

**General Assembly**Distr.: General
8 November 2012

Original: French/English

Human Rights Council
Working Group on the Universal Periodic Review
Fifteenth session
Geneva, 21 January–1 February 2013**Summary prepared by the Office of the High Commissioner
for Human Rights in accordance with paragraph 5 of the
annex to Human Rights Council resolution 16/21****France***

The present report is a summary of 29 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

1. The National Consultative Committee on Human Rights (CNCDH) indicated that France was undergoing a serious economic crisis that was leading to high unemployment and increases in poverty and social exclusion. Some of the fundamental rights of a growing number of the more vulnerable members of society were thus being compromised. Maintaining the system of social protection in order to uphold the fundamental rights of all persons was therefore a priority.²

2. CNCDH recommended that the following instruments be signed and ratified as soon as possible: the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, which establishes a general prohibition on discrimination; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the third Optional Protocol to the Convention on the Rights of the Child; the International Labour Organization (ILO) Migrant Workers (Supplementary Provisions) Convention (No. 143); and the ILO Indigenous and Tribal Peoples Convention (No. 169).³

3. CNCDH recalled that the system for the protection of human rights had changed radically since 2008. The priority mechanism for filing an application for a preliminary ruling on constitutionality could be used by any party to legal proceedings who wished to challenge the constitutionality of a law *a posteriori*. The Defender of Rights had subsumed a number of different independent human rights authorities, and the Office of the Inspector-General for Prisons (the national mechanism for the prevention of torture) had been established.⁴

B. Implementation of international human rights obligations

4. Since 2008, CNCDH had noted an increase in racist acts directed, in particular, at persons of Northwest African origin and Muslims. CNCDH emphasized that the increasing use of stigmatization and xenophobic language in public discourse by politicians and persons appearing in the media was a disturbing trend. Allegations of discriminatory behaviour on the part of law enforcement officials also continued to be made. CNCDH recognized that the adoption of a national action plan to combat racism and anti-Semitism during the period 2012–2014 and the designation of an interministerial delegate attested to the effort being made by the Government to develop a more coherent approach to the issue.⁵

5. In view of the increase in the prison population, CNCDH recommended that greater use be made of non-custodial measures and that sentencing policies be adjusted.⁶ CNCDH had called for a ban on full body searches in view of the persistence of systematically abusive practices despite the regulations concerning such searches that had been put in place.⁷

6. According to CNCDH, France was still one of the European countries with the largest number of prison deaths by suicide. In addition, an estimated 30 per cent of the

prison population suffered from mental disorders. CNCDH recommended that preventive measures be introduced and that inmates' access to health services be improved.⁸

7. Since the introduction of major reforms in 2011 in France, judicial review of involuntary hospitalization was mandatory within the first 15 days of a person's confinement in a psychiatric facility. Nonetheless, a number of practical issues had arisen in relation to the implementation of this oversight measure, and its effectiveness had proven to be limited, according to CNCDH.⁹

8. France had not acted upon the recommendation, made during the previous universal periodic review cycle, that it revise the 2004 law prohibiting people from wearing religious symbols in public schools. CNCDH was of the view that this law was a legitimate expression of the principle of secularism and was not discriminatory. CNCDH had, however, expressed a series of reservations about the law prohibiting persons from concealing their face in public on the grounds that the principle of secularism was not a justification for that measure.¹⁰

9. According to CNCDH, Roma migrants had repeatedly been the victims of evictions from their camps and wholesale expulsions that had very harmful repercussions on some individuals' health and made it impossible for their children to stay in school. CNCDH had recommended that the eviction of these people from their settlements should be stopped unless such action were accompanied by alternative solutions and dignified, permanent resettlement arrangements. CNCDH also contended that Roma migrants had been the target of stigmatization, and it had called for the expression of genuine and firm political resolve to combat the use of stereotypes and discrimination.¹¹

10. CNCDH noted that French Travellers were also being discriminated against as a result, in particular, of legislation that needed to be changed. CNCDH had recommended a number of measures, including the discontinuation of the use of travel permits.¹²

11. CNCDH observed that, for a number of years now, there had been a blurring of the boundaries between migration policy and the right to asylum. According to CNCDH, some of the procedures used in respect of asylum seekers could lead to a violation of the principle of non-refoulement. The priority procedure could have the effect of depriving persons claiming that right of an effective remedy and of leading to their return before the consideration of their application had been completed. CNCDH recommended that all asylum seekers be given effective access to a judge who was authorized to hear asylum cases and that steps be taken to ensure that no decision to expel an asylum seeker was carried out before such judges had issued their rulings.¹³

