monitoring of security forces. Colombia noted with particular interest France's experience with the setting up of the *Commission nationale de déontologie de la sécurité* (CNDS) and the commission to monitor places of detention and custody facilities. Colombia requested more information on the establishment of these two commissions, the relationship between them and the result of their work to date.

30. Noting concerns expressed by CAT and the Human Rights Committee, as stated in paragraph 21 of the OHCHR compilation report, in view of the discretionary prosecution for alleged acts of torture or ill-treatment by police officers, Germany asked whether France shares the view of the Committee that this may result in virtual impunity and what measures France takes to ensure full compatibility with its obligations under article 12 of the International Covenant on Civil and Political Rights (ICCPR). Germany also referred to concerns voiced by several treaty bodies and the independent expert on minority issues regarding the French concept of minority rights and the related practice, and asked for more information on how France is addressing these concerns.

31. The Czech Republic asked what measures have been adopted to ensure effective implementation of article 3 of the Convention against Torture in cases of persons from countries considered safe countries of origin or countries with the alternative of internal asylum, and if the possibility of risk of torture in these cases is being assessed on a case-by-case basis. It

recommended that France adopt further measures to ensure granting possible requests of the Committee against Torture for interim measures in individual cases aimed at preventing the breach of provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It asked France to elaborate on measures adopted in reply to concerns expressed by the Committee on the Rights of the Child, CERD and UNHCR regarding the length of procedures for family reunification of recognized refugees and recommended that these procedures be executed with utmost speed to ensure the protection of family life of the persons concerned.

32. Regarding the 2004 legislation which forbids employees and students of public schools to wear conspicuous religious symbols and the ruling of the European Court on Human Rights that the law banning religious symbols in schools did not violate the freedom of religion, the United States of America enquired about the impact of this law on religiously observant children and teachers, asked how many children have been expelled or teachers fired from school since 2004, and enquired about steps the Government has taken to integrate these children into society.

33. Argentina referred to the ceremony for the signature of the International Convention for the Protection of All Persons from Enforced Disappearance which took place in Paris, and noted France's written commitment to submit the text of the Convention to Parliament in the near future.

34. Senegal noted the implementation of concrete initiatives to combat poverty and encouraged the Government to continue examining the possibility of ratifying ICRMW. Senegal expressed its wish that France continue its long-term combat to promote and protect all human rights and to assist other countries to follow the example of France, which is its responsibility and its vocation.

35. Brazil noted that France has signed but not yet ratified the Optional Protocol to the Convention against Torture, as well as the law establishing the *Contrôleur général des lieux de privation de liberté* which will allow visits at any time of any place where persons are deprived of liberty. It asked how France envisages the process of appointing this *Contrôleur* in order to guarantee independence and transparency and ensure prompt, impartial and thorough investigation of cases of ill-treatment of detainees, and what measures will be taken to support the *Contrôleur* in his/her functions in accordance with article 18 of the Optional Protocol to the Convention against Torture. Finally, Brazil asked how France assesses the law banning conspicuous religious symbols in public schools and its impact on religious pluralism and human rights promotion and protection.

36. Qatar requested further information on the efforts, guarantees and measures taken to ensure equality and non-discrimination. It also enquired about the experience in promoting and protecting human rights while combating terrorism and requested more information on how France has been able to strike a balance between the freedom of speech and opinion and the protection of religions against defamation.

37. India noted the concerns of the Special Rapporteur on freedom of religion or belief about Law 2004-228, and asked for more information regarding France's experience in the implementation of this law since 2004. It also referred to the independent expert on minority issues who noted that France has traditionally not accepted the concept of minority rights and recognition of minority groups. India recommended that France actively consider reviewing its position on minorities by recognizing and protecting them as minority groups. Pursuant to the recommendation of the independent expert on minority issues, India recommended that France actively consider undertaking 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 to better reflect the broad diversity within France.

