

**UN HUMAN RIGHTS COUNCIL  
UNIVERSAL PERIODIC REVIEW OF FRANCE (2008)**

**MID-TERM REVIEW OF RECOMMENDATIONS AND ADDITIONAL PLEDGES**

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**UN HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW OF FRANCE (2008)  
MID-TERM REVIEW OF RECOMMENDATIONS AND FURTHER COMMITMENTS**

<b>RECOMMENDATIONS RELATING TO UNITED NATIONS LEGAL INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS</b>		
<b>RECOMMENDATIONS</b>	<b>RESPONSE OF FRANCE TO THE RECOMMENDATIONS (A/HRC/8/47/Add.1) 2008</b>	<b>PRESENT STATUS/ IMPLEMENTATION 2010</b>
<b>1- To complete the domestic process in order to ratify the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible</b>	<p>1. The French Government is committed to completing the ratification of the aforementioned Convention as soon as possible. A bill authorizing the ratification of the Convention is currently under consideration by the French Parliament and will be considered by the Senate on 13 June.</p> <p>2. <i>Comments:</i> French legislation will be amended to bring it into full conformity with France's obligations under the Convention, with a view in particular to: creating specific provisions criminalizing enforced disappearance during peacetime; criminalizing passive complicity in order to hold hierarchical superiors criminally liable; establishing a term of limitation which is "of long duration and is proportionate to the extreme seriousness of this offence" and extending the jurisdiction of the French courts (through the introduction of a near-universal jurisdiction clause).</p>	<p>In September 2008, France deposited its instruments of ratification relating to the International Convention for the Protection of all Persons from Enforced Disappearance, in accordance with its commitments.</p> <p>In addition, the process to amend French legislation to bring it into full conformity was launched in November 2009, in order to reform the relevant provisions of the Criminal Code and the Code of Criminal Procedure and to integrate the requirements of the Convention.</p> <p>In January 2010, France also launched a diplomatic campaign in 48 States, in conjunction with other member countries of the Group of Friends of the Convention. This campaign, which is still ongoing, aims to increase international support for the Convention and to support the ongoing national ratification processes. It should contribute to the Convention's entry into force in 2010.</p> <p>France also supports the action of the International Coalition against Enforced Disappearances (ICAED).</p>
<b>2- To accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Egypt)</b>	<p>3. At present, France does not plan to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.</p> <p>4. <i>Comments:</i> A discussion involving all the relevant government departments was initiated in 2007 and will therefore continue. To date, two types of difficulty have been noted, namely, provisions that raise problems under French law, and major legal obstacles posed by Community jurisdiction with regard to migrant workers, arising from the fact that the Council of the European Union and, consequently, all member States, are competent to adopt measures on immigration and on the protection of the rights of third country nationals, in particular with regard to conditions of stay. Consequently, no State member of the European Union has signed the Convention to date.</p> <p>5. Generally speaking, the Convention brings together principles already contained in other treaties, in particular the human rights covenants and conventions and those of the International Labour Organization (ILO) and the Council of Europe, which France has</p>	<p>In accordance with the commitments made, open discussions relating to possible accession to the Convention have been ongoing since 2008.</p> <p>At a national level, exchanges have taken place within the National Consultative Commission on Human Rights (CNCDH), notably with the audience of the Minister for Immigration, Integration, National Identity and Mutually-Supportive Development on 19 November 2009. On this occasion, and if the Commission's consolidated position is favourable to ratification, the government could present its assessment of the obstacles - technical, legal and also of principle - to France's ratification of the Convention.</p> <p>The question is raised on the added value of the Convention in relation to commitments made by France concerning respect for human rights and migrants' rights, in particular the UN International Covenant on Civil and Political Rights and the UN International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, ILO Convention No. 97, The European Social Charter and the Council of Europe's European Convention on the Legal Status of Migrant Workers.</p> <p>At a European level, informal exchanges have taken place, at the initiative of the European Commission (the Immigration and Asylum Committee of 16 March 2010) on the basis of its questionnaire to the Member States on the accession of EU Member States to this</p>

	<p>ratified and is currently implementing. These fundamental rights are therefore guaranteed in France, even though it has not ratified the Convention. This is the case, for instance, with regard to the right to emergency medical care, the right to education and enrolment in school, the right to equal remuneration and the right of review and to individual decisions in the event of expulsion. In this respect, it is worth mentioning the State medical aid system, which, combined with the practice of admitting any person in distress to the emergency wards of public hospitals, sets France above the minimum standard called for by the Convention. The same is true of the unconditional admission of all children to French schools and of compliance with the principle of "equal pay for equal work". Lastly, it should be noted that France has acceded to the Council of Europe's European Social Charter, the European Migrant Workers Convention and the ILO Migration for Employment Convention (Revised), 1949 (No. 97).</p> <p>6. Nevertheless, France intends to participate actively in the international community's discussions on the issue of migrants, in particular in the context of the work of the forthcoming Manila forum.</p>	<p>Convention. With the exception of one Member State, all Member States are opposed to the ratification of the Convention.</p> <p>The main obstacles to accession are linked to the lack of distinction in this Convention between migrant workers residing legally and those residing illegally for the granting of rights. In addition, several Member States questioned the legitimacy of a Member State's accession to the Convention insofar as some of the provisions of the aforementioned Convention fall under the shared competence of the Member States and the European Union.</p> <p>Further analysis will have to be carried out by the legal services of the Commission and the Council on the issue of the joint accession of Member States and of the European Union to the Convention.</p> <p>In parallel to these discussions, the Spanish Presidency of the European Union has informed the Chairman of the UN Committee on the Protection of the Rights of Migrant Workers and Members of Their Families of the extremely reserved position of the EU (Member States and Commission) on such an accession to the Convention. This letter was validated by the Member States and the Commission and was co-signed by the Presidency of the Council.</p> <p>Nevertheless, the protections guaranteed continue to evolve: The directive of the European Parliament and of the Council of 18 June 2009 thus sets out minimum standards on sanctions and measures against employers of illegally staying third-country nationals. The bill transposing this directive, which modifies the Code on the Entry and Stay of Foreigners and the Right to Asylum as well as the Labour Code, in the part relating to illegal employment, will also increase the protection of foreigners without a residence permit by improving the information to which they are entitled and by guaranteeing their remuneration, including in the case of a forced return to their country of origin.</p>
<p><b>3- To remove reservations and interpretative statements to the International Covenant on Civil and Political Rights (Russian Federation)</b></p>	<p>7. The French Government is in the process of amending its interpretative statement on article 14 (5) of the International Covenant on Civil and Political Rights.</p> <p>8. <i>Comments:</i> Although the interpretative statement on article 14 (5) cannot be removed at this stage, the French Government intends to reduce its scope. This article provides that everyone convicted of a crime shall have the right of review by a higher tribunal. The statement on article 14 (5) of the Convention will be curtailed since decisions of assize courts in criminal matters may henceforth be appealed. The interpretative statement would thus be maintained only with regard to the reference to certain minor offences that are dealt with by police courts, although it should be recalled that the final decisions handed down by these courts can be brought for appeal before the Court of Cassation, on the one hand, and on the other that police courts have jurisdiction only over minor offences. The French Government is in the process of amending the interpretative statement.</p>	<p>In accordance with its commitments, France is in the process of amending its interpretative statement on article 14(5) of the International Covenant on Civil and Political Rights.</p> <p>Text of the amended statement: "5) The French Government interprets article 14(5) as laying down the general principle to which the law can bring limited exceptions. This is the case for certain offences that are dealt with by police courts in the first and final instance as well as for offences of a criminal nature. All things considered, the final decisions handed down by these courts in the final instance can be brought for appeal before the Court of Cassation, which decides on the legality of the decision made.</p>

	<p>9. France made an interpretative statement with reference to article 27 of the International Covenant on Civil and Political Rights because France does not recognize the concept of “ethnic, religious or linguistic minorities”. Although the constitutional principles of equality among citizens and of the uniqueness of the “French people” do not confer collective rights upon any particular group on a community basis, the provisions of article 27 of the Covenant, including those on religious, linguistic and cultural freedom, are guaranteed to all citizens, without discrimination.</p> <p>10. While the concept of specific rights for indigenous peoples is not recognized in French law, the State has long been able to integrate the local practices, customs and knowledge of overseas collectivities<sup>1</sup> in its policy of recognizing and protecting indigenous peoples. France’s position does not exclude the right of indigenous peoples overseas to share their own culture with the other members of their group, to profess and practise their own religion or to use their own language. Specific actions and rules benefiting indigenous communities have gradually been introduced in order to take account of the geographical and customary realities of the French overseas collectivities. The particular constitutional framework of the overseas territories guarantees that specific local characteristics are taken into account.</p>	<p>France maintains its interpretative statement with reference to article 27 of the International Covenant on Civil and Political Rights, in accordance with the reasons expressed in its comments. In the periodic report submitted to the CERD Committee in 2009, France reiterated its position and its approach “which is based on two fundamental ideas: equality of rights for all citizens in law, which implies non-discrimination, unity and indivisibility of the nation, which covers both the territory and the population.” Therefore, France does not recognise the existence of minority groups enjoying rights exercisable in its judicial system, and considers that the application of human rights to all nationals, on the basis of equality and non-discrimination, normally affords them, whatever their situation, the full and entire protection to which they are entitled.</p> <p>Concerning indigenous peoples overseas, new decisions were made by the government in November 2009 (Interministerial Overseas Council - CIOM), especially concerning governance, social integration and equal opportunities for young people and protection of cultural identities. Several participative processes launched in 2008 bear witness to an approach aiming to take account of geographical and customary realities of the French overseas communities. As an example, we can mention:</p> <ul style="list-style-type: none"> <li>- The process of consultations with residents in Mayotte (spring 2009, in relation to a change of status), in French Guiana and Martinique (January 2010 in relation to the institutional future of the territories).</li> <li>- The establishment of an advisory council for Amerindian populations and the Bushinenge of French Guiana. This council is consulted for all draft or proposed decisions having an impact on the environment, way of living or concerning cultural activities. It also has the authority to take responsibility for any issue coming under the competency of the region or department, or directly concerning them.</li> </ul> <p>For concrete extensions concerning the rights of persons belonging to ethnic, religious or linguistic minorities refer to:</p> <ul style="list-style-type: none"> <li>- CERD Report CERD/C/FRA/17-19 (paragraphs 9 to 13)</li> <li>- Follow-up report on recommendations by the Special Rapporteur on freedom of religion or belief</li> </ul> <p><a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a></p> <p>The French authorities also refer to the response to recommendations nos. 6 and 11.</p>
	<p>12. Similarly, the general reservation with regard to the United Nations Charter and the statement on articles 19, 20 and 21 referring to the European Convention for the Protection of Human Rights and Fundamental Freedoms help to ensure that France’s human rights treaty commitments are consistent.</p>	<p>The reason for this general reservation with regard to the United Nations Charter and the statement on articles 19, 20 and 21 referring to the European Convention for the Protection of Human Rights and Fundamental Freedoms is to help ensure that France’s human rights treaty commitments are consistent. The withdrawal of this reservation, shared by other European States, is therefore not envisaged.</p>

	<p>13. Moreover, following a thorough review conducted by the services concerned, it does not appear possible to retract the statement on article 13 concerning expulsion. This particular statement is justified by the law applied in some overseas territorial collectivities. Nevertheless, it may be recalled that expulsion is always subject to numerous substantive and procedural guarantees consistent with human rights.</p>	<p>4) The French Government declares that article 13 should not be prejudicial to Chapter IV of Order No. 45-2658 of 2 November 1945 relating to the entry and stay of foreigners in France, or to the other texts in force relating to the expulsion of foreigners in the parts of the French Republic where the Order of 2 November 1945 is not applicable.</p> <p>It does not appear possible to retract the statement on article 13 concerning expulsion. This particular statement is justified by the rule of law in some overseas territorial collectivities. Nevertheless, it may be recalled that expulsion is always subject to numerous substantive and procedural guarantees and that its system is entirely in keeping with the requirements of Protocol No. 7 to the ECHR.</p> <p>Concerning these guarantees:</p> <p>To access the reports: <a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a></p>
	<p>14. It also appears necessary to maintain France's reservation to articles 9 and 14 of the Covenant, in view of the rules governing the armed forces' disciplinary regime. Disciplinary measures against military personnel are restrictively listed and include short terms of imprisonment for minor offences. Because of the specific nature of the tasks carried out by the armed forces, a supervisor has the right and the duty to require that a military subordinate be punished for any unlawful acts or omissions.</p>	<p>In accordance with the reasons already expressed in 2008, France maintains its reservations to articles 9 and 14 of the Covenant.</p>
<p><b>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</b></p>	<p>15. The Government agrees to review its interpretative statement concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>16. <i>Comments:</i> This statement will be reviewed in the context of the current preparation of France's seventeenth and nineteenth periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination, due in October 2008.</p>	<p>To recall the statement: "With regard to article 4, France wishes to make it clear that it interprets the reference made therein to the principles of the Universal Declaration of Human Rights and the rights set forth in article 5 of the Convention as releasing the States parties from the obligation to enact anti-discrimination legislation which is incompatible with the freedoms of opinion and expression and of peaceful assembly and association guaranteed by those texts."</p> <p>Although the interpretative statement of article 4 was not subject to a specific review in France's last report to the CERD Committee (CERD/C/FRA/17-19, 22 May 2009), the latter takes account of evolutions and legislative prospects in freedom of the press and legislative provisions relating to the fight against racist propaganda.</p> <p>To access the reports: <a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a></p>
<p><b>5- To include information on the implementation of the treaties in its overseas territories in</b></p>	<p>17. France is committed to including information on treaty implementation in its overseas territories systematically in its reports to the treaty committees.</p>	<p>In accordance with its commitments, France has systematically included information on treaty implementation in its overseas territories in its periodic reports to the UN treaty committees.</p>