12. With regard to the rights of non-nationals of France, CNCDH noted that the policy under which those of them who were in an irregular situation were placed in detention continued to be applied on what was nearly a systematic basis. CNCDH was of the view that the confinement of non-nationals must not become a routine tool of migration policy and had recommended that such persons be placed in detention only as a last resort.¹⁴

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

13. The University of Oklahoma College of Law, International Human Rights Clinic (OU-IHRC)¹⁵ and the International Center for Advocates against Discrimination (ICAAD)¹⁶

recommended that France withdraw its reservations to Article 27 of the ICCPR. ICAAD also recommended that it withdraw its reservations to Article 4 of ICERD.¹⁷

14. Defence for Children International (DCI) recommended that France sign and ratify the third Optional Protocol to the Convention on the Rights of the Child.¹⁸

15. INDIGENOUS,¹⁹ the Society for Threatened Peoples (STP)²⁰ and OU-IHRC²¹ recommended that France ratify the ILO Convention 169.

16. OU-IHRC recommended that France take steps to ratify the European Charter for Regional and Minority Languages.²²

17. ATD Quart Monde (ATD) recommended that France ratify Protocol No. 12 to the European Convention on Human Rights.²³

2. Constitutional and legislative framework

18. The European Bureau for Lesser-Used Languages (EBLUL) regretted the fact that the 2008 constitutional amendment recognizing regional languages as part of the heritage of France had not resulted in the establishment of a right.²⁴

3. Institutional and human rights infrastructure and policy measures

19. With reference to the new institution represented by the Defender of Rights, the Human Rights League (LDH) expressed concern about the weakening of a number of different independent authorities through their amalgamation into a single entity.²⁵ DCI recommended that France elect the Defender of Rights by a three-fifths majority of the two houses of parliament (or of the legal committees of the two).²⁶

20. Joint Submission 1 (JS1) applauded the establishment of the Office of the Controller-General of Places of Deprivation of Liberty as the national mechanism for the prevention of torture, noting that this authority had access to all places of confinement.²⁷

21. ATD emphasized that, with respect to the effort to combat the phenomenon of exclusion, the State had transferred important areas of work to the departments without providing them with sufficient resources to perform those tasks, which had resulted in inequalities in terms of the treatment that people received.²⁸

22. DCI said that protection of the rights of foreign children and children in conflict with the law had clearly suffered a setback as a consequence of increasingly rigorous migration policies and policies applying to criminal offenders.²⁹

23. LDH recalled that, over the past few years, French society had become obsessed with security and with societal controls. Some 32 laws to tighten security had been passed between 2002 and 2012. Crime prevention was gradually being eclipsed by a growing emphasis on punishment.³⁰

B. Cooperation with human rights mechanisms

24. LDH noted that the authorities had taken very little notice of the observations and recommendations made by United Nations treaty bodies.³¹ DCI reiterated its recommendation that independent human rights organizations, relevant NGOs and decentralized public authorities be involved in monitoring the fulfilment of international human rights commitments assumed by the State party.³²

C. Implementation of international human rights obligations

1. Equality and non-discrimination

25. The European Commission against Racism and Intolerance (COE-ECRI) considered that discrimination on the grounds of “race”, colour, language, religion, nationality or national or ethnic origin persisted in access to employment, education, housing, and goods and services. It noted that children from immigrant backgrounds were disproportionately represented in certain schools which was apparently linked to the formation of ghetto housing estates and also to the allegedly poorer school performance of immigrant children or children from immigrant backgrounds.³³

26. The Islamic Human Rights Commission (IHRC) was alarmed about the increasing hate crimes against Muslims and Muslim communities which took various forms like profanation of cemeteries and mosques, physical attacks, insults, provocations and burning or profanation of the Koran.³⁴ According to the IHRC findings, 48.9 percent of individuals between the ages of 19 and 29 had experienced hate crimes and acts.³⁵ One example of the rising Islamophobia and hate policy was the introduction of the burqa ban since 2011. Muslim women were frequently facing discrimination if they decided to stick to their religious values.³⁶ IHRC recommended that Government to lift the ban on the hijab/niqab and respect Muslim women’s right to express their beliefs.³⁷ For the Organization for Defending Victims of Violence (ODVV) the danger of Islamism was campaigned by the media, Islamic publications were banned, and Muslims were all portrayed as extremists.³⁸