38. Bangladesh encouraged France to pay greater attention to the concerns expressed by several treaty bodies on the persistence of discriminatory practices, the situation of immigrant women, the conditions in detention centres, the treatment of refugees and asylum-seekers, and the behaviour of law enforcement agents in dealing with immigrants and minorities. Highlighting that France is home to one of the largest immigrant communities, Bangladesh stated that France visibly chooses assimilation over integration in engaging immigrants in society, which has negatively affected the social values and cultural life of some communities. For example, the prohibition of the Hijab in schools did not promote religious freedom, cultural diversity or improve the relationship between Muslims with other communities but rather instilled religious intolerance and racial hatred. Bangladesh recommended that the Government review the law which prohibits the wearing of clothing denoting religious affiliation in schools. While appreciating the measures already taken to deal with the increase of trafficking in persons, Bangladesh highlighted that full success depends on a concerted effort of all three levels, source, transit and destination, and that the issue of demand at the destination, particularly regarding exploitation of women and girls in the sex industry in France, must be addressed.

39. Mauritania welcomed the appointment in 2007 of the Secretary of State for Foreign Affairs and Human Rights and of the *Haut-commissaire aux solidarités actives*. Mauritania asked for more information on the two framework conventions signed on 14 December 2007 to strengthen the campaign against discrimination.

40. Indonesia requested more information on measures taken regarding the improvement of detention facilities and conditions for asylum-seekers, as well as to address the biased treatment of immigrants, especially women seeking family reunification. Indonesia enquired about steps taken in respect of the recommendations of the Commissioner for Human Rights of the Council of Europe that France step up its efforts to combat racism, anti-Semitism and xenophobia and that it enforce existing legislation more effectively to punish the perpetrators of such acts. With reference to the Islamic Human Rights Commission, according to which out of 220,000 cases of discrimination which occurred in France in 2006, only 43 were prosecuted, Indonesia asked about progress made in this regard and recommended that the Government finalize all outstanding cases of discrimination that have occurred since 2006. Citing Amnesty International, Indonesia stated that there have been cases of torture, ill-treatment and excessive use of force by law enforcement officials, which, together with the discretionary powers of the prosecution, have resulted in many ineffective prosecutions. It stated that the setting up of an independent commission is recommendable in order to monitor and identify cases of torture and ill-treatment perpetrated by law enforcement officials. Indonesia also referred to the Global Initiative to End All Corporal Punishment of Children, according to which in France corporal punishment is still lawful in the home, and to reports of cases of violence against women, and enquired about plans to improve the legislation.

41. Sweden noted the poor conditions in places of detention, including overcrowding and ill-treatment, according to independent reports, recognized efforts made by France to improve them and asked whether additional measures are taken to reduce the time frame for such a process. If not, Sweden recommended that such measures be considered.

42. Concerning minorities, France stressed the gap that exists between law and reality, i.e. how the society reacts and how the members of the minorities feel as regards discrimination. The law in France does not recognize minorities per se; what the law recognizes are the individual rights of the members of the minority groups. It protects individuals belonging to minority groups as other persons, prohibits any discrimination, and punishes any infringement to their rights, in the most vigorous manner. In addition, France has put in place policies targeting special areas where there is

a need for specific urban planning and policy. France respects diversity at all levels, in politics and in society. France has implemented innovative approaches to strengthen diversity, e.g. by encouraging access to the highest schools and universities for persons from underprivileged areas, or through an action plan for access to the civil service. The *Conseil Supérieur de l'Audiovisuel*, which is an independent body, has undertaken measures to ensure that the media reflects the diversity that prevails in the French society. The promotion of diversity is also reflected in the teaching of regional languages in France.

43. The *Commission nationale de déontologie de la sécurité* is an independent body that can be seized by members of Parliament, can call for inquiries and reports once a year to the President. France also reiterated the important role of the *Contrôleur général des lieux de détention* whose mandate is broad and whose independence is protected by the law. France is currently selecting a candidate to fill the post and has allocated a budget of 2.5 million euros and 20 staff members to this new institution. Regarding concerns raised with regard to impunity for law enforcement officials, a victim can directly seize the judge who is then obliged to open an inquiry. Victims who complain about excessive administrative sanctions applied in prisons can access a lawyer remunerated by the State. This type of cases has considerably decreased. Regarding the list of safe countries in asylum procedures, the representative of France assured that this list is constantly updated. French citizenship is not required to reside in France and 8 per cent of the population who lives and works in France are not French. Referring again to the law on religious symbols and its impact, France specified that out of 48 cases, only two persons could not be provided with schooling. More than two years after its adoption, ICRMW, France recalled that it has difficulties due to the fact that this convention does not distinguish between regular and irregular migration and that in any case it applies most of the provisions contained in the convention. France also recalled that this issue has to be dealt with at the European level as, since the Amsterdam Treaty, it falls within the competence of the European Union.