<p><b>its national reports to treaty bodies on a regular basis</b></p>		<p>As early as 2008 and as part of the periodic report to the Committee on the Rights of the Child, an annex was dedicated to the "Rights of the Child in Overseas Territories" and successively considered the applicability of the Convention overseas, liberties and civil rights, the protection and well-being of children, the family environment of children and the situation of children in conflict with the law. As part of its periodic report presented to the CERD Committee in 2009, France took care to include a legal presentation of its overseas regional authorities, a reminder of the overseas institutional framework and a description of the legal status of overseas indigenous populations (principle of equality of rights, respect of local particularisms). The report also touches on specific themes such as the actions of the Interministerial Delegation for the Equal Opportunity of Overseas French Citizens, housing, overseas social equality and health. (paragraphs 126 to 164).</p> <p>France intends to keep this commitment in the drafting of future national reports to be submitted to treaty committees.</p> <p>To access the reports: <a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a></p>
<p><b>9- To withdraw the declaration under article 124 of the Rome Statute of the International Criminal Court</b></p>	<p>27. The French Government has decided to withdraw the declaration on exemption provided for under article 124 of the Rome Statute.</p>	<p>In accordance with the commitments made, the French declaration under article 124 of the Rome Statute of the International Criminal Court concerning the competence of the ICC in judging crimes mentioned in article 8, was officially withdrawn with notification to the UN Secretary-General, Depositary of the Statute, on 13 August 2008. This withdrawal took effect on 15 June 2009, in accordance with the notification of the withdrawal submitted by the French Government.</p> <p>In addition, the government has tabled a bill to adapt criminal law to the institution of the International Criminal Court, which is being examined by the Parliament.</p>

EQUALITY AND NON-DISCRIMINATION

RECOMMANDATIONS	RESPONSE OF FRANCE TO THE RECOMMENDATIONS (A/HRC/8/47/Add.1) 2008	PRESENT STATUS/ IMPLEMENTATION 2010
<p><b>6- 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</b></p> <p><b>7- To finalize all outstanding cases of discrimination that have occurred since 2006</b></p>	<p>18. The Government is working to improve implementation of anti-discrimination legislation.</p> <p>19. <i>Comments:</i> Combating discrimination is a Government priority. On 27 May 2008 the French Parliament adopted the Act introducing various provisions to bring domestic legislation into line with Community anti-discrimination legislation. The objective of this Act is to promote equality between women and men and equal treatment of persons irrespective of racial or ethnic origin. In civil cases, it allows victims to establish evidence of discriminatory acts by establishing an exception to the ordinary law with regard to the burden of proof. Organizations will be able to initiate legal action on behalf of individuals claiming to be victims of discrimination.</p> <p>20. On average, 80 per cent of reported acts of discrimination were dealt with by the justice system in 2007. This figure reflects a significant increase. Training and awareness activities have been conducted, such as the development and dissemination of a methodological handbook for the use of all National Gendarmerie units. The Minister of Justice has requested all courts to create an anti-discrimination focal point in close contact with various organizations in order to encourage victims to come forward and voice their complaints. A specialized delegate of the prosecutor has been appointed in consultation with anti-discrimination organizations. While the Government must play a leading role in combating discrimination, it must do so in partnership. Two agreements have been signed with SOS Racisme and the International League against Racism and Anti-Semitism (LICRA) and an agreement on combating discrimination was signed between the directors-general of the National Gendarmerie and National Police and the High Authority to Combat Discrimination and Promote Equality (HALDE) in December 2007.</p> <p>21. The Government recalls the Constitutional Council's decision of 15 November 2007 that "studies on the extent</p>	<p>France is working to improve the implementation of anti-discrimination legislation, which is constantly developing. Concerning the existence of a reinforced legal framework, one can refer to the report submitted by France to the Committee for the Elimination of Racial Discrimination (CERD) in 2009 (paragraphs 165-171). Since March 2009, the competence of anti-discrimination centres has been extended to all acts committed due to victims' membership of an ethnic group, a nation, a race or a determined religion or because of their sexual orientation. This is in order to entrust the handling of all offences of a racist or xenophobic nature to a specialised magistrate judge, and to encourage exchange between public prosecutors' offices, associations and representatives of religious communities. Furthermore, following the framework conventions signed in late 2007 by the French Minister for Justice and the International League Against Racism and Anti-Semitism (LICRA) and <i>SOS Racisme</i>, local experiments aimed at encouraging the lodging of complaints are being carried out in several towns and partnership relations with the French Equal Opportunities and Anti-Discrimination Commission (HALDE) have also been developed with the intervention of local correspondents in anti-discrimination centres and the adoption of cooperation protocols in October 2009 with three public prosecutors' offices.</p> <p>Concerning training actions: Training actions are dedicated to combating discrimination and acts of a racist nature, especially within the framework of the French National School for the Judiciary and for criminal police officers. This training is carried out by referring magistrate judges in charge of overseeing anti-discrimination centres. These training actions should be long-term, in parallel with information actions aimed at the greater public. As part of the partnership convention signed by the Ministry of the Interior with HALDE we can take note of the distribution of:</p> <ul style="list-style-type: none"> <li>- A practical guide to combat discrimination, racism, anti-Semitism, xenophobia and homophobia. This guide provides all police officers and gendarmes in the field with practical and concrete tools to ascertain and characterise this type of offence and it provides them with elements needed to improve victim reception, support and consideration their situation.</li> <li>- A methodological guide entitled "Sanctioning Discrimination" extended to offences of a racist, xenophobic and anti-Semitic nature, distributed by the Directorate-General of the French Gendarmerie (DGGN), in close collaboration with HALDE.</li> </ul> <p>Concerning statistical tools and the evolution of the penal response rate: Since 2005, the Ministry of Justice has had a statistical tool into which the public prosecutors' offices enter information in order to determine monthly all offences of a racist, anti-religious, anti-Semitic and discriminatory nature (attacks on dignity, belongings,</p>

	<p>of diversity of origins, discrimination and integration may refer to objective data, but cannot be based [...] on ethnic origin or race [...]". In May 2007, the National Commission for Information Technology and Individual Liberties (CNIL) issued 10 recommendations in order to allow supervised research and studies on this subject. Ministry of Justice statistics on perpetrators, disaggregated by age, sex and nationality, are derived from the final judgements entered in the judicial record.</p> <p>22. The French authorities also refer to the response made to recommendations Nos. 3 and 11.</p> <p>23. France is committed to continuing to combat all forms of discrimination, through further efforts in all relevant areas (see recommendations Nos. 6 and 11).</p>	<p>persons, discrimination, insults and slander). It emerges from this mechanism that the penal response to discrimination offences is stable (75% in 2008, 75.5% for the first three quarters of 2009).</p> <p>The Ministry of the Interior is in the process of modernising its statistical systems concerning offences of a racist or discriminatory nature. The new national police database, which will be available in 2012-2013, will provide a precise overview of acts and victims. The national gendarmerie already has a national database of offences statistics. Modernisation of this statistical system will make this database more reliable and exhaustive.</p> <p>The information given annually by all district courts indicates a 9% increase over 5 years in the number of new cases with a known perpetrator, under the penal description of "racial or religious discrimination." Statistical tools are being made more reliable, i.e. with the progressive arrival of the IT application "Cassiopée" to the criminal justice system in order to improve the sharpness of analysis concerning criminal orientations and nature of offences (including those linked to discrimination – 80 district courts out of 179 are currently equipped with this application).</p> <p>The French authorities also refer to the response to recommendation No. 11.</p> <p>With regard to statistics, open discussion is ongoing concerning the means to mobilise public statistics in order to fulfil the need for information on discrimination, especially on the basis of work carried out by the Commission of Experts on the Measure and Evaluation of Diversity and Discrimination (COMEDD).</p> <p>The French authorities also refer to the response to recommendation No. 29.</p>
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<p><b>8. 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</b></p>	<p>24. The Government will increase its efforts to prevent all racist acts, including those which might be committed by the security forces or public officials.</p> <p>25. <i>Comments:</i> Various measures are in place to prevent and suppress racist acts by members of the national security forces, police or gendarmerie. Such acts are not only prohibited by the applicable security forces regulations but are also severely punished under criminal law when enforcement of those rules is not effective. For example, the Directorate General of the National Gendarmerie (DGGN) consists of a general inspectorate which includes a technical inspectorate responsible for investigating any racist act that might be committed by military personnel. In addition, the prosecutor at the Military Court of Paris (TAP) is also responsible for prosecuting such acts if committed by military personnel operating outside the national territory.</p> <p>26. The French authorities also refer to the response to recommendation No. 19.</p>	<p>Judicial procedures relating to offences committed by the police forces while exercising their functions are being closely monitored by the Central Administration of the Ministry of Justice, at several levels: the carrying out of investigations; decisions on how procedure to evolve, possible impact in terms of disciplinary sanctions; and if the case arises, suspension or withdrawal of the criminal police officer's entitlements.</p> <p>For this purpose, the Ministry of Justice examines and draws all the necessary conclusions from the opinions and recommendations given to it by the National Commission on Security Ethics (CNDS), an administrative and independent authority. The inspection services of the national police and gendarmerie can be called in by the judicial or administrative authority in order to initiate judicial enquiries, without prejudice to the administrative enquiries that can be ordered by the hierarchical authority of the police officers and gendarmes concerned.</p> <p>The practical guides to combat discrimination, developed in conjunction with HALDE, the national police force (DGPJ), the national gendarmerie (DGGN) and the Central Directorate of Public Security are used as part of the basic and in-service training of police officers and gendarmes. In 2009, HALDE, along with the Ministry of the Interior, also launched an action-study on discernment and actions in sensitive areas, as part of the convention that binds them. This study aims to adapt the basic and in-service training mechanisms of the national police, based on analysis of the practices, representations and stereotypes at work on both sides during the intervention of the national police in sensitive areas.</p> <p>For information: judicial enquiries initiated following acts of discrimination perpetrated by law enforcement representatives, facts set forth and punished under article 432-7 of the Criminal Code, are, as for all procedures, carried out under the direction of the Public Prosecutor, who is in charge of applying the general principle of <i>opportunité des poursuites</i> (he can decide whether or not to initiate proceedings). 4 sentences were given to public authority agents for discriminatory acts between 2001 and 2008. No proceedings were transferred for discrimination to the Public Prosecutor at the Tribunal aux Armées de Paris (trial court for crimes committed outside France by the French military) in the past 3 years.</p>
<p><b>10- To adopt a law banning incitement to religious and racial hatred</b></p>	<p>28. Article 24 of the Act of 29 July 1881 (amended by the Act of 1 July 1972) criminalizes all acts of incitement to discrimination, hatred or violence against an individual or group of individuals based on their membership or non-membership of a race or religion, committed through the press or any other public means of communication. Such acts are punishable by one year's imprisonment and a fine of €45,000.</p>	<p>Today, France has a reinforced legislative framework to effectively prevent and sanction incitement to religious or racial hatred. This includes: aggravated sentences for slander and libel due to origin, or racial or religious membership (Decree No. 2005-284 of 25 March 2005); an extension of the limitation period to one year for offences of incitement to discrimination, to racist or religious hatred or violence, contesting of crimes against humanity, <b>slander</b> and libel of a racial nature, as opposed to 3 months previously (Act of 9 March 2004); enabling legislation by the Minister for the Interior, which forbids giving or selling to minors publications of a nature presenting a danger for youth due to their discriminatory nature or their incitement to racial hatred. In this respect, France is regularly named as an example by the Organization for Security and Co-operation in Europe (OSCE) to illustrate its best practices with regard to combating hate crime, a generic term that covers racist crimes.</p> <p>For additional information on the range of legislative measures and more generally on France's criminal policy on this subject, it is useful to refer to France's national report</p>