27. ODVV considered that the mistreatment of French citizens of African or Middle Eastern origin was one of the biggest problems of France, noting that even educated individuals with university qualifications could not find work because of their name, religion or origin.³⁹

28. ATD observed that some sectors of the population, particularly those who are unable to exercise their economic, social and cultural rights, are subject to increasing stigmatization.⁴⁰ According to ATD, community workers report that, throughout France, persons living in extreme poverty are humiliated and fearful.⁴¹

29. The IDAHO Committee (C-IDAHO) emphasized the Government’s commitment to the achievement of equality of rights for LGBT persons through, among other things, the legalization of same-sex marriage and filiation rights.⁴² Many issues remained to be addressed, however, such as those relating to transgender persons and repeated cases of suicide by young homosexuals and of unsolved homophobic and transphobic murders.⁴³

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

30. In April 2012, the Council of Europe’s Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) published a report on its 2010 visit to France. It noted that legal reforms had been adopted in several fields of interest to CPT (e.g. police custody, prison matters and psychiatric care). But that some of the CPT concerns had only been partly met.⁴⁴

31. During its visit, the CPT heard some allegations of excessive use of force by police officers at the time of apprehension. The Committee recommended that a message of “zero tolerance of ill-treatment” be delivered regularly to officers of the National Police Service and that legal safeguards against ill-treatment be further reinforced. CPT also made a number of recommendations to improve conditions of detention.⁴⁵

32. Human Rights Watch (HRW) informed that, despite France’s commitment during its first UPR to prevent racist acts by law enforcement agents, repetitive and abusive identity checks targeting minority young adults and children continued to raise concerns about the

use of ethnic profiling.⁴⁶ At the same time, HRW welcomed recent indications from the Government that it would examine the possibility of introducing a requirement that all individuals subjected to an identity check receive a written record of the procedure.⁴⁷

33. International Prison Watch (IPW) stated that the policy on crime introduced in 2008 continued to boost the rate of incarcerations. The period from 2005 to 2011 was marked by systematically more severe penalties for repeat offenders, increasing numbers of criminal proceedings and greater recourse to custodial sentences.⁴⁸ According to IPW, although prison capacity had been expanded, overcrowding had not eased to any significant degree.⁴⁹ JS1 stated that, as of 1 June 2012, there were 12,530 more prisoners than the country's prison facilities had capacity for.⁵⁰ IPW asserted that conditions remained inhumane in many prisons.⁵¹

34. According to the Inspector-General for Prisons (CGLPL), the situation in the country's prison facilities had taken a turn for the worse in terms of the observance of prisoners' fundamental rights. This was the result of the "industrialization" and massive expansion of the prison system.⁵² According to CGLPL, the use of force on the part of prison staff and others was becoming commonplace, and staff/prisoner relations were therefore being profoundly altered.⁵³ IPW had called for a moratorium on prison construction and suggested that construction projects currently under way should be limited to a holding capacity of 200 prisoners.⁵⁴

35. IPW noted that prison administrators in many facilities were reluctant to discontinue the systematic use of full body strip searches, even though there was a law in place that restricted this practice.⁵⁵ IPW had recommended that the most degrading practices, such as strip searches, be discontinued.⁵⁶

36. Prisoners' access to health care and especially to appointments with specialists was limited, according to IPW.⁵⁷ In the case of mental health problems, trends in the field of psychiatry and in the criminal justice system had led to a tendency for more and more of the most marginalized persons suffering from severe psychiatric disorders to be moved out of hospitals and into prisons.⁵⁸

37. The Kanak People's Congress (CPCCK)⁵⁹ and CGLPL⁶⁰ denounced the deplorable conditions in Nouméa Prison, in New Caledonia, which they characterized as constituting a grave violation of fundamental human rights. Prisoners were squeezed together in cells in unhealthy conditions, with the rate of overcrowding nearing 200 per cent in the detention centre and standing at 300 per cent in the short-stay prison.⁶¹

38. DCI stated that a strict policy of systematically locking up minors who has committed unlawful acts has been applied in 2008–2012. With regard to conditions in closed educational facilities and in juvenile detention centres, DCI recommended that the State should increase its compliance with article 37 of the Convention on the Rights of the Child, which stated that deprivation of liberty should be used only as a measure of last resort. In order for it to do so, it would have to modify a number of recently introduced provisions, such as those establishing minimum sentences for juvenile repeat offenders.⁶²