44. Referring to the alarming human rights situation in the administrative detention centre of Pamandzi in Mayotte, to the detention of minors, inhuman and degrading treatment, the impossibility for detainees to exercise their right to communicate, the absence of the right to health, suspensive recourse against administrative measures and of procedural guarantees, Côte d'Ivoire asked how France plans to reconcile these conditions with the international human rights instruments to which it is a party. Côte d'Ivoire recommended that experiments on detainees with electric impulsion weapons provoking acute pain, which can constitute a form of torture, be avoided in penitentiaries.

45. The United Kingdom of Great Britain and Northern Ireland welcomed the introduction of a new policy for deprived urban areas, and asked whether there is provision for sufficient financing of the initiative and whether the measures go far enough in tackling the root causes of inequality and discrimination among disadvantaged groups. The United Kingdom welcomed that report of the CNCDH indicating that incidents of racist attacks reported to the authorities have decreased regularly since 2005, and recommended that France make efforts to enforce existing anti-discrimination legislation more effectively, and that the Government consider compiling statistics on ethnic minority groups, as this would help to assess the extent and causes of inequality and evaluate the effectiveness of measures in place to address it. The United Kingdom asked what France is doing to ensure that those working in the political and public administration spheres reflect the diversity of France as a whole. It urged France to move forward with the appointment of a suitable candidate to the post of *Contrôleur des lieux privés de liberté* and asked for more information on what it is doing to address overpopulation in prisons, and to modernize its prison facilities, particularly with regard to juveniles. The United Kingdom recommended increased

human rights training for law enforcement officials in response to reports of excessive use of force, notably in detention centres and holding areas for migrants.

46. Chad welcomed the legislation to combat racism, anti-Semitism and discrimination as well as the financial support provided to organizations in this area. It noted with satisfaction the establishment of a state secretariat for human rights, a high commissioner's office for active solidarity and the post of human rights ambassador. Chad noted that France is toughening its immigration laws, in particular vis-à-vis people from developing countries, especially Africa, and that the return *manu militari* is increasing, which represents a major regression in the field of human rights, and asked how France intends to act appropriately in respect for human dignity. Despite measures taken in the area of the protection of the rights of the child, Chad stated that certain associations have been escaping the oversight of public authorities and breaching the elementary rules of law, and in particular the rights of the child; the case of the "Arche de Zoé" brought to light these failures by the public authorities, and asked what steps are being taken by France to prevent such acts from occurring.

47. The Islamic Republic of Iran shared concerns expressed by various United Nations human rights mechanisms regarding: persistence and worsening of discriminatory practices; the unfavourable situation of migrants, especially migrant women, with respect to housing, employment and education; existing grave concerns about Law 2004-228 which has mainly affected certain religious minorities, notably Muslims, with discriminatory effects and has led to violations of freedom of religion and of expression and the right to education; poor detention conditions in prisons and in administrative detention centres; incidents of police violence, including ill-treatment, particularly against people of non-Western origin, non-citizens and asylum-seekers; existence of all forms of violence against women, especially homicides resulting from domestic violence; increase in trafficking, particularly of women and girls, and also alarming incidents of child pornography and trafficking of children, prostitution and related issues; and allegations of cases of torture of individuals with the excuse of anti-terrorist activities. It called on the French Government to take the necessary measures to put an end to these incidents of human rights violations.