		<p>submitted to the CERD Committee in 2009 and well as the follow-up report on recommendations by the Special Rapporteur on freedom of religion or belief.</p> <p>To access the reports: <a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a></p>
<p><b>11. To intensify its struggle against racism</b></p>	<p>29. The Government is committed to continuing its efforts to combat racism.</p> <p>30. <i>Comments:</i> As stated previously, combating racism is a Government priority. Under French criminal law, harsher penalties are applicable to acts perpetrated with a racist, anti-Semitic or xenophobic motive. Prosecutors have been instructed to deal swiftly and severely with cases of anti-Semitism and racism, through various communications and circulars on the required judicial response to acts causing damage to, violating or desecrating graves or monuments in memory of the dead because of the ethnicity, nationality, race or religion of the deceased.</p> <p>31. In 2007, 3,642 new cases of racism and anti-Semitism were registered with the courts. The response rate to reported racist and anti-Semitic offences increased to 77 per cent in 2007. French courts handed down a total of 264 judgements in 2007.</p> <p>32. Training is given to judges through courses, talks and awareness-raising measures (handbook). In December 2006, the National School for the Judiciary in Paris organized a conference on contemporary manifestations of racism and anti-Semitism in France.</p>	<p>With regard to the institutional response: In January 2010 a prefect was appointed to coordinate the fight against racism and anti-Semitism. He will become the permanent and privileged discussion partner for the different representative bodies concerned. His responsibility is to make proposals in liaison with the competent authorities and in relation with the representatives of communities facing these acts as well as with associations, in order to increase statistical knowledge and to take new measures to prevent and suppress racist and anti-Semitic violence. The intensified struggle against racism is also supported by the Interministerial Committee to Fight Racism and Anti-Semitism (CILRA), which meets regularly in order to ensure that its actions are consistent.</p> <p>With regard to educational and awareness-raising actions: Action plans to combat racism, anti-Semitism and xenophobia are defined and led in the French departments by the Committees on Equal Opportunities for Men and Women (COPEC). Under the joint presidency of the prefect, COPEC brings together the Public Prosecutor and the regional director of education, all those whose mission is to help young people in difficulty to integrate society and to combat all forms of discrimination in the areas of employment, accommodation and daily life, i.e. State administrations, territorial collectivities, trade union organisations and various associations. Their actions include organising days against racism in schools, developing non-discrimination charters (for example access to private accommodation in conjunction with estate agents, or within sports clubs).</p> <p>With regard to schools: Instructions as to the rules of procedure of educational establishments make the refusal of discrimination and the fight against violence a priority. In May 2009, in conjunction with the Ministry of National Education, HALDE implemented an online training tool against discrimination, intended for all those involved in education. Partnerships with associations involved in the teaching of citizenship and the fight against racism and anti-Semitism are being developed in order to propose teaching tools and awareness-raising interventions in schools and educational establishments, in support of the work of educational teams. Seminars and training courses aimed at national education executives help regional education authorities to determine actions that will help to combat discrimination and take better account of diversity to ensure equal opportunities. Every year events are held in addition to classes to commemorate 21 March (International Day for the Elimination of Racism and National Week for the Elimination of Racism).</p> <p>From a criminal point of view, important complementary legislative provisions have been adopted in recent years with regard to combating incitement to religious or racial hatred and racism. (cf. CERD report 2009)</p>

		<p>To access the reports: <a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a></p> <p>The French authorities also refer to the response to recommendation No. 10 and to voluntary commitment No. 6.</p>
<p><b>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</b></p>	<p>33. France has undertaken to respect the Durban Declaration adopted at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa in August 2001, in particular paragraph 101 thereof on recognition of the suffering caused by colonialism and the slave trade, and has taken steps in order to do so.</p> <p>34. <i>Comments:</i> Recent statutory changes have contributed to France's continuing efforts to ensure that the memory of the slave trade and slavery and the abolition thereof is not lost and to give slavery its proper place in education, in order to preserve and develop the heritage of the slave trade and slavery and bring it to the attention of the public.</p> <p>35. In accordance with the Act of 21 May 2001, the French Republic recognizes that the transatlantic slave trade, the slave trade in the Indian Ocean and slavery perpetrated since the fifteenth century, especially against African peoples, constitute a crime against humanity. Under the same Act, school curriculums and research programmes in history and the humanities are required to give the slave trade and slavery due attention.</p> <p>36. The abolition of slavery is commemorated in metropolitan France annually on 10 May. The Slavery Memorial Committee, which is responsible for the implementation of the 2001 Act, is tasked with proposing educational and awareness-raising programmes in schools and research programmes in history and the humanities to the Minister of National Education and the Minister of Higher Education and Research on the subject of the slave trade and slavery. The Committee also submits an annual report, which is published, to the Prime Minister on actions taken to commemorate and raise awareness of slavery.</p>	<p>France is one of the first States in the world to have declared the slave trade and slavery as "crimes against humanity" under the Act of 21 May 2001. This legislative act concerning the recognition of the slave trade and the annual commemoration of the abolition of slavery was completed by the adoption of Act No. 2005-158 on national recognition of the positive contribution of French repatriates.</p> <p>With regard to the adoption of school programmes: France continues the action begun in 2001 to systematically integrate at all levels of teaching the issues of the slave trade, slavery, colonisation and abolition, and progress towards decolonisation with the integration of new programmes in 2009. The circular "Remembrance of the Slave Trade, Slavery and their Abolition" (19 February 2009) highlights the fact that the "acquisition of indispensable knowledge to fully understand the slave trade, slavery and their abolition is part of the school's educational mission." Every year, a note from the General Directorate for Education reminds rectors, regional directors of education and teachers of the two main dates that are pivotal in raising awareness among school-goers of the history of the slave trade, slavery and their abolition. These dates are 2 December (International Day for the Abolition of Slavery) and 10 May (National Day for the Remembrance of the Slave Trade, Slavery and their Abolition, established in 2006). New material is available to teachers (works on the teaching of the slave trade, documentation, etc.).</p> <p>With regard to actions of commemoration and awareness-raising: Shared remembrance work is being carried out and historic knowledge continues to improve, particularly under the impetus of the Slavery Memorial Committee (CPMHE), which now has an interministerial general secretariat. The number of events, encounters, debates, exhibitions and commemorations organised on 10 May and around this date continues to increase each year. In 2009, the official national ceremony was held in Bordeaux in the presence of the Minister for State, Minister for the Interior, Overseas France and Local Authorities.</p> <p>With regard to support for research: The State supports the International Centre for Research on Slavery (CIRES). Within the framework of the Overseas General Assembly, actions to preserve, restore and digitalize different stocks of archives will be launched in order to respond to the demand for accessibility, preservation and enhancement of oral, written and audiovisual recollection.</p>

<p><b>14- To systematically and continuously integrate a gender perspective in the follow-up to the universal periodic review</b></p>	<p>40. France will incorporate a gender perspective in the follow-up to the universal periodic review.</p>	<p>French policies in terms of gender equality are being led in accordance with the dual approach recommended by the Beijing Declaration and Platform for Action: <i>integrated</i>, with the consideration of a prospect of equality in all public policies including at budgetary level; <i>specific</i>, with the implementation of actions intended to correct persistent inequalities. All actions that contribute to the implementation of France's international commitments will integrate this perspective of gender equality, as is shown by the participation of the institutional mechanism in charge of equality between the sexes (Women's Rights and Equality Service) in France's audiences before the UN treaty bodies such as the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.</p> <p>Relevant initiatives that are currently ongoing include:</p> <ul style="list-style-type: none"> <li>- The implementation of the interministerial convention for equality between boys and girls, men and women in the educational system. This convention, which was signed by 8 ministries, mainly targets career guidance practices for girls and boys for better integration into employment, education on gender equality and training. The steering committee under the presidency of the Ministry of Education reinforces interministerial action for the promotion of equality in the educational system.</li> <li>- The organisation on 20 and 21 May 2010 of an exceptional CEDAW Committee meeting in Paris. This meeting studied in particular the possibilities conducive to the systematic integration of CEDAW provisions in parliamentary work and contributed to raising awareness of the convention among all the players concerned (judicial institutions, civil society and the greater public).</li> <li>- The forthcoming adoption of France's National Action Plan for the implementation of UNSCRs on "Women, Peace and Security". This interministerial plan especially includes a proactive approach to promoting gender equality within the armed forces and in training programmes aimed at crisis management and Security Sector Reform.</li> <li>- Diplomatic action for the creation of a complementary mechanism as part of special procedures in the Human Rights Council, which would specifically target discrimination against women in the law and in practice and strengthen the Council's action in relation to gender equality and the protection and promotion of women's rights.</li> </ul> <p>Independent public institutions help with these efforts in a cross-cutting way, such as in specific sectors touching on women's rights and therefore on gender equality. HALDE also carries out work on indirect discrimination arising from the national "classification" of jobs, mobilises social players on the use of data from reports on the compared situation of both genders and does a literature review on career guidance practices and academic choices in relation to gender (and origin). In 2009 it also published and widely distributed a brochure on the rights of pregnant women (1.5 million copies).</p> <p>At an international level (and especially as part of the Universal Periodic Review), France is taking great care to systematically raise issues and give recommendations relating to gender equality, in conjunction with its European partners. In its diplomatic and cooperative actions and those supporting civil society, it implements EU guidelines on violence against women and the struggle against all forms of discrimination against them.</p> <p>The French authorities also refer to the response to recommendations Nos. 13, 20 and 21 and to voluntary commitment No. 9.</p>
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<p><b>30. 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</b></p>	<p>82. France will continue and increase its efforts to promote access by persons of foreign origin to the civil service, particularly among the most disadvantaged.</p> <p>83. <i>Comments:</i> As part of its policy of restoring equality of opportunity, the Government wishes to diversify the social background of judges and officials and is gradually opening preparatory classes to allow candidates of modest means, including those of foreign origin, to prepare for entrance examinations to the grandes écoles. Applications are selected by a committee on the basis of particular social criteria and the motivation, geographic origin and academic results of the applicant. Preparatory classes have been and will be opened to allow candidates of modest means to prepare for the entrance examinations to Ministry of Justice schools, the National Training Centre for the Judicial Protection of Youth (CNFPJJ), the National School of Prison Administration (ENAP), National School for Court Clerks, and the National School for the Judiciary (ENM). The Ministry of Defence also aims to make at least 10 per cent of places in military schools available to young people from disadvantaged areas. Moreover, the agreement concluded between HALDE and the National Gendarmerie and National Police in 2007 focuses on diversified recruitment.</p>	<p>Since 2008, France has pursued an approach of openness and promotion of equality and social diversity in the public service. This can be seen in particular by the signing of the Charter for the Promotion of Equality in the Public Service on 2 December 2008, by the ministers in charge of the civil service and the President of HALDE, as well as the signing of partnership conventions with HALDE. An initial assessment of its application was given to administrations and trade union organisations at the end of 2009.</p> <p>The Ministry of Interior has also committed itself in this area since 2008. In 2008-2009, its Mission for Equal Opportunities had a survey carried out among 20,000 agents by the National Institute for Demographic Studies, in order to better comprehend from a statistical point of view the diversity of the personnel recruited, and to examine whether or not there is discrimination in career prospects in relation to origin or gender.</p> <p>A seal of approval entitled "Promotion of Diversity – Human Resources Policy for the Prevention of Discrimination" was also put in place in September 2008 for the private sector and has just been extended to the public sector.</p> <p>With regard to recruitment in the public service, the following is also being pursued:</p> <ul style="list-style-type: none"> <li>- The development of adapted recruitment channels, since 2006, through the PACTE programme (access to careers in the civil service of local governments, public hospitals and the State) and without competitive entry exams (since 2007).</li> <li>- The development of specific support to prepare competitive entry exams and other exams with the "Patronage for the civil service" mechanism with the availability of benefits and integrated preparatory classes.</li> <li>- Recruitment (without a competitive / selective entry exam) into the national police force of security assistants and security assistants receiving additional training in order to become police constables, and into the national gendarmerie of assistant voluntary gendarmes, in order to allow access to young people from all backgrounds to the police force and the gendarmerie.</li> </ul> <p>Actions are also being carried out in specific sectors, such as the public audiovisual sector. At the request of the Parliament, HALDE drafted a report on the policies aimed at combating discrimination and at better reflecting the diversity of French society in this sector (submitted to the Parliament at the end of 2009). It gives recommendations to programme companies and to supervisory authorities, and it offers its methodological support, particularly for the implementation of an assessment grid, which could be relevant for the entire audiovisual sector, both private and public.</p>
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**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