39. Joint Submission 2 (JS2) stated that institutionalized persons aged 60 or over were subject to various forms of ill-treatment and that, in the worst cases, such treatment had led to their death or suicide.⁶³ JS2 recommended that complaints boards be established as a means of detecting institutional failings.⁶⁴

40. JS2 asserted that the French legal framework for combating trafficking appeared to focus on punitive measures while making scant provision for the protection of victims' rights.⁶⁵ Anti-trafficking laws were rarely invoked by judges.⁶⁶

41. End Child Prostitution in Asian Tourism (ECPAT-France) felt that France had a satisfactory legal framework for combating sexual exploitation for commercial purposes

but noted that it did not have a national action plan to combat this form of exploitation.⁶⁷ ECPAT saw a need for a centralized database on sexual exploitation for commercial purposes and for greater capacity for processing and disseminating this information in order to provide a more accurate picture of the situation in that respect.⁶⁸

42. ECPAT underscored the fact that there was no specific, dedicated mechanism for minors who were involved in prostitution. Under existing laws, such minors were classified as being endangered and were placed under the care of the child social services agency, which was ill-suited to handle this type of situation. ECPAT recommended that facilities be established for the provision of systematic assistance and protection to all minors who had been involved in prostitution.⁶⁹

43. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) reminded that no recommendations were made concerning the corporal punishment of children during the first review of France.⁷⁰ At that time, while corporal punishment was prohibited in the penal system, it remained lawful in the home, schools and care settings. That situation had not changed.⁷¹ In 2010, a bill intended to prohibit all corporal punishment in childrearing (Bill No. 1971) was filed in the National Assembly, but appeared to have made no progress.⁷²

3. Administration of justice, including impunity and the rule of law

44. LDH noted that, thanks to the reform of the law on police custody (Act No. 2011-392), a person who had been arrested had the right to remain silent and to be assisted by a lawyer from the time of his or her arrest onward.⁷³ The amended law did not, however, provide for certain fundamental safeguards, such as the issuance of a written custodial order by a judicial authority or the requirement that the person's lawyer be given access to the case file.⁷⁴

45. JS1 expressed regret that the 2010 law that had brought the relevant criminal laws into alignment with the functions of the International Criminal Court had, in effect, placed the principle of extraterritorial jurisdiction in abeyance. As matters stood, French courts could not prosecute persons suspected of a crime if they were on French soil even though the crime in question had been committed outside of French territory by an alien against an alien.⁷⁵

4. Right to privacy

46. LDH expressed concern at the introduction of more and more new types of societal controls and surveillance mechanisms over the past 10 years. It recalled that, as of June 2012, according to the National Commission for Information Technology and Civil Liberties (CNIL), 935,000 cameras were in operation in France.⁷⁶ The number of police files had been steadily on the rise as well.⁷⁷ LDH noted that files were also kept on persons by the French educational system and social welfare agencies. In addition, files were kept on foreign nationals and on persons under the guardianship of the courts.⁷⁸

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

47. HRW and ICAAD recalled that France rejected recommendations during the previous UPR to repeal the 2004 ban on students wearing ostentatious religious symbols in public schools. They reiterated their objections to Law No. 2004-22, deeming it a violation to freedom of religion.⁷⁹ ICAAD considered the disproportionate impact of the law on Muslim, Sikh and Jewish communities.⁸⁰ HRW noted that since 2008 France moved to impose further restrictions on religious expression and mentioned the enactment, in 2011,

of a law prohibiting the concealment of one's face in public as an example.⁸¹ COE-ECRI made similar comments.⁸²

48. ICAAD recommended France to repeal Law No. 2004-22⁸³ and to set up an Independent Commission to Monitor the Impact the Law had on Muslim, Sikh, and Jewish Children. ICAAD also considered that an analysis of data on minorities would allow France to tailor its laws and policies to empower its citizens rather than discriminating against them. ICAAD stressed that the key to a pluralistic society was to recognize that a one size fits all approach stood in contrast to valuing diversity.⁸⁴ HRW recommended that France repeal or amend the law instituting the ban on full-face concealment in public spaces.⁸⁵