48. Japan noted that despite many legislative measures to strengthen the fight against racial discrimination, the ILO Committee of Experts and CERD have expressed concern at incidents related to racial discrimination, which, in their view, still occur and which are tending to get worse. Japan asked what remedies the Government foresees to address this situation. Regarding immigration, Japan asked what political measures the Government is taking to ensure the right to work and education of immigrants and their families, and regarding deportation of illegal immigrants, what considerations are made for families with school-age children. In reference to concerns raised by CEDAW and the Committee on the Rights of the Child, Japan enquired about measures the Government is taking to combat trafficking in women and children and encouraged the Government to consider withdrawing its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

49. Noting that racism and xenophobia affect all, Guatemala commended France on legislative measures taken to strengthen the fight against discrimination, particularly against racial discrimination. It asked for more information on the High Authority to Combat Discrimination and in favour of equality, regarding its work in practice and whether it is represented throughout the French territory. Guatemala also asked how France intends to apply the United Nations Declaration on the Rights of Indigenous People, particularly in overseas territories. Finally, Guatemala recommended that France implement the recommendation of CERD to take all preventive measures to put an end to racist incidents involving members of security forces or other public officials.

50. Djibouti thanked France for the technical cooperation provided within the framework of the *Francophonie*. Regarding the outburst of violence in suburbs in 2005, Djibouti asked what steps the Government has taken to resolve this type of problem.

51. Madagascar drew attention to and commended on the training undertaken by the national school of magistrates to combat racism, and asked whether acting magistrates received the same training, and if not, whether trainings are planned for them as well. It also asked whether in practice, violations of human rights guaranteed in international treaties ratified by France can be brought to court and applied by such courts, and whether compensation can be provided to victims.

52. Haiti noted with satisfaction that the constitutional revision of 2007 enshrines in the Constitution the abolition of the death penalty in all circumstances and welcomed the adoption of legislation concerning the Optional Protocol on the sale of children, prostitution of children and child pornography. Haiti expressed concern at violence against women, referring to information from Amnesty International that in 2006, 127 women were killed by their partners, and enquired about measures taken to address this situation. Haiti also expressed concern at overpopulation of prisons and asked how an increase of 22,3 per cent since 2002 could be explained in a country where human rights are part of the founding values. Finally, Haiti recommended that France intensify its struggle against racism.

53. Slovenia drew attention to an increase in the participation of women in Parliament and asked how France has achieved this success, as well as about measures it intends to take to improve the representation of women in elective office to achieve the ideal of democracy. Further, Slovenia asked what France has done so far to ensure a gender perspective during the consultations and preparation of the national report. It also asked about the next steps and concrete measures envisaged to ensure that the gender perspective is fully integrated, particularly in the outcome of the UPR. Slovenia recommended that the gender perspective be systematically and continuously integrated in the follow-up to the UPR.

54. Noting that the Human Right Committee has called upon France to remove reservations and interpretative statements to the ICCPR, the Russian Federation said it would be wise to make a similar recommendation in this regard. In reference to the fact that France has historically rejected the concept of recognizing minorities and that treaty bodies have recommended that France reconsider its position, the Russian Federation recommended that France find effective ways of realizing the rights of individuals belonging to ethnic, religious and linguistic minorities. Noting the concern expressed by some treaty bodies about the absence of information on the implementation of treaties in France's overseas territories and departments, the Russian Federation recommended that the Government include information on the implementation of the treaties in its overseas territories in its national reports to treaty bodies on a regular basis.

55. Philippines asked what measures France has taken to eliminate occupational segregation and to close the wage gap between men and women. It expressed its hope that France continue to implement measures to further empower women, including immigrant women. Further, it expressed its hope that France continue to build a multicultural and inclusive society with tolerance and respect, continue to address issues related to racism and xenophobia, and strengthen the protection of the rights of migrants and minorities.

56. Despite measures taken with respect to the integration of immigrants, South Africa noted that CERD has drawn attention to the situation of immigrant women and requested further information on additional measures taken to improve the situation of immigrants in the field of housing, employment and education, and to facilitate the social and economic integration of immigrant women. South Africa also asked about best practices in facilitating access by individuals

of immigrant origin to employment and recommended that France take effective measures to eliminate all forms of discrimination against immigrant women in accessing basic social services.

57. Australia welcomed the priority given by France to the investigation and prevention of marital violence. It recalled the concern expressed by the Special Rapporteur on violence against women regarding the lack of a body tasked with documenting violence against women, especially homicides resulting from domestic violence. Australia asked for more information about efforts to combat violence against women, including domestic violence.