RECOMMANDATIONS	RESPONSE OF FRANCE TO THE RECOMMENDATIONS (A/HRC/8/47/Add.1) 2008	PRESENT STATUS/ IMPLEMENTATION 2010
<p><b>28. To adopt programmes and specific measures to ensure the protection of economic, social and cultural rights of all components of society</b></p>	<p>77. Government policy as a whole includes economic, social and cultural rights and aims to realize these rights more fully for all sectors of society. For this reason, it is actively committed to the International Covenant on Economic, Social and Cultural Rights.</p>	<p>In order to reinforce the protection and effectiveness of economic, social and cultural rights, France is strongly committed to combating poverty and exclusion, especially through:</p> <ul style="list-style-type: none"> <li>- The adoption of quantified poverty reduction objectives (one third in 5 years) with, for this purpose, the drafting of performance indicators taking into account the multi-dimensional reality of poverty (monetary and material dimensions but also difficulties in gaining access to employment, decent accommodation, education, healthcare and banking services) and allowing the assessment of public policies.</li> <li>- The generalisation of the active solidarity income (RSA) in June 2009 after an experimental phase launched in 2007, which aims to simplify aid granted to the most deprived and introduces an incentive-based approach to social welfare granted to persons with low income. This national version of the European Active Inclusion Strategy encourages professional activity by guaranteeing that the return to employment gives rise to an increase in income in the long term, due to the possible overlapping of income from work and from welfare. In the long term, some 3.1 million households could receive the RSA, 1.7 of which are new beneficiaries. In addition, the plan "Action for Youth" has extended access for young people under 25 to the RSA, under certain conditions. A budget of €250 million will be released in 2010 to implement these choices.</li> <li>- The development of concrete sectoral partnerships: as part of a national strategy for 2009-2012 to take charge of homeless or <b>badly accommodated persons</b>, the Secretary of State for Housing and the French Médiateur de la République are working together in order to guide these persons, to facilitate their access to rights and the settling of litigations that they may have with the public services.</li> <li>- Efforts to implement the enforceable right to housing resulting from Act No. 2007-290.</li> </ul> <p>Among the sectoral initiatives, one could also mention efforts to strengthen childcare mechanisms with the planned creation of 200,000 extra places by 2012, in order to allow better reconciliation between working life and family life and to encourage women to return to work (Convention of Objectives and Management signed between the State and the family section of the Social Security Department for the 2009-2012 period).</p> <p>At an international level, France is committed to adopting the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, so that all recognised rights can be the subject of individual communications. The authorisation process with a view to signing is in progress. (cf. response to corresponding voluntary commitment). France supports and actively contributes to the process of the UN's adoption of guiding principles on extreme poverty and human rights, with a rights-based approach (the independent expert was invited to France in January 2010).</p> <p>To access the reports: <a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a></p>

**HUMAN RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY**

RECOMMANDATIONS	RESPONSE OF FRANCE TO THE RECOMMENDATIONS (A/HRC/8/47/Add.1) 2008	PRESENT STATUS/ IMPLEMENTATION 2010
<p><b>17. To avoid experiments on detainees with electric impulsion weapons provoking acute pain, which can constitute a form of torture, in penitentiaries</b></p>	<p>44. The Government recalls that no experiments are carried out on detainees. In the course of two years, no electroshock weapons have been used by prison staff on detainees. The Government will continue, however, to train qualified prison staff in the use of such weapons in order to prevent their possible misuse.</p> <p>45. Comments: France authorized the use of electroshock weapons in two prisons and then in two overseas prisons for an initial period of six months, which was subsequently extended. These weapons are also available to regional intervention and security teams (ERIS), which, since April 2006, may be brought in to intervene in serious crises such as riots. The use of electroshock weapons is strictly regulated and prison staff are trained and authorized to use them. The initial six-month trial period was subsequently extended.</p> <p>46. In general, including outside the prison context, a number of regularly-updated instructions recall that this type of weapon may be used only against violent and dangerous individuals in the context of apprehending offenders in flagrante delicto. These instructions also specify that electroshock weapons are on the European list of equipment which, if misused or abused, may lead to cases of cruel, inhuman or degrading treatment. The use of these weapons, which have the advantage of avoiding the use of lethal weapons, is monitored and tracked on a regular basis in order to avoid irregularities.</p>	<p>France recalls that no experiments are carried out on detainees (“experimental” use is not a synonym for an “experiment”).</p> <p>In 2006, the French prison administration determined a regulatory framework that strictly supervises the use of electroshock weapons. These regulatory instructions impose:</p> <ul style="list-style-type: none"> <li>- use that is proportional to the risk incurred in order to respond to a physical aggression or dangerous or threatening behaviour.</li> <li>- compulsory information (by warning for example) given orally by the user of the risk incurred by being exposed to an electroshock weapon.</li> <li>- use that is strictly limited to neutralising the offender in order to limit repeated electrical charges.</li> <li>- systematic video recording of the sessions of use, once the electroshock weapon has been charged.</li> </ul> <p>In addition, since 2008, the government has pursued its efforts concerning the training of prison staff qualified to use electroshock weapons through the National School of Prison Administration with the inclusion of a specific training module as part of the issuance of shooting instructorships. One point in particular is made for shooting instructors from regional intervention and security teams (ERIS).</p> <p>For additional information on the conditions governing the use of electroshock weapons, refer to:</p> <ul style="list-style-type: none"> <li>- The Report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) relating to its visit to French Guiana from 25 November to 1 December 2008.</li> <li>- France’s response to questions asked by CAT in France’s fourth and sixth reports.</li> </ul> <p>To access the reports: <a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a></p>
<p><b>18- To set up an independent commission to monitor and identify cases of torture and ill-treatment perpetrated by law enforcement officials</b></p>	<p>47. France has established independent monitoring bodies responsible for identifying cases of torture and ill-treatment by the security forces.</p> <p>48. <i>Comments:</i> Because the internal security forces are responsible for law enforcement and are authorized to use legitimate force, they are one of the most closely monitored public services, subject to both external and</p>	<p>In addition to observations made at the Human Rights Council in 2008, different initiatives bear witness to the concrete efforts aimed at ensuring that the action of law enforcement agencies is respectful of human rights and at preventing any violation.</p> <ul style="list-style-type: none"> <li>- The implementation in large French cities and the greater Paris region of the increased operational night-time presence of superintendents and police officers, in order to improve management and the command of officers in the field.</li> </ul>

	<p>internal controls. Numerous external control mechanisms have been established. First, it should be noted that police officers who have committed criminal offences are prosecuted. In addition, France has established independent administrative authorities tasked specifically with protecting human rights. These include the National Commission on Security Ethics (CNDS), which is authorized to refer cases to the authorities and may propose amendments to the legislation or regulations within its jurisdiction to the Government. Other cases of unlawful police violence of which the Government is aware are also referred to CNDS. Furthermore, a Comptroller General of places of deprivation of liberty was also established in implementation of the Optional Protocol to the Convention against Torture. This authority, whose task is "to monitor the conditions of admission and transfer of persons deprived of liberty in order to ensure that their fundamental rights are respected", may receive referrals from "any natural or legal person seeking to ensure respect for fundamental rights".</p> <p>49. It should be added that respect for human rights in France can be monitored by a number of international mechanisms, whether by a court such as the European Court of Human Rights, by independent committees, such as the Committee against Torture, which conduct regular inspections in France, or by the European Commissioner for Human Rights.</p> <p>50. Lastly, respect for fundamental rights is monitored internally through the hierarchical structure and through specific bodies, such as the Office of the Inspector General of the National Police (IGPN) and the Office of the Inspector General of the National Gendarmerie (IGGN).</p>	<ul style="list-style-type: none"> <li>- The implementation of a mechanism (steered by the Office of the Inspector General of the National Police) of unexpected checks in police services, particularly intended to determine the treatment of plaintiffs and the conditions in which people are detained.</li> <li>- Periodic reminders of the conditions for the use of force by police officers (i.e. the circulation on 8 October 2008 of a note from the Head of the Office of the Inspector General of the National Police.</li> <li>- The drafting of the Gendarme's Charter in September 2009 (as a complement to the law relating to the National Gendarmerie of 3 August 2009), which reiterates the basic common reference values</li> <li>- The creation in December 2009 of the Office of the Inspector General of the National Gendarmerie (IGGN), in charge of ensuring that instructions from the Minister for the Interior and the Director General of the National Gendarmerie are implemented, of carrying out inspection missions and of undertaking or producing all useful studies or recommendations while referring to the code of ethics.</li> <li>- The establishment of a procedure (piloted by the IGGN) of unexpected inspections of the reception conditions of plaintiffs in regional units such as custody premises, and checks relating to the respect of these persons' rights.</li> <li>- The circulation of a best practices guide, since 2009, aiming to facilitate the intervention of the doctor in custody circumstances.</li> </ul> <p>Lastly, since July 2008, the Constitution sets forth the creation of a Human Rights Defender, in charge of ensuring that administrations respect rights and freedoms. The implementation aims to raise coherence and visibility of the institutional entity in charge of protecting rights and freedoms.</p> <p>A bill is currently being examined by the Parliament and should determine more precisely its status and its missions. It is already planned that it will have reinforced powers and means of action in relation to the structures that it will be called on to replace (the French Ombudsman, the National Commission on Security Ethics and the Ombudsperson for Children).</p> <p>The Human Rights Defender can automatically take responsibility or be consulted free of charge and directly by any person who feels that they have been wronged in relation to their rights and freedoms by an administration or by parliamentarians.</p>
<p><b>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</b></p>	<p>51. The French authorities are fully aware of the way in which individuals who are arrested, held in police custody or otherwise deprived of liberty must be treated and of the conditions that apply when an alien is expelled, and they are committed to strengthening their efforts in this respect.</p> <p>52. Comments: Considerable attention is paid to three main principles set out in the law enforcement services' code of ethics and practical guide to ethics, namely:</p>	<p>In addition to the comments previously made as well as the response to recommendation No. 8 on the renewal of in-service training given to law enforcement agencies with regard to ethics, two pieces of information must be added.</p> <p>As part of the professionalisation of civil servants appointed to administrative retention centres (CRA) and the uniformisation of practices in these centres, the central directorate of border police has, since 2008, developed specific training programmes especially for directors of these centres.</p>