49. The European Office for Human Rights of the Church of Scientology (EOHRCS),⁸⁶ *la Coordination des associations et des particuliers pour la liberté de conscience* (CAP),⁸⁷ and the Centre of Information and Counseling on New Spiritualities (CICNS)⁸⁸ noted with concern a continued repressive policy towards minorities of religion or belief and new religious movements, despite recommendations made to France during its first UPR. These organizations decried the role played by the Inter-ministerial Mission of Vigilance and Fight against Sectarian Drifts (MIVILUDES). CICNS considered that MIVILUDES and public authorities continued to use the notion of 'sectarian abuse' based on a hazy and ambiguous list of behaviours, allowing them to place an arbitrary 'sectarian' label on any spiritual, educational or therapeutic minority.⁸⁹

50. CICNS recommended that France put an end to the propaganda ostracizing spiritual, educational or therapeutic minorities;⁹⁰ to handle possible abuse in those minorities on the basis of concrete elements and established facts punishable under criminal law;⁹¹ and to create an independent and competent observatory of these minorities.⁹²

51. Le Conseil représentatif des Associations Noires (CRAN) took note of the significant number of members of visible minorities in the new Government but regretted the fact that the majority of them were in the House of Deputies or were serving as elected municipal officials.⁹³ ODVV stressed that although Muslims made up 10 per cent of the population, they were not represented in Parliament or the main power echelons.⁹⁴

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

52. CGLPL⁹⁵ and IPW⁹⁶ were concerned about the substandard working conditions in prisons. CGLPL stated that prison work was carried out under conditions of the sort seen in the nineteenth century. Minimum wage rules did not apply to prisoners, whose monthly pay in 2010 had not averaged more than 318 euros per month.⁹⁷ CGLPL noted that work performed by prisoners in their cells had the effect of extending the amount of time spent working under intolerable conditions. This had led the administration to announce its intention to put an end to this type of work programme. However, such work might be the only way that persons in vulnerable positions could earn a wage.⁹⁸

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

53. ATD recalled that France was experiencing a serious economic and social crisis and that poverty and social exclusion were on the rise. Because of security concerns, both so-called "security" laws and the discourse of some of the State's most senior officials targeted underprivileged young people, persons with mental disabilities, foreigners in economic straits and the poorest sectors of society, who were viewed as undesirables who should be controlled rather than aided.⁹⁹

54. DCI noted that, in practice, there had been a number of cases in which persons had been refused access to health care or had not been allowed to enrol in school; many of these cases involved Roma or the children of migrant workers who were being housed in emergency shelters.¹⁰⁰

55. The Defender of Rights (DD) stated that, in the midst of a housing shortage and an economic crisis, even though a sophisticated legal framework was in place, certain types of persons were increasingly becoming the target of illegal acts. These persons' difficulties in obtaining housing were exacerbated by the fact that they were targets of discrimination.¹⁰¹

8. Rights to health

56. CGLPL said that the law of 5 July 2011 on the rights, protection and care of persons undergoing psychiatric treatment was a step in the right direction. However, there was a tendency to turn psychiatric hospitals into closed facilities through the application of security measures that resulted in there being little or no distinction made between persons who were deprived of their liberty through forced hospitalization and persons who had chosen to be hospitalized of their own accord.¹⁰²

9. Cultural rights

57. EBLUL¹⁰³ and STP¹⁰⁴ regretted the absence of a legal framework to protect regional languages. Despite the fact that the Ministry of Culture recognized 14 minority languages in metropolitan France and 47 languages in the French overseas territories, the situation of many regional languages remained precarious. Education, the law and public administration were all conducted in French. Minority languages were taught in school as an optional subject.

58. According to EBLUL, the French concept of the equality of citizens' rights and the associated principles of non-discrimination and of the unity and indivisibility of the nation were used as a means of legitimizing cultural, territorial and social discrimination and denying the right of communities other than the monolingual French-speaking community to exist. As a result of that conceptual construct, minority groups that could be classified as minority or indigenous peoples were unable to exercise their cultural and linguistic rights.¹⁰⁵

59. EBLUL recommended that CNCDH should include representatives of minority groups and, in particular, representatives who were working to defend the cultural rights of groups that were not recognized as constituting minorities.¹⁰⁶

60. In the view of EBLUL, regional content and languages were largely absent from the media. There were no regional television stations, and France3, the "regional network" was a Parisian-based station that occasionally aired some regional segments.¹⁰⁷