58. Responding to questions raised with regard to combating trafficking of women, the representative of France noted that it is linked to the issue of prostitution, which is punished. Since the adoption of the law in 2003, prison sentences range from seven years to life, and fines from 45,000 to 2.5 million euros. This law also provides for witness protection programmes granting anonymity, mandatory State-funded medical and social protections and accommodations for victims, and has been effective in reducing offences related to prostitution and dismantling a number of trafficking networks. France clarified its migration policy, which aims at controlling immigration and favours the integration of immigrants. France wants to organize legal migration with the objective of increasing economic migration from 7 per cent to 50 per cent. This is to be done through the *Contrat d'accueil et d'intégration*, which includes a day training on civic information, language training, information on living in France, and, if necessary, social support measures which are accessible to all applicants. Over 100,000 contracts were granted in 2007 and this implies partnerships with "sending" countries and "opening of France's professions as broadly as possible." Already six partnership contracts were signed with sending countries. Regarding shortcomings in the "Arche de Zoé" case, France noted that the case is being prosecuted in France. Regarding the use of tazers by the police, France stated that they are non-lethal, and only used against violent, dangerous individuals. Officers are given special training on use of this weapon, particularly based on the principle of proportionality: tazers should never be used for torture, as it has been alleged, but exclusively for defence and neutralizing a person if necessary. This weapon introduces better proportionality, as it mitigates between the use of a truncheon and a firearm. With regard to urban policies for difficult neighbourhoods, they are indeed insufficient and have produced unsatisfactory results despite enormous efforts. Millions of euros have been spent to renovate sensitive neighbourhoods, participation among cities is widespread and 100,000 public housing units are built each year. The situation on the ground is sensitive, and attention must be paid to each individual's situation. Regarding major illegal immigration in overseas French territories, France noted that in Mayotte 30 to 35 per cent of the local population is of immigrant origin, most of whom are staying illegally. 50 percent of France's expulsions take place in overseas territories. This is explained by the attraction of the better and higher standard of living and social protection offered in French overseas territories compared to neighbouring countries. France realizes that deplorable conditions exist in Mayotte, regarding housing conditions and in detention centres, and is allocating 18 million euros to housing reconstruction projects in Mayotte. The access to health facilities and counsel remains the same throughout the French territories.

59. Regarding the *Haute autorité de lutte contre les discriminations et pour l'égalité* (HALDE) established in 2005, France noted its independence and the major role it has played in society. Praising its effectiveness, the representative of France noted that the HALDE can bring cases to courts. France noted that judges do not receive trainings on racism, racial discrimination and religious issues. Regarding prison conditions, France noted that the situation is an anomaly, but that France is currently correcting the situation. In that context the Head of Delegation compared France's detention statistics (95 per 100,000) to that of other neighbouring countries (140 per 100,000) France is therefore on the lower edge of the European average regarding the number of

detainees, and he reiterated that France will continue to upgrade to renovate its centres at a rapid pace.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

- 60. In the course of the discussion, the following recommendations were made to France:**
- 1. To complete the domestic process in order to ratify the International Convention on the Protection of All Persons from Enforced Disappearance as soon as possible (Albania);**
 - 2. To accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Egypt);**
 - 3. To remove reservations and interpretative statements to the International Covenant on Civil and Political Rights (Russian Federation);**
 - 4. To consider the possibility of withdrawing its reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (Cuba);**
 - 5. To withdraw the declaration under article 124 of the Rome Statute of the International Criminal Court (Mexico);**
 - 6. To include information on the implementation of the treaties in its overseas territories in its national reports to treaty bodies on a regular basis (Russian Federation);**
 - 7. To make efforts to enforce existing anti-discrimination legislation more effectively, and consider compiling statistics on ethnic minority groups in order to assess the extent and causes of inequality and evaluate the effectiveness of measures in place to address it (United Kingdom);**
 - 8. To finalize all outstanding cases of discrimination that have occurred since 2006 (Indonesia);**
 - 9. To implement the recommendation of the Committee on the Elimination of Racial Discrimination to take all preventive measures to put an end to racist incidents involving members of security forces or other public officials (Guatemala);**
 - 10. To adopt a law banning incitement to religious and racial hatred (Egypt);**
 - 11. To intensify its struggle against racism (Haiti);**
 - 12. To consider its commitment in line with paragraph 101 of the Durban Declaration when addressing questions with respect to legislation and studies on colonialism and the slave trade, in particular with respect to overseas territories (Egypt);**
 - 13. To take effective measures to eliminate all forms of discrimination against immigrant women in accessing basic social services (South Africa);**