	<p>absolute respect for persons, irrespective of their nationality or origin; the use of strictly necessary and proportionate force; and the protection and respect for the dignity of detainees. Respect for these principles was recently re-emphasized in a circular from the Minister of the Interior in 2003, the new general regulations applying to the National Police (2006) and the National Police Master Plan 2008-2012.</p> <p>53. With this in mind, the French authorities are organizing a specialized training course that will ensure close supervision and will impose strict penalties in all cases of proven misconduct. The ethical component of training has been strengthened since 1999, with particular emphasis on the principle of respect for the dignity of all persons and the prohibition of ill-treatment. CNDS and HALDE take part in joint training courses. Special attention is also given to training in professional methods of intervention incorporating the principles mentioned above, in particular with regard to procedures for the expulsion of aliens. Specific courses can also be arranged, such as the course that was held on the theme "Police officers and diversity". Alongside training, emphasis is placed on the supervision of staff by their superiors and, in particular, by the inspection unit responsible for monitoring conditions of arrest and detention. Training for officers and non-commissioned officers in the French Armed Forces and the National Gendarmerie includes an ethics and professional conduct component. The same applies to the military personnel of the Gendarmerie. Any police officer who breaks the law or departs from ethical rules is subject to both criminal and disciplinary penalties. Of the 3,228 disciplinary sanctions imposed on police officers in 2006, 114 (3.5 per cent) were related to proven assaults. Of those 114 cases, 8 led to dismissal or the equivalent.</p> <p>54. With regard to the treatment of foreigners in administrative detention centres (CRAs), which are the responsibility of the National Gendarmerie, apart from the fact that close supervision and military discipline are likely to deter unlawful acts, it may be pointed out that a representative of the non-governmental organization Ecumenical Assistance Group (CIMADE) is in attendance at each centre and may report any violation affecting foreign detainees. The presence of CIMADE representatives in the centres is provided for under the 1984 Convention.</p>	<p>In this way, the training of directors of administrative retention centres is made up of three modules. It is in keeping with a code of ethics framework that is respectful of rights and the dignity of persons.</p> <p>The first module, lasting five days, deals in a theoretical manner with regulation relative to the arrest of foreigners in an irregular situation, notification of expulsion, notification of placement in retention and the exercise of rights pertaining to this, legal security of legal and administrative procedures, the guiding principles of the central expulsion centre of the central directorate of the border police. Three days are dedicated to full immersion in a small administrative retention centre in order to understand the legal and human environment as well as the management tools of a retention centre. Dealt with in particular are the extent to which detainees demands are taken into account, relations with associations, the medical body, lawyers and families as well as all aspects linked to the accommodation and catering of detainees. These aspects are further dealt with during the second module, lasting four days in a larger administrative retention centre.</p> <p>Lastly, the third module, lasting five days, is relative to budgetary management in compliance with the general overhaul of public policies. This training course is given by the Higher National Police Officers' Academy and the vice-directorate of resources of the national border police.</p> <p>In addition, the Head of the Office of the Inspector General of the National Gendarmerie started intervening this year on the subject of international human rights protection conventions, during different training courses to prepare officers for the role of command. A course on this subject has been incorporated into the module on "ethics and the code of ethics" as part of the basic training of officers and non-commissioned officers. In the same way, information is given to supervisory non-commissioned officers as part of their in-service and specific training.</p>
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<p><b>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</b></p> <p><b>24. To take additional measures, if not already taken, to reduce the time frame for the process of improving conditions in places of detention</b></p>	<p>62. The Government acknowledges the difficulties of the current situation. It has recently taken measures to amend domestic legislation in accordance with its commitments; it is continuing its efforts in accordance with international standards and will include the issue of prison conditions in the follow-up to the recommendations of the universal periodic review.</p> <p>63. <i>Comments:</i> The Act of 30 October 2007 established the Comptroller General of places of deprivation of liberty, as a sole, independent authority with jurisdiction over 5,000 places of detention (administrative detention centres, holding areas, penitentiaries, closed educational centres, hospital psychiatric wings, police custody facilities, etc.). The €2.5 million budget was approved in the 2008 Finance Act. The Comptroller was appointed by a Council of Ministers decree on 12 June 2008 for a renewable mandate of six years.</p> <p>64. Other measures have recently been taken:  (a) The European Prison Rules adopted by the Council of Europe Committee of Ministers in 2006 are a charter for action and provide an ethical framework for prison administration. Compliance with prison rules is a priority, as regards both modernization policy and professional practices;  (b) Warders undergo an initial training period of 22 weeks, during which they receive awareness training in ethical and human rights.</p> <p>65. The French authorities also refer to the response to recommendation No. 24.</p> <p>66. The Government is pursuing an active policy to improve detention conditions and will continue to do so.</p>	<p>For several years now, France has been making numerous efforts with a view to improving prison conditions. These efforts are mainly based on the implementation of the European Prison Rules, and now have a legal basis due to the Prison Act of 24 November 2009. Article 22 of the Prison Act stipulates that the prison administration guarantees the respect of dignity and rights to all persons detained. This fundamental principle of respect and protection of detainees' rights is also recalled in the articles relating to the missions of the public prison service.</p> <p>Prison law maintains the principle of individual cells, reaffirms the public prison service's mission of social integration (articles 12 and 13); extends the criteria for the granting of alternative sentences (placing of prisoners under electronic surveillance); relegates to a legislative level the principle of maintaining family life and provides concrete measures in order to do so (telephone access – article 39, access to family life units and family visiting rooms, increased protection of confidentiality concerning written correspondence); sets out the possibility of domiciliation within prison establishments in order to facilitate real access to rights (article 30); develops social protection of detainees (supervision of working conditions and remuneration); recalls the principles with regard to continuity and quality of access to healthcare); aims to take into account the psychological state of detainees (article 46); organises detention and the supervision of restraint measures (discipline, isolation procedures). Regulatory texts available very soon will ensure implementation of the provisions of the prison law. An important part of these provisions are part of decrees made after examination by the Council of State. Referral to the latter is imminent with regard to provisions relative to the rights of the aforementioned detainees as well as to detention regimes (discipline, isolation).</p> <p>As a complement to legislative reforms, work to improve detention conditions builds on recommendations from competent independent public institutions:</p> <ul style="list-style-type: none"> <li>- Advice and studies from the National Consultative Commission on Human Rights (CNCDH) on the prison bill (November 2008) and on the alternatives to detention (December 2008).</li> <li>- Advice and recommendations from the National Ethics Commission processed by the Prison Services Inspectorate in 2009 (relating to the conditions in which frisking is carried out, the use of security measures, especially during surgical removals, conditions in which prisoners are isolated - which have decreased by 50% in relation to 2008) were followed in 73% of cases.</li> <li>- Visit reports by the Controller General of Places of Deprivation of Liberty – CGLPL (60 visits since 2008, 30 reports) are systematically followed up on all the issues raised, and if necessary, lead to regulatory modifications, as well as a change in practices. Follow-up of the implementation of CGLPL observations, established in 2009, indicates that 80% of the observations to be implemented were said to have been done so in 2009 (2010 analysis is currently ongoing).</li> </ul> <p>Over 90% of detainees (i.e. 58,770) can today meet a representative of the Médiateur (149 representatives regularly intervene in 164 prison sites, as opposed to 117 in 2008, for 3,500 requests in 2009). In most prisons, a real momentum has been created and the quality of relations between representatives, prison directors and those in charge of prison services for social integration and probation leads to the resolution of most issues raised, including those concerning prisoner relations with public services other than the prison administration.</p> <p>With regard to the follow-up of recommendations by different UN treaty bodies, refer to:</p> <ul style="list-style-type: none"> <li>- France's fourth and sixth reports</li> <li>- Answers to questions asked by the Committee Against Torture (CAT – 20 November</li> </ul>
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67. *Comments:* A Prison Bill is currently being prepared. It should be noted that not all prisons are affected by overcrowding: there is no problem in penitentiaries and only some remand centres are affected. There is considerable overcrowding at 16 sites, affecting 3,400 detainees (5.6 per cent of the prison population). At present, there are 50,746 places for 63,645 inmates (at 1 May 2008). The average prison occupancy rate is 125.4 per cent, while in remand centres the rate rises to 142.5 per cent.

68. The prison system faces difficulties because prison stock is old and sometimes dilapidated. The Government is committed to two main courses of action to combat overpopulation, namely

to:

(a) Modernize and expand prison stock. In 2012, by which time 22 new establishments will be operational and 16 remand centres will have been closed, 50 per cent of inmates will be housed in facilities brought into operation since 1990;

(b) Develop alternative sentences more rapidly than the prison population is increasing (such as day parole, electronic tagging, work release and parole). Alternative sentences now concern 11.8 per cent of convicted detainees, as against 7.3 per cent in May 2005.

France is currently making efforts in order to modernise and expand its prison stock. These efforts include quantified annual objectives from 2010 to 2013 and beyond, with regard to the closing of spaces in non-compliant establishments (2010: 687, 2011: 0, 2012: 687, 2013: 0, subsequently: 363) and other operations (minors' quarters, increasing capacity, UHSIs [interregional secured hospital units], UHSAs [specially adapted hospital units], 2010: 703, 2011: 200, 2012: 260, 2013: 0) for a net number of additional places subsequently (2010: 2,487), 2011: 1,976, 2012: 937, 2013: 880 and subsequently: 1,583). At the end of Programme 13 200, there will be 63,500 places, approximately 34,000 of which were put into service after 1990.

Some additional information on the training of prison staff:

The teaching of human rights is particularly important in the training of prison staff. Defence of human rights implies knowing them and understanding them in order to better respect them and to ensure that people under the charge of the prison administration do the same. The training of prison staff with regard to human rights is given as part of basic training, at the National School of Prison Administration (ENAP) and as part of in-service training in regions. At ENAP, out of a total of 693 training hours given by the law department, 70 hours deal with human rights and with European prison rules. Furthermore, prison law has created a code of ethics (article 11), applicable to prison administration staff and to legal persons governed by public or private law benefiting from clearance (mainly concessionaires in charge of various functions in mixed management establishments). This code sets the rules imposed on them in the exercise of their functions, and mainly concerns principles of loyalty, respect of fundamental rights of the person in the hands of justice and non-discrimination.

The relationship between prison staff and inmates has considerably improved in relation to the missions entrusted to the staff, which mainly concern actions of social integration and the prevention of recidivism. The code of ethics (accompanied by the compulsory oath-taking of agents) should make this relationship part of a special context of guaranteed respect and specify the limits set especially by the special status and article D221 of the Code of Criminal Procedure. Agents' obligations are recalled on several occasions by prison law (articles 2 and 22 especially), and echo the recommendations of European Prison Rules, which are already largely implemented within prison establishments. They already feature in the "ethics charter" pamphlet that is distributed to each agent during their training at ENAP.

These provisions require a decree to allow their practical application. This decree would come from the Council of State for certain provisions. While awaiting this publication, interregional directors of prison services have been requested to pay particular attention and ensure that the main guidelines governing the missions of prison administration personnel are already applied, and to ensure that all personnel are already aware of the importance of complying with these principles.

Complementary statistical information concerning disciplinary sanctions: in 2009, 262 disciplinary sanctions were taken against prison staff, 11 of which were for incorrection, violence and insults. Ten of these 262 sanctions led to a dismissal.

**RESPECT FOR THE PRINCIPLE OF NON-RETURN AND PROTECTION OF HUMAN RIGHTS IN THE CONTEXT OF IMMIGRATION AND ASYLUM**

RECOMMANDATIONS	RESPONSE OF FRANCE TO THE RECOMMENDATIONS (A/HRC/8/47/Add.1) 2008	PRESENT STATUS/ IMPLEMENTATION 2010
<p><b>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</b></p> <p><b>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</b></p>	<p>41. The French authorities refer to the response made to recommendation No. 16.</p> <p>42. The French authorities are aware of the stakes involved in this issue and consider the risks of return with great care. They raised the issue in the national report in order to deepen the continuing dialogue between the Ministry of Foreign and European Affairs, the Ministry of the Interior, Overseas France and Local Authorities and the Ministry of Immigration, Integration, Citizenship and Co-Development regarding case-by-case consideration of expulsions of individuals to their countries in the event that such expulsions could be described as “dangerous” for them, in accordance with France’s obligations in that regard, particularly in connection with requests from the treaty committees for interim measures.</p> <p>43. Comments: Under the supervision of a judge, the administrative authority makes a thorough review of the situation in cases where risk has been alleged. The review takes into account the general human rights situation in the receiving country, the situation of particular vulnerable groups if the alien claims membership of those groups and, also, the alien’s personal situation. In any case, the French authorities do not resort to “diplomatic assurances” and have not sent an alien to a country where it was ascertained that the individual concerned would have been subjected to prohibited treatment. In addition, an administrative judge, to whom a case may be referred in the event of an appeal with suspensive effect, has full control over the allegations and may reverse the decision concerning the destination country if it appears to be contrary to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.</p>	<p>France has a range of legislative measures guaranteeing the respect of the principle set out in particular in article 3 of the UN Convention Against Torture, according to which no foreigner can be expelled to another State where he would be in danger of being subjected to torture. First of all, the risks incurred in the case of return can be raised as part of an examination for an asylum application.</p> <p>France, as part of its tradition of reception and openness to persons risking persecution or ill treatment, intends to remain steadfast to these protection requirements. Bearing witness to this fact is in particular the number of asylum applications presented in France in 2009, i.e. 47,559, our country running for the second year in first position among European countries and in third position among industrialised countries after the US and Canada, with regard to receiving asylum seekers. Also bearing witness to this is the number of persons having obtained refugee or subsidiary protection status during this same year, i.e. 10,394 (almost 30% of decisions are positive), bringing the number of persons placed under the protection of the French Office for the Protection of Refugees and Stateless Persons (OFPRA) to 152,442, of whom 145,272 benefit from refugee status and 6,092 from subsidiary protection status.</p> <p>An asylum application can be lodged at the border or at any time on national territory, including when a foreign national is in the process of expulsion. All asylum applications are examined in reference to the Geneva Convention on Refugees as well as with regard to subsidiary protection, introduced into legislation by the Act of 20 November 2003. In both cases, protection is granted, since the 2003 Act, without consideration of who is the perpetrator of persecution or ill treatment, who can therefore be a non-State actor when the authorities do not wish to or cannot grant protection. Examination of the asylum application comes under the exclusive competence of OFPRA, an independent and specialised public establishment, which intervenes on a case-by-case basis. No expulsion measures can be taken before this authority has given its decision (if an asylum application has been referred to it). If a decision to refuse asylum has been made at the border, an appeal can be requested before the administrative judge who can examine the risks invoked by the foreigner with regard to article 3 of the Convention Against Torture. Since the Act of 20 November 2007, which was implemented in order to comply with the ruling of the European Court of Human Rights of 26 April 2007, these appeals have a suspensive effect. If an asylum application made within French territory has been rejected by OFPRA, an appeal can be made before a specialised judicial body, the National Right of Asylum Court (CNDA) and this appeal is suspensive, bar exceptions linked to the clearly abusive or dilatory nature of the request. It is necessary to specify that the refusal decision by OFPRA does not lead to the automatic expulsion of the foreigner and that this is the result of a separate decision made by the administrative authority, which can also be appealed with a suspensive effect (see below).</p> <p>Secondly, the risks in the case of returning to the country can be evoked at the time when expulsion measures are being taken: in application of the Code on the Entry and Stay of</p>

Foreigners and the Right to Asylum (CESEDA), "A foreigner cannot be expelled to a country if he can establish that his life or freedom would be threatened there (this covers the cases stipulated in article 33 of the Geneva Convention on Refugees) or that he is in danger of being subjected to treatment that is contrary to the stipulations of article 3 of the Convention for the Safeguard of Human Rights and Fundamental Freedoms of 4 November 1950 (which coincides with article 3 of the Convention Against Torture) (article L.513-2).