10. Minorities and indigenous peoples

61. The European Roma Rights Centre (ERRC),¹⁰⁸ HRW,¹⁰⁹ LDH¹¹⁰ and ODVV¹¹¹ expressed concern about mass evictions and expulsions of Eastern European Roma. JS2 emphasized that Travellers were also discriminated against, excluded from society and negatively portrayed in political discourse.¹¹²

62. ERRC noted that many Roma lived in substandard conditions and experienced multiple forced evictions, which left them in increasingly marginalised, poor and unstable conditions.¹¹³ ERRC stressed that most forced evictions were marked by the same human rights violations, notably the failure to provide evictees with adequate or any alternative accommodation. As a result, many Roma had become scattered around cities, becoming increasingly vulnerable to violent attacks and police harassment.¹¹⁴ ERRC also disagreed with the French interpretation and implementation of EU Directive 2004/38/EC on free movement that gave rise to discrimination against certain categories of EU citizens such as Roma.¹¹⁵

63. ERRC recommended that France refrain from carrying out forced evictions in the absence of legal safeguards, including adequate alternative housing; ensure that no Romani individual is made homeless in the process of evictions; develop sustainable, adequate integrated housing solutions for all Roma; refrain from collectively expelling Romani EU citizens from France; and redirect funding earmarked for expulsions and returns to the implementation of long term inclusion policies.¹¹⁶

64. INDIGENOUS considered that States could ask France during its second UPR about the timeline which was set for the implementation of the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples.¹¹⁷ INDIGENOUS recommended that France to formulate a national action plan for the implementation of the Declaration in Kanaky and Tahiti.¹¹⁸

11. Migrants, refugees and asylum seekers

65. JS1 stated that, since 2008, the authorities had frequently portrayed asylum seekers as persons who were a burden on the country and were abusing the right to international protection. This type of message was undermining the exercise of the right of asylum.¹¹⁹

66. JS1 stated that the so-called “priority procedure” was being abused.¹²⁰ Under that procedure, if an application for asylum was denied, an appeal against that decision at second instance did not have a suspensive effect.¹²¹ HRW recommended the reform of the asylum procedure to institute a suspensive appeal for all asylum seekers, including those under the priority procedure.¹²²

67. JS1 asserted that, under the country’s immigration policy, the confinement of foreigners who were in an irregular situation had become a widespread practice in the management of migrant inflows. JS1 considered that the “industrialization” of custodial centres for foreigners was turning them into facilities that were becoming more and more like prisons.¹²³

68. JS1 added that, each year, hundreds of migrant children showed up alone at the French border. Rather than protecting them, which would be in the best interests of these children, the authorities left them in holding areas, according to JS1.¹²⁴

69. The Primo Levi Association (APL) recalled that more than 60,000 victims of persecution arrived in France each year seeking asylum. According to APL, most of these people had suffered multiple traumas as a result of the violence taking place in their countries.¹²⁵ Given the extraordinary levels of violence to which these people had been subject, special procedures for providing them with the care they needed should be designed. That had not been done, however.¹²⁶ APL recommended that special mental health programmes should be developed for this vulnerable group of people.¹²⁷

70. On 21 September 2010, the Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) published a letter on the rights of migrants addressed to the Minister for Immigration, in which he called on the authorities to comply fully with European standards. The CoE-Commissioner noted a need for reform for the reception of migrants and asylum-seekers, and regarding detention and returns.¹²⁸

12. Human rights and counter-terrorism

71. HRW had continuing concerns that France’s laws and procedures in terrorism investigations violated fair trial standards. It noted the broad powers specialized investigating magistrates to detain suspects for up to six days and charge them with an ill-defined offense of criminal association to commit a terrorist act. The use of evidence obtained from third countries where torture and ill-treatment were routine raised particular concerns. France’s criminal procedure reform of 2011 restrained the access to a lawyer for

high-security suspects, including alleged terrorists, in exceptional cases.¹²⁹ HRW recommended further reforms to the Code of Criminal Procedure to ensure that all suspects in police custody, regardless of the nature of the suspected crime, have access to a lawyer from the outset of detention.¹³⁰

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

72. INDIGENOUS considered that the United Nations Declaration on the Rights of indigenous peoples should lead the interpretation and application of the Nouméa Agreement of 1998, as well as the elaboration of all laws and policies affecting Kanaks.¹³¹