14. To systematically and continuously integrate a gender perspective in the follow-up to the UPR (Slovenia);
15. To adopt further measures, with reference to the principle of non-refoulement, to ensure granting possible requests of the Committee against Torture for interim measures in individual cases aimed at preventing the breach of provisions of the Convention against Torture (Czech Republic);
16. To make effective efforts to respect its international obligations not to forcibly return any individual to a country where he or she may be at risk of serious human rights violations, including torture or other ill-treatment (Netherlands);
17. To avoid experiments on detainees with electric impulsion weapons provoking acute pain, which can constitute a form of torture, in penitentiaries (Côte d'Ivoire);
18. To set up an independent commission to monitor and identify cases of torture and ill-treatment perpetrated by law enforcement officials (Indonesia);
19. To increase human rights training for law enforcement officials in response to reports of excessive use of force, notably in detention centres and holding areas for migrants (United Kingdom);
20. To introduce automatic prosecution for all acts of domestic violence, if this is not already done (Switzerland);
21. To take into account the concerns of the Special Rapporteur on violence against women regarding the absence of an agency in charge of gathering information on violence against women, particularly regarding homicides in the context of family violence (Switzerland);
22. To respond to the communication by the Special Rapporteur on the protection of human rights while countering terrorism dated 26 April 2006 (Mexico);
23. To report back to the Human Rights Council about further concrete measures taken with regard to the improvement of prison conditions according to international standards, and that the recommendations of the different treaty bodies in this regard be implemented as soon as possible (Netherlands);
24. To take additional measures, if not already taken, to reduce the time frame for the process of improving conditions in places of detention (Sweden);
25. To pursue efforts to foster social integration and reinsertion of recidivist minors (Switzerland);
26. To remove the prohibition on wearing the hijab in public schools (Canada); review the law which prohibits the wearing of clothing denoting religious affiliation in schools (Bangladesh);
27. To execute the procedures for family reunification of recognized refugees be executed with utmost speed to ensure the protection of family life of the persons concerned (Czech Republic);

28. To adopt programmes and specific measures to ensure the protection of economic, social and cultural rights of all components of society (Egypt);
 29. To consider how best the specific needs of individuals belonging to minorities could be addressed in order to ensure their equal enjoyment of all human rights, as provided for in the Constitution (Austria) ; to find effective ways of realizing the rights of individuals belonging to ethnic, religious and linguistic minorities (Russian Federation);
 30. To review its position on the recognition of the rights of minorities and that it begin collecting data on the socio-economic status of the population, disaggregated by ethnic identity, confession and gender, in order to identify social problems affecting ethnic and religious minorities (Canada); to actively consider reviewing its position on minorities by recognizing and protecting them as minority groups (India);
 31. To actively consider undertaking 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 to better reflect the broad diversity within France (India);
 32. To give central attention to the consideration of human rights in the elaboration of a European Pact on Migration and to ensure that in its implementation all human rights are guaranteed for migrants regardless of their status (Mexico);
 33. To continue its efforts to protect the rights of all migrants, regardless of their situation and status (Cuba).
61. The response of France to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eighth session.
62. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

III. VOLUNTARY COMMITMENTS OF THE STATE UNDER REVIEW

63. In its opening statement and during the interactive dialogue, France made the following voluntary commitments:
1. To organize an annual meeting with civil society representatives in the field of human rights to prepare main international events;
 2. To seize the CNCDH as often as possible in the context of law-making so that it efficiently assumes its advisory role;
 3. To associate the CNCDH in the follow-up to the recommendations made by the treaty bodies, in addition to its ongoing cooperation with regard to the preparation of periodic reports for the human rights treaty bodies;
 4. To consider the establishment without delay of an inter-ministerial mechanism that would meet regularly, notably in view to examine, in cooperation with the CNCDH,

the follow-up to the recommendations made by human rights treaty bodies and competent national institutions;