Whether or not he has already submitted an asylum application, a foreigner can therefore raise the attention to the risks he incurs by returning to his country of origin at the time when expulsion measures are taken against him (order to escort him back to the border due to an irregular stay, execution of an expulsion order, expulsion order for reasons of public policy).

The administrative authority must therefore examine the allegations of risks and verify if there are "serious reasons" to believe that the person concerned will be exposed to a "real risk" of ill treatment if he returns. In this way it is following the regulations of the European Court of Human Rights. If this is the case, the foreigner cannot be sent back to the country concerned. In any case, an individual examination is carried out, also taking into account the situation in the country of origin based on several information sources.

The administrative decision determining the destination country can be appealed before the administrative judge, who can examine its compliance with article 3 of the aforementioned convention. This appeal is suspensive if it is formulated simultaneously with an appeal against a measure to escort the person concerned back to the border because of an illegal stay, and in other cases, the appeal is suspensive if the administrative judge receiving an application for interim measures orders the suspension of the escort measure. This provision, which is in full compliance with the international instruments of protection of human rights and refugees, with EU regulations and directives as well as the case law of the European Court of Human Rights, gives full protection against expulsion to a country where the foreigner concerned would be exposed to risks.

Concerning the protection of isolated minors:

While respecting the principle of non-return that is guaranteed in particular by article 3 of the Convention Against Torture, no isolated minor who requests his admission into France and for which an examination reveals that he would be exposed to treatment contrary to the aforesaid convention in the case of return to his country of origin, will be returned to that country. In this case, the minor will be directed towards a specially-dedicated shelter and no admission measures will leave him isolated and without protection on French territory. In the case where the need for protection in France is not established, the French authorities ensure that the minor is indeed recovered by his family in his country of origin, under the necessary security conditions. In this respect, we would like to specify that the border police contact the International Technical Police Cooperation Department in order to obtain authorisation from the host country and to allow for the minor to be looked after either by his family or by an institution in charge of protecting children. Verifications are carried out on the protection guarantees that will be given to the minor.

<p><b>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</b></p>	<p>76. France is committed to improving its administrative procedures in order to reduce the duration of family reunification procedures.</p>	<p>Desirous of respecting their international commitments to protect refugees and to guarantee them the right to lead a normal family life in France, French authorities continue to make efforts to reduce the time frame to examine applications from refugees' family members.</p> <p>Since August 2009, reform is ongoing in this area: It concerns both simplifying the steps to be taken by refugees, improving information given to them and taking account of difficulties facing families in the country of origin, in particular in providing official documents and records relating to civil status.</p> <p>Issuance time frames of visas still depend on the diligence of those concerned in providing the proof of their relation to the refugee and the reliability of the local registry of births, marriages and deaths. In countries where this is reliable and where the local services respond quickly to the requests of diplomatic and consular posts, the visa can be issued within a time frame of a few weeks, or a few months when there is particularly high demand. In the case where the issuance of a visa is refused by the consular post, a notification explaining the reason for refusal is given. This refusal can be challenged at the Recourse Committee Against Visa Refusal (CRRV).</p>
<p><b>32- To continue its efforts to protect the rights of all migrants, regardless of their situation and status</b></p>	<p>86. France will continue to strengthen and improve the protection of migrants' rights, in particular the fundamental rights that they enjoy irrespective of their position or status.</p> <p>87. <i>Comments:</i> The French authorities also refer to the response to recommendation No. 3.</p>	<p>The French authorities also refer to the response to recommendation No. 2.</p>
<p><b>31. 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</b></p>	<p>84. France undertakes to consider the promotion and protection of human rights in the process of developing the European Pact on Immigration and Asylum.</p> <p>85. <i>Comments:</i> The next French presidency of the European Union will propose the adoption of a European Pact on Immigration and Asylum to its partners. The text, which will be political, will set out a series of common commitments, rules and controls aimed at enhancing the coherence and effectiveness of the migration policies pursued by member States and by the European Union. France confirms that the pact will be fully compliant with the norms of international law, in particular with those relating to human rights, the dignity of the human person, and refugees.</p>	<p>The European Council of 15 and 16 October 2008 adopted the European Pact on Immigration and Asylum, a political initiative by the French Presidency of the European Union. This document was designed to be the lasting base of a common European policy, by consolidating the <i>acquis</i> and by developing their effects in a more harmonious and solidarity-based way. With this in mind, heads of State and Government subscribed to five commitments, they themselves redefined into specific commitments: 1. To organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration; 2. To control illegal immigration, especially by ensuring the return of irregular aliens to their country of origin or of transit; 3. To make border controls more effective; 4; To build a Europe of Asylum; 5. To create a comprehensive partnership with the countries of origin and transit to encourage the synergy between migration and development.</p> <p>These commitments are in keeping with the full respect of the norms of international law, in particular norms relating to human rights, human dignity and refugees. This is the case of the preamble of the European Pact: "In line with the values that have consistently informed the European project and the policies implemented, the European Council solemnly reaffirms that migration and asylum policies must comply with the norms of international law, particularly those that concern human rights, human dignity and refugees." These commitments were reiterated in the new multi-annual programme for the years 2010-2014, adopted by the European Council in Stockholm on 10 and 11 December 2009, which takes over from the Hague Programme since 1 January 2010.</p>

**PROTECTION OF WOMENS' RIGHTS AND THE FIGHT AGAINST DISCRIMINATION AND VIOLENCE**

RECOMMANDATIONS	RESPONSE OF FRANCE TO THE RECOMMENDATIONS (A/HRC/8/47/Add.1) 2008	PRESENT STATUS/ IMPLEMENTATION 2010
<p><b>13- To take effective measures to eliminate all forms of discrimination against immigrant women in accessing basic social services</b></p>	<p>37. France has implemented a mechanism to protect women's rights, to combat discrimination and, in particular, to ensure that immigrant women can exercise their rights. To this end, legislation containing various anti-discrimination provisions in compliance with Community law was enacted on 27 May.</p> <p>38. <i>Comments:</i> France has developed a fully comprehensive legal framework to protect women from discriminatory attitudes and practices. Moreover, HALDE, which is an independent administrative authority, was created specifically in order to strengthen implementation of anti-discrimination legislation. The above-mentioned Act of 27 May prohibits discrimination with regard to social security, health, welfare benefits, education, and access to or the provision of goods and services.</p> <p>39. The Government also takes affirmative action in favour of immigrant women and women from immigrant backgrounds on French territory in three main areas, namely, improving their access to justice, combating violence against them and affirmative action in their favour with regard to education and employment (by training State employment officials to combat double discrimination, and by raising employers' awareness).</p>	<p>French law forbids any discrimination or discriminatory provision based on sex and/or ethnic origin. The Act of 27 May 2008 completes the provisions applicable in these matters by strengthening the existing guarantees with regard to equality of access to goods and services and the provision of goods and services against all discrimination due to sex and/or membership or non-membership, real or supposed, of an ethnic group or race (definition of direct and indirect discrimination, of the notion of sexual and moral harassment due to sex and/membership or non-membership, real or supposed, of an ethnic group or race, these acts of harassment being likened to discrimination, thus giving HALDE the authority to examine them). This act also likens the order to discriminate to discrimination and sets out that no ruling that is unfavourable to a person can be based on his acceptance or his refusal to accept prohibited discrimination.</p> <p>For information: The French Criminal Code already prohibits in article 225-1 direct discrimination in the provision of goods and services for these reasons. Article 19 of the Act of 20 December 2004 creating HALDE – the French Equal Opportunities and Anti-Discrimination Commission - already affirmed the prohibition of direct and indirect discrimination because of membership or non-membership, real or supposed, to an ethnic group or race.</p> <p>On the issue of multi-criteria discrimination, the Directorate General of Social Cohesion (Women's Rights Service), in conjunction with HALDE has been carrying out a study since 2009 aimed at better understanding multi-criteria discrimination and at strengthening the means to remove specific obstacles to the social and professional integration of women from immigrant backgrounds by proposing tools to support employment guidance counsellors. The results of this study will be available by the end of July 2010.</p>
<p><b>20- To introduce automatic prosecution for all acts of domestic violence, if this is not already done</b></p>	<p>55. Although the Government does not plan to introduce a system of automatic prosecution for all acts of domestic violence, victims' needs can satisfactorily be met through the judicial system.</p> <p>56. <i>Comments:</i> Judicial inquiries are led by the public prosecutor, who also verifies that they are legal. Once an inquiry is closed, the public prosecutor determines whether prosecution is appropriate. The status of the members of the Public Prosecutor's Office, who are judges and not civil</p>	<p>Article 40 of the Code of Criminal Procedure sets forth the principle of the discretionary option of criminal proceedings which opposes the initiation of systematic criminal proceedings for certain types of offence. It stipulates that the public prosecutor receives complaints and accusations and determines the follow-up to be given to them. This principle is counterbalanced by the plaintiff's rights to contest a closure of the case before the public prosecutor at the Court of Appeal and/or, under certain conditions, to bring a civil action to the examining magistrate. In order to harmonise the penal response all over French territory, the Ministry of Justice has provided public prosecutors' offices with a public action guide, updated in November 2008, which recommends different points on their practice, whether at the inquest stage, the stage in which public prosecutors' offices</p>

servants, guarantees that they exercise their powers objectively. This procedure contributes to adapting judicial treatment to individual cases. This principle does not affect the right of victims to take legal action; they may lodge an appeal against a decision to discontinue proceedings with the competent chief public prosecutor. Importantly, victims can also initiate proceedings. Suing for damages gives access to a number of rights, including the right to be party to the examination proceedings (and thus to receive information but also to appeal some of the examining judge's decisions) or to criminal proceedings in order to defend their interests and obtain redress.

57. In order to ensure the defence of victims of domestic violence, including foreign nationals, they are made eligible for full legal aid without means testing in order to provide them with the means to defend themselves, on account of the circumstances in which the violence has been committed.

determine how to direct procedure, the stage of actual proceedings or finally the requisition of sentences. Within this framework, public prosecutors' officers are requested not to close the case of domestic violence, when taken as a discretionary option. Such a recommendation thus means moving closer to a systematic penal response, which will not necessarily be in the form of proceedings. Therefore, despite the public prosecutor's offices' discretionary option of proceedings, the penal response rate as regards domestic violence offences was at 83.7% in 2008 in jurisdictions of the greater Paris region.

The law (currently being adopted), which was unanimously voted by the French National Assembly on 25 February 2010, strengthens victim protection and prevention as well as suppression of violence against women with a series of provisions:

- The creation of a "victim protection order" allowing a judge in the case of an emergency, to give a ruling within 24 hours in order to "organise the eviction of the perpetrator of violence within the family home," to give a ruling on the temporary custody of the children, or to rehouse women who are threatened. Married couples will be concerned, as well as the partners of the French PACS (civil union contract) and common law husbands and wives. The family affairs judge, receiving an application for interim measures, will therefore have the possibility of ordering the eviction of the violent partner and of resolving all issues relating to visiting and overnight visiting rights if the couple has children.
- The creation of a crime of "psychological" or "moral violence" and a crime of "strain on the marriage."
- The possibility of using electronic bracelets to determine the effectiveness of the measures to remove the violent partner, which will be experimented in certain French departments from the end of the first half of the year, before being generalised all over French territory within the next three years.
- The recognition of associations with an "interest to act," stepping-up the fight against discrimination and sexist prejudice in the field of communication.
- The possibility of resorting to penal mediation with the agreement of the victim alone.
- The removal of the presumption of consent to sexual intercourse between spouses, when it concerns marital rape.
- The availability of legal aid, without the condition of residency, to foreign women benefiting from a protection order, and the issuance or renewal of a residence permit to persons benefiting from a protection order in the shortest timeframe possible.

These reforms should increase victim protection, which is also ensured by associations with whom the majority of public prosecutors' offices have signed partnerships. They stipulate the material or psychological care to be given, once the victim has lodged a complaint of domestic violence. In general, victims are then supported by the association until the day of ruling.

As a complement to the general provisions of victims' aid (charter of reception and care of victims, role of local "victims' aid" correspondents in each *Departement*, the creation of jobs for social workers and psychologists working in police and gendarmerie stations), special provisions driven by the DAV (Delegation to Victims), a structure common to the police and the gendarmerie, are being implemented:

- *The creation of family protection brigades* in all police and national gendarmerie services within each *Departement*. These will be progressively generalised in the spring of 2010.
- *The creation of family protection brigades, by the national gendarmerie, within each*



		<p><i>Departement</i>, in order to reinforce the suppression of intra-family violence.</p> <p>- Since December 2009, the <i>experimentation</i> of a new system in the Seine-Saint-Denis <i>Departement</i> for women who are victims of domestic violence and in "grave danger," with an <i>alert mechanism</i> (mobile phone) granted by the public prosecutor.</p> <p><b>150 centres of continuous service or association reception points</b> providing victims' aid are installed in security force premises. This mechanism is in keeping with the conventions signed with the main association networks, such as the National Institute for Victims' Aid and Mediation (INAVEM), the National Centre of Information and Documentation for Women and Families (CNIDFF) and the National Women's Solidarity Federation (FNSF). Any victim of a criminal offence is given the contact details of an association for victims' aid after having lodged a complaint. In addition, association representatives intervene in basic and in-service training given to policemen and gendarmes on victims' reception and aid.</p>
<p><b>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</b></p>	<p>58. The French authorities are continuing efforts to develop statistics on homicides resulting from domestic violence.</p> <p>59. <i>Comments:</i> Ministry of Justice statistics are based on final convictions recorded in the judicial record and include domestic violence statistics. With respect to criminal cases, in 2006 there were nine convictions for violence causing the unpremeditated death of a spouse and two convictions for violence leading to permanent disability. Although it was not possible to isolate convictions for homicide resulting from domestic violence prior to 2006, this will be possible from 2008 onwards. Although statistics on perpetrators can be disaggregated by sex, at present it is not possible to do so with statistics on victims.</p>	<p>On 25 November 2009, on the occasion of the International Day for the Elimination of Violence Against Women, the Prime Minister recalled France's resolute commitment by designating the elimination of violence against women as a "National Cause for 2010". This label will especially lead to new impetus for awareness actions and campaigns and the prevention of domestic violence. The extent and the gravity of the trend of violence against women, particularly that committed within the couple, have for several years called for a strong response from the government with the implementation of the second global triennial plan (2008-2010). It is part of an interministerial approach, receiving credit from the Interministerial Fund for Crime Prevention, and <i>prefets</i> will be invited to examine the implementation of actions concerning them within the framework of security contracts and crime prevention plans at the level of the <i>Departement</i>.</p> <p>The Ministry of Justice statistics allow a relatively precise approach regarding acts of domestic homicide or domestic violence. Since aggravating circumstance relating to the bonds of matrimony, cohabitation or a PACS between the perpetrator and the victim was established in the criminal code by the act of 4 April 2006, for murders in particular, it is possible to individuate and count such acts, even if it does not seem possible to individuate acts of violence against women.</p> <p>Various bodies collecting information on violence against women already exist, such as the National Crime Observatory or the Delegation for Victims at the Ministry of the Interior. The National Crime Observatory (OND) is a body in charge of collecting statistical data, of analysing them and of giving an account of the evolution of delinquent and criminal trends. Within this framework, it could be called on to study the trends of violence against women more specifically. It can in fact ask the National Economic Studies and Statistical Institute – INSEE to carry out victimisation surveys. The Delegation for Victims at the Ministry of the Interior also carries out studies and particularly an annual one on deaths within couples and an analysis of this problem. Case work on domestic homicides is currently being envisaged by the public prosecutors' offices of the greater Paris region.</p> <p>France is continuing its reflection on possible improvements with regard to information and statistical follow-up. In addition, at European level, France is actively contributing to the work of the Council of Europe relating to the creation of a Convention on Preventing and Combating Violence Against Women and Domestic Violence.</p>

**RIGHTS OF THE CHILD AND THE RIGHT TO EDUCATION**

RECOMMANDATIONS	RESPONSE OF FRANCE TO THE RECOMMENDATIONS (A/HRC/8/47/Add.1) 2008	PRESENT STATUS/ IMPLEMENTATION 2010
<p><b>25. To pursue efforts to foster social integration and reinsertion of recidivist minors</b></p>	<p>70. The Government is committed to continuing its efforts to promote social integration and the rehabilitation of juvenile repeat offenders.</p> <p>71. <i>Comments:</i> Social integration is a major element of government policy to prevent recidivism. In that context, the day activity scheme was introduced for minors under judicial review. It aims to create or re-establish the conditions under which a minor can return to school or work, or gain access to employment. The scheme is available to those who do not fit into the general training schemes. The Ministry of Justice has also implemented a number of judicial measures to address the issue of juvenile delinquency, such as community service, citizenship training and criminal compensation measures. The Ministry of Defence has created "Defence - Second Chance" centres to rehabilitate young offenders and reintegrate them into society. These centres have been established to help young people who are being marginalized to learn how to live as part of the community while pursuing training leading to qualifications. For its part, the National Gendarmerie has created juvenile delinquency prevention squads (BPDJ) in all departments of France in order to prevent offences committed by and against minors.</p>	<p>Improving the taking into care of minors entrusted by judicial authorities within the criminal framework, in order to ensure their social integration and prevent recidivism, is a key focal point. In-depth work is being carried out to renew the investigation methods relating to the family situation of these minors. An audit mission is also involved in order to better monitor (from an educational point of view) the establishments and services authorised to take charge of minors.</p> <p>The Crime Prevention Plan 2010-2012 specifies the need to pinpoint minors whose sentences have ended and who would need individual support. In this way, in each town with a local council for security and crime prevention (CLSPD), one or several working groups and information exchange groups with a territorial or thematic purpose will be created or activated within this body and possibly coordinated by a professional.</p> <p>Based on successful experiments and the assessment carried out in 2009, the introduction of social life contract "CIVIS" for youth in the hands of justice, will be developed in conjunction with territorial collectivities. The goal of this contract is to provide personalised support towards employment and, if need be, to better prepare the end of detention and to prevent recidivism among young people from 16 to 25 years old. It is based on an agreement between the devolved services of the Ministry of Justice and local missions. Finally, the Crime Prevention Plan sets forth that the judicial authority in charge of the most repeat offenders can encourage the creation of a tripartite coordination body of actors from the justice system, i.e. children's judge, public prosecutor's office and the judicial protection of youth service.</p> <p>The good citizenship learning period is a sanction that is an alternative to proceedings, to imprisonment, or to a further sentence. It consists in carrying out a period as part of a prison sentence with probation. The continuation and extension of the system to national level are currently being investigated. It also aims to encourage social integration. The consent of the offender is required and a financial contribution is requested of the offenders, the amount being adjusted in relation to the social situation. External players participate in these training periods and in discussions with the beneficiaries. These are legal actors (the police, lawyers, magistrate judges from the public prosecutor's office), actors from civil life (victims' aid associations, intermediaries from the realm of employment, training bodies, etc.), representatives of civil institutions (local representatives, fire-fighters), representatives from public transport companies, the healthcare system (drug addiction) and other professionals (actors, sociologists).</p>

**26. To remove the prohibition on wearing the hijab in public schools; review the law which prohibits the wearing of clothing denoting religious affiliation in schools.**

72. The Government does not at this stage plan to review Act No. 2004-228 of 15 March 2004 concerning the wearing of symbols or clothing indicating religious affiliation in State primary, middle and secondary schools, in application of the principle of secularism. However, it continues to monitor implementation of the Act closely.

The Act of 15 March 2004, in application of the principle of secularism, concerning the wearing of symbols or clothing indicating religious affiliation in State primary, middle and secondary schools, has modified paragraph one of article L. 141-5-1 of the Education code: "in State primary, middle and secondary schools, the wearing of symbols or clothing through which pupils conspicuously demonstrate religious affiliation is prohibited." This completes the corpus of general rules, listed below, guaranteeing respect of the principle of secularism.

- All clothing and symbols leading the person to be recognised by his or her religious affiliation are prohibited. The law does not question the right of pupils to wear discreet religious insignia.

- All pupils of State primary, middle and secondary schools, including pupils registered in post-A-level classes in State secondary schools are concerned by this act.

This circular of implementation No. 2004-084 of 18 May 2004 (Official Journal of 22 May 2004) has better informed school authorities of the nature and the subject of the law and of its field of application. The implementation of the law is first of all through dialogue, before taking any disciplinary action, in order to explain to the pupil and their family that respecting the law does not mean renouncing their beliefs. If the pupil deliberately refuses to comply with the law, disciplinary action is taken. If the disciplinary committee pronounces a pupil's expulsion order, the regional education authority, along with the pupil and his or her parents, looks into the conditions in which the student can pursue his or her studies.

Appraisal of the application of this law:

Since 2005, the law has been serenely applied: the education authorities have knowledge of just a few pupils coming to school with conspicuous religious symbols. There were no disciplinary procedures at start of the school year in 2008 and 2009. Since its entry into force, rulings from administrative courts have all rejected action to cancel definitive expulsion decisions made in application of the law. In 2009, the European Court of Human Rights declared inadmissible the petitions in the cases Aktas against France (petition no. 43563/08), Bayrak against France (no. 14308/08), Gamaleddyn against France (no. 18527/08), Ghazal against France (no. 29134/08), J. Singh against France (no. 25463/08) and R. Singh against France (no 27561/08) concerning the expulsion of pupils from their school due to the wearing of conspicuous symbols of religious affiliation. The Court highlighted that these imperatives of protection of the rights and freedoms of others and the protection of public order determined the expulsion decision, and it was not an objection to the pupils' religious convictions. It confirmed that the restrictions provided for by the law dated 15 March 2004 were justified by the constitutional principle of secularism and in compliance with the safeguard of human rights and of fundamental freedoms.

Complementary information: France is committed internationally to the freedom of religion and of belief, with the annual presentation of a resolution, along with its European partners, on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief to the UN General Assembly.

The French authorities also refer to the response to questions and recommendations of the UN Special Rapporteur on freedom of religion or belief:

To access the reports: [http://www.diplomatie.gouv.fr/fr/actions-france\\_830/droits-homme\\_1048/france-les-mecanismes-internationaux-protection-droits-homme\\_20083/index.html](http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html)

**RIGHTS OF PERSONS AND THE ISSUE OF MINORITIES**

RECOMMANDATIONS	RESPONSE OF FRANCE TO THE RECOMMENDATIONS (A/HRC/8/47/Add.1) 2008	PRESENT STATUS/ IMPLEMENTATION 2010
<p><b>33. 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</b></p>	<p>88. France is committed to continuing to develop and improve the protection of individuals belonging to minorities, in accordance with the Constitution.</p> <p>89. Comments: The French authorities also refer to the response to recommendations Nos. 3, 6, 11 and 29.</p>	<p>The French authorities also refer to the response made to recommendations Nos. 3, 6, 11 and 29.</p>
<p><b>29. To review its position on the recognition of the rights of minorities and 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</b></p>	<p>78. France does not plan to review its position on the legal status of minorities in France.</p> <p>79. Comments: Since the French Constitution (in article 1) provides that "France shall be an indivisible, secular, democratic and social republic. It shall ensure the equality of all citizens before the law, without distinctions on grounds of origin, race or religion", and that the language of the Republic is French, French law cannot grant additional rights to groups that it does not recognize as having particular status. France has always held that members of minorities should enjoy all human rights fully but that collective rights should not be granted to particular groups or communities identified on the basis of ethnic, cultural or religious criteria, particularly in view of the difficulty of defining such communities. Policies to combat poverty, exclusion and discrimination aimed at vulnerable populations are based on criteria other than ethnic, religious or racial criteria.</p>	<p>Based on observations already made in 2008, France does not plan to review its position on the legal status of minorities in France.</p> <p>With regard to statistics, open discussion is ongoing on the measurement of diversity, inequalities and discrimination linked to origin, without going so far as to make an ethnical interpretation of society. A committee to measure diversity and assess discrimination (COMEDD) was created in 2009. The implementation of proposals from the committee's report, submitted in February 2010, is currently being examined. These proposals aim above all:</p> <ul style="list-style-type: none"> <li>- to mobilise public statistics bodies in order to respond to the need for information on discrimination.</li> <li>- to exhaustively assess practices with regard to diversity within companies.</li> <li>- to implement secured frameworks for the collection and processing of data.</li> <li>- to create a national observatory on discrimination that could be based on the methods identified and the tools listed (this function would be entrusted to HALDE).</li> </ul> <p>Concerning the specific issue of the status of regional languages, following the adoption of Constitutional Law no. 2008-724 of 23 July 2008, on the modernisation of the institutions of the Fifth Republic, the following article was introduced into the Constitution: "Art. 75-1 – Regional languages are part of France's heritage." The constitutional principles of indivisibility of the Republic, of equality before the law and the unity of the French people as well as article 2 of the Constitution (which sets forth that "the language of the Republic shall be French") do not however allow the ratification of the European Charter for Regional or Minority Languages (cf. the preambles of decision No. 99-412 DC of the Constitutional Council of 15 June 1999).</p> <p>The French authorities also refer to the response made to recommendations. 3, 6 and 11.</p>