5. To publish regularly on the website of the Ministry for Foreign and European Affairs the final recommendations of human rights treaty bodies;
6. To organize a consultation to elaborate a national action plan to follow up on the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights and of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;
7. To submit to Parliament, for early ratification, the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
8. To achieve by 2008 the modifications to the French legislation to satisfy the requirements of the Rome Statute of the International Criminal Court;
9. To examine the possibility of withdrawing or modifying reservations made by the Government to article 14, paragraph 2 (c) of the Convention on the Elimination of All Forms of Discrimination against Women;
10. To examine the possibility of modifying declarations made by the Government regarding articles 13 and 14, paragraph 5, of the International Covenant on Civil and Political Rights.

Annex

Composition of the delegation

The delegation of France was headed by H.E. Mr. François ZIMERAY, Ambassadeur chargé des Droits de l'Homme; and composed of 17 members:

S.E. M. Jean-Baptiste Mattei, Représentant Permanent de la France auprès des Nations Unies à Genève ;

M. Raphaël Droszewski, rédacteur, Sous-Direction des Droits de l'Homme des affaires humanitaires et sociales, Direction des Nations-Unies et des Organisations Internationales, Ministère des affaires étrangères et européennes ;

Mme Frédérique Doublet, chef de bureau, Bureau du Droit européen, international et constitutionnel, Sous-Direction du Conseil Juridique et du Contentieux, Direction des Libertés Publiques et des Affaires Juridiques, Ministère de l'intérieur, de l'Outre-mer et des Collectivités territoriales ;

M. Eric Dumand, rédacteur, Bureau du Droit européen, international et constitutionnel, Sous-Direction du Conseil Juridique et du Contentieux, Direction des Libertés Publiques et des Affaires Juridiques, Ministère de l'intérieur, de l'Outre-mer et des Collectivités territoriales ;

Mme Odile Cluzel, Adjointe du chef du service de l'asile, ministère de l'immigration, de l'intégration, de l'identité nationale et du développement solidaire ;

M. Serge Lavroff, ministère de l'immigration, de l'intégration, de l'identité nationale et du développement solidaire ;

M. Marc Garonne, Bureau de la lutte contre les exclusions, Sous-Direction des Politiques d'Insertion et de Lutte contre les exclusions, Direction Générale de l'Action Sociale, Ministère du travail, des relations sociales, de la famille et de la solidarité ;

Mme Catherine Lesterpt, adjointe à la Sous-directrice des Politiques d'Insertion et de Lutte contre les exclusions, Direction Générale de l'Action Sociale, Ministère du travail, des relations sociales, de la famille et de la solidarité ;

Mme Sandrine Gil, chef de bureau, Bureau des questions juridiques et du contentieux, Service des Affaires Européennes et Internationales, Direction de l'Administration Générale et de l'Équipement, Ministère de la justice ;

M. Julien Morel d'Arleux, chef de Cabinet du Directeur, Direction de l'Administration Pénitentiaire, Ministère de la justice ;

M. Rodolphe Juy-Birmann, Adjoint au Sous-Directeur, Sous-direction des Affaires Politiques de l'Outre-Mer, Direction des Affaires Politiques, Administratives et Financières, Secrétariat d'Etat à l'outre-mer ;

Mme Hélène Dadou, sous-directrice, Sous-direction des interventions urbaines et de l'habitat, Direction Générale de l'Urbanisme, de l'Habitat et de la Construction, Ministère du logement et de la Ville ;

M. Armand Riberolles, Conseiller juridique, Mission Permanente de la France à Genève ;

M. Daniel Vosgien, Conseiller, Mission Permanente de la France à Genève ;

Mlle Véronique Basso, Deuxième Secrétaire, Mission Permanente de la France à Genève ;

Mlle Sidonie Thomas, Deuxième Secrétaire, Mission Permanente de la France à Genève.