<b>HUMAN RIGHTS WITHIN THE FRAMEWORK OF THE FIGHT AGAINST TERRORISM</b>		
<b>RECOMMANDATIONS</b>	<b>RESPONSE OF FRANCE TO THE RECOMMENDATIONS (A/HRC/8/47/Add.1) 2008</b>	<b>PRESENT STATUS/ IMPLEMENTATION 2010</b>
<b>22- To respond to the communication by the Special Rapporteur on the protection of human rights while countering terrorism dated 26 April 2006</b>	60. The Government undertakes to respond swiftly to the Special Rapporteur's request for information. 61. <i>Comments:</i> The Special Rapporteur's request for information is being processed. A response is being prepared and will be transmitted in July 2008.	France has fully followed up on the Special Rapporteur's communication in June 2008 and to the questions relating to the following areas: anti-terrorist legislation; the interpretation of the offence of publicly defending the crimes of terrorism set out in article 24.6 of the law on freedom of the press; custody and temporary detention; the launching of the "special procedure" linked to terrorism offences; resorting to video surveillance and the possibilities of monitoring electronic exchanges and the automatised processing of data of a personal nature; the implementation of a system to indemnify personal injury suffered by victims of terrorist acts and of the guarantee fund for victims of terrorist acts and other offences.  To access the reports: <a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a>

<b>FRANCE'S ADDITIONAL PLEDGES AS PART OF THE UNIVERSAL PERIODIC REVIEW</b>	
<b>PLEDGES</b> (Working group report A/HRC/8/47 § 63) (National report A/HRC/WG.6/2/FRA/1 § 125)	<b>PRESENT STATUS/ IMPLEMENTATION 2010</b>
<b>INTERNATIONAL LEGAL INSTRUMENTS FOR HUMAN RIGHTS PROTECTION</b>	
<b>To submit to Parliament for ratification at the earliest opportunity the International 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, and to transpose in 2008 the provisions of the Rome Statute of the International Criminal Court;</b>	a) France signed the Convention on the Rights of Persons with Disabilities on 30 March 2007 and its Optional Protocol on 23 September 2008. After depositing the instruments of ratification with the UNSG on 18 February 2010, the Convention and its additional protocol entered into force on 20 March last. In addition, the Council of the European Union gave its agreement for the ratification of the Convention and its Protocol by the European Union, on the basis of a proposal by the Commission on 29 August 2009. The decision will be followed by the formal deposit of the instrument of confirmation at the UN at the end of the ratification procedure by all Member States.  b) In September 2008, France deposited its instruments of ratification relating to the Convention for the Protection of all Persons from Enforced Disappearance, in accordance with its commitments. (cf. response to recommendation no. 1)

	<p>c) France ratified the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 11 November 2008, in accordance with its commitments.</p>
<p><b>Apporter avant la fin de 2008 à la législation française les modifications requises pour satisfaire aux prescriptions du Statut de la Cour pénale internationale (Statut de Rome)</b></p>	<p>The Convention signed in Rome on 17 July 1998 adopting the Rome Statute of the ICC and ratified by France on 9 June 2000, obliges all States Parties to adapt their internal legislation in order to "fully cooperate" with the Court. Law no. 2002-268 of 26 February 2002 relating to cooperation with the Court allowed France to comply with this obligation of cooperation even before the entry into force of the Rome Statute on 1 July 2002.</p> <p>The bill adapting criminal law to the institution of the International Criminal Court was adopted at the first review at the Senate on 10 June 2008, was examined by the Law Commission of the French National Assembly on 19 May 2010 and will be submitted for discussion by the Members of the National Assembly as soon as the parliamentary calendar allows for. It will constitute the second chapter of the adaptation of our law to the provisions of the Rome Statute.</p> <p>The text completes existing incriminations by sanctioning direct and public incitement to commit genocide, by introducing into the Criminal Code a new entry dedicated to war crimes and by specifying the definition of crimes against humanity. It also opens up the possibility of challenging the criminal responsibility of the military and civilian superior due to his or her passive complicity with regard to a crime against humanity or a war crime committed by a subordinate. Furthermore, the bill brings the limitation period from ten to thirty years for war crimes, while reserving non-applicability of Statutory Limitation uniquely to crimes against humanity. Lastly, the bill in its current state sets forth an almost exclusive clause of competence for French criminal courts to rule, under certain conditions, on crimes under the jurisdiction of the International Criminal Court that were committed by foreign nationals.</p>
<p><b>To examine the possibility of withdrawing or modifying the reservations entered by the Government regarding articles 14 (2) and 16 of the Convention on the Elimination of All Forms of Discrimination against Women;</b></p>	<p>In accordance with its commitments, with the recommendation made by the Committee on the Elimination of Discrimination Against Women, and following provisions made in order to contribute to improving the social protection of farmers' spouses, this reservation was withdrawn by the Ministry of Foreign Affairs who duly notified the UNSG by letter in June 2008. New interministerial consultations are planned in order to examine the possibility of withdrawing reserves relating to articles 14(2) paragraph (h) and 16(1) (transmission of the family name).</p>
<p><b>To examine the possibility of modifying the declarations made by the French Government on articles 13 and 14 (5) of the International Covenant on Civil and Political Rights;</b></p>	<p>The declaration made by the French government to article 14(5) of the International Covenant on Civil and Political Rights has been modified. The French authorities also refer to the response to recommendation No. 3 concerning all the reservations to the International Covenant on Civil and Political Rights.</p>
<p><b>To favour actively the rapid completion of negotiations on an optional protocol to the International Covenant on Economic, Social and Cultural Rights so that all the rights recognized by the Covenant may be included in individual communications;</b></p>	<p>France actively participated in the working group in charge of drafting the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and encouraged the closure of negotiations and the adoption of the Optional Protocol by consensus during the 63<sup>rd</sup> UN General Assembly on 10 December 2008 in New York. It was opened for signature on 24 September 2009.</p>

	<p>France was part of the “Group of Friends of the Optional Protocol,” which was established to support the work of the Portuguese chair of the working group. Since its creation, France has been committed to supporting the materialisation of a consensual text and supported Portugal's efforts in the different international bodies, particularly during the 63<sup>rd</sup> session of the UN General Assembly.</p> <p>France’s attachment to defending economic, social and cultural rights reflects our idea of the indivisibility of all human rights, as well as our wish for equitable and supervised globalisation. The exercise of economic, social and cultural rights by all citizens, calls on the implementation of effective mechanisms in which this protocol participates. Interministerial discussions have been launched with a view to France’s signature of the protocol in the near future.</p>
<b>VOLUNTARY COMMITMENTS</b>	
<p><b>To organise an annual meeting with civil society active in the field of human rights to consult on forthcoming international events.</b></p>	<p>Regular meetings are organised at the National Consultative Commission on Human Rights in order to prepare the main international deadlines and to ensure that they are met. These meetings involve the ministries concerned and especially the Ministry of Foreign Affairs on European, international and humanitarian issues. The Commission’s composition ensures mutual information exchange between the government and civil society in the area of human rights and guarantees the plurality of beliefs and opinions in this area.</p>
<p><b>To inform CNCDH, as often as possible in advance, of the preparation of draft laws where the Commission could usefully play its role of providing advice on all matters relating to its area of competence;</b></p>	<p>On the occasion of the renewal of CNCDH members in July 2009, the government gave its commitment that the CNCDH would be referred to more often for bills within its spheres of competence. This commitment remains on the agenda.</p> <p>In 2008 and 2009, a referral was made to CNCDH for its opinion on the prison bill and on the organic law relating to the human rights defender, the CNCDH having on its own initiative examined other bills concerning human rights.</p> <p>The opinions requested of or directly given by the Commission (Opinion for the 15<sup>th</sup> anniversary of the Beijing World Conference on Women, consultation on the draft National Action Plan for the implementation of the “Women, Peace and Security” resolutions at the UN Security Council) as well as regular dialogue with ministries, complete the consultative support of the CNCDH.</p>
<p><b>To engage the Commission (CNCDH) in the follow-up of recommendations by treaty bodies, in addition to its cooperation in the preparation of periodic national reports.</b></p>	<p>The CNCDH has the competence to publicly call the attention of the government and the parliament to measures that seem to it by nature propitious to the protection and promotion of human rights. It carries out its mission in an independent manner and in respect of the Paris Principles. In parallel to the direct exchanges that the CNCDH can have with different treaty committees, it is involved with the follow-up of recommendations as part of continuous dialogue with different administrations.</p> <p>Since 2008, it has been systematically consulted on national reports submitted to UN treaty bodies (Committee on the Rights of the Child, Committee on the Elimination of Racial Discrimination as well as on France's responses to the Human Rights Committee and the Committee Against Torture).</p> <p>It has also been directly involved in the preparation of the current report, whose numerous recommendations reiterate the observations of UN Treaty bodies that monitor implementation of the treaties or of special procedures (mandates from the Human Rights Council).</p>
<p><b>To consider without delay the possibility of establishing an</b></p>	<p>Following the universal periodic review of May 2008, a consultation process was put in place concerning the</p>

<p><b>interministerial mechanism to hold regular meetings on the preparation of reports on the human rights situation in France for submission to international bodies, and to examine, in conjunction with the Advisory Commission, modalities for follow-up on recommendations made by those bodies and by the competent national institutions, including the Commission;</b></p>	<p>possible creation of an interministerial mechanism. The option selected up until now has been differentiated steering for the preparation of reports in relation to their thematic approach and the growing involvement of the CNCDH in monitoring, on the basis of existing links (cf. response to commitment 3).</p> <p>Discussion on the opportunity for implementing such a mechanism will nevertheless continue. The National Consultative Commission on Human Rights is in favour of this discussion.</p>
<p><b>To publish regularly, on the site of the Ministry of Foreign and European Affairs, the concluding observations of the treaty bodies;</b></p>	<p>A web page is available on the website of the French Ministry of Foreign and European Affairs, which not only includes the final observations of UN Treatybodies, but also France's national reports and the questions and answers associated and a presentation of the different international and regional mechanisms. The documents relating to French dialogue with the regional mechanisms for the protection and promotion of human rights are also accessible (Commissioner for Human Rights of the Council of Europe and its Committee for the Prevention of Torture).</p> <p><b>Link:</b> <a href="http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html">http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/france-les-mecanismes-internationaux-protection-droits-homme_20083/index.html</a></p>
<p><b>To examine the feasibility of conducting a national consultative exercise on a national plan of action to follow up on the Vienna Conference on Human Rights and the Durban Conference on Racism;</b></p>	<p>Concerning the implementation of the Vienna Declaration and Programme of Action, France is continuing discussions on the formalisation of a global strategy. The focus points of its international policy on the protection and promotion of human rights are already linked to EU thematic guidelines, which France actively contributes to as regards drafting, implementation and updating.</p> <p>The drafting of a human rights strategy in the diplomatic field is ongoing. This will be made public very soon. It aims to create a more understandable and effective framework to the external action of France in the field of human rights. According to the terms of the French Minister for Foreign and European Affairs, Bernard Kouchner, it will concern specifying "the principles and priorities consistent with the European and international commitments of our country," in a document that is "accessible to as wide a public as possible" and intended to serve as a "reference for French diplomatic posts and services."</p> <p>A lot of measures have been adopted since the Durban Declaration and Programme of Action without actually having been formalised within the framework of a "national action plan." Since January 2010 a prefect has been coordinating the fight against racism and anti-Semitism. He will become the permanent and privileged discussion partner for the different representative bodies concerned. His responsibilities are to make proposals in liaison with the competent authorities, in relation with the representatives of communities facing these acts and with associations, in order to improve statistical knowledge and to take new measures to prevent and suppress racist and anti-Semitic violence. The intensified struggle against racism is also supported by the Interministerial Committee to Fight Racism and Anti-Semitism (CILRA), which meets regularly in order to ensure that its actions are consistent.</p> <p>The French authorities also refer to the response to recommendations Nos. 6, 7, 8, 10 and 11.</p>



**To strengthen the ongoing dialogue between the Ministry of Foreign and European Affairs, the Ministry of the Interior, the Overseas Territories and Territorial Units and the Ministry of Immigration, Integration, National Identity and Co-Development, on the consideration, on a case-by-case basis, of returns of persons to their country which could place those persons “at risk”, in conformity with France’s obligations in this regard, in particular in the framework of requests for interim measures from the treaty bodies;**

Interministerial dialogue works in a flexible and ad hoc manner and aims for effective prevention of all violations of the principle of non-return. Recently, several foreigners condemned for participating in drug trafficking and having served their prison sentence, were to be sent back to their country of origin. Their conviction was in fact coupled with an *interdiction du territoire français* (a deportation order taken by a judge against foreign convicts released from prison to immigration detention) for a period of 10 years. As part of the aforementioned interministerial dialogue, the Ministry of the Interior was informed by the Ministry of Foreign Affairs that the facts for which these persons had been condemned would have led to capital punishment, as a compulsory sentence, if they had been prosecuted in their country of origin. Consequently, in the absence of clear indications concerning the risks incurred by these persons if they returned to their country of origin, the French authorities decided to suspend the enforcement of expulsion measures.

The French authorities also refer to the response to recommendations Nos. 15 and 16.