73. OCEANIA highlighted the impact of land rights on the right to health and the environment in Kanaky (New Caledonia). It referred specifically to the pollution from the Goro Nickel mining project. OCEANIA recommended that France ensure respect for the rule of law and the implementation of specific articles of the Declaration on the Rights of Indigenous Peoples dealing with land rights in Kanaky.¹³²

74. STP recalled that 17 years after the last French nuclear test was held in the Pacific, Maohi islanders were still living with the legacy of hundreds of nuclear tests. The access of Maohi victims to compensation should be facilitated.¹³³

75. DCI was concerned by the destruction of the traditional habitat and livelihood of the indigenous peoples of French Guyana caused by the illegal intrusion of gold diggers from neighboring countries as well as mining projects.¹³⁴

76. OU-IHRC recommended that France include Amerindian representatives in the identification of effective activities to curb illegal gold mining in French Guyana; work with Amerindians to identify culturally appropriate food alternatives for populations whose food source and freshwater systems had been contaminated; and solicit the cooperation of neighboring countries of French Guyana to address the transnational dimension of illegal gold mining operations.¹³⁵

77. OU-IHRC noted that the loss of traditional native languages was a significant concern for many Amerindians in French Guyana.¹³⁶ OU-IHRC recommended appropriate measures to encourage the use of native languages, in consultation with leaders of Amerindian communities;¹³⁷ and to offer instruction in Amerindian languages in French public schools with significant Amerindian populations.¹³⁸

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society:

APL	Association Primo Levi, Paris France;
ATD	ATD Quart Monde, Méry-sur-Oise, France;
CAP	Coordination des Associations et des Particuliers pour la Liberté de Conscience, Nantes, France;
CGLPL	Contrôleur général des lieux de privation de liberté, Paris, France;
CICNS	Centre of Information and Counseling on New Spiritualities, Montpezat-de-Quercy, France;
C-IDAHO	Comité IDAHO (International Day Against Homophobia and Transphobia), Paris, France;
CPCK	Congrès populaire coutumier Kanak, Nouvelle Calédonie, France;
CRAN	Conseil Représentatif des Associations Noires, Paris, France;
DD	Défenseur des droits, Paris, France;

DEI	Défense des enfants internationale, Saint-Denis, France;
EBLUL	Bureau européen pour les langues moins répandues, Karaez, France;
ECPAT	ECPAT-France: Protection de l'enfance contre l'exploitation sexuelle à des fins commerciales, Le Bourget, France;
EOHRCS	European Office for Human Rights of the Church of Scientology, Brussels, Belgium;
ERRC	European Roma Rights Centre, Budapest, Hungary;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom
HRW	Human Rights Watch, New York, USAM;
ICAAD	International Center for Advocates Against Discrimination, New York, USA;
IHRC	Islamic Human Rights Commission, London, United Kingdom;
INDIGENOUS	International Network for Diplomacy Indigenous Governance Engaging in Nonviolence Organizing for Understanding & Self-Determination;
JS1	Joint Submission N° 1-Fédération internationale de l'action des chrétiens pour l'abolition de la Torture (FIACAT) et Action des chrétiens pour l'abolition de la torture-France (ACAT France), Paris, France;
JS2	Joint Submission N° 2 - Franciscans International (FI), Mouvement International d'Apostolat des Milieux Sociaux Indépendants (MIAMSI) and Destination Justice (DJ), Geneva, Switzerland;
LDH	Ligue des Droits de l'Homme (LDH), Fédération Internationale des Droits de l'Homme (FIDH), Paris, France;
OCEANIA	Oceania Human Rights, Hawaii, USA;
ODVV	Organization for Defending Victims of Violence, Tehran, Iran;
OIP	Observatoire international des prisons – section française, Paris, France;
STP	Society for Threatened Peoples, Göttingen, Germany;
OU-IHRC	University of Oklahoma College of Law, International Human Rights Clinic, Oklahoma, USA.

National Human Rights Institution:

CNCDH Commission nationale consultative des droits de l'homme,* Paris, France.

Regional intergovernmental organization:

CoE Council of Europe (Strasbourg, France):
Attachment:
CoE-CPT Report to the French Government on the visit to France carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment (CPT) from 28 November to 10 December 2010;
CoE-ECRI European Commission against Racism and Intolerance (ECRI), fourth report on France, 15 June 2010;
CoE-Commissioner Commissioner for Human Rights of the Council of Europe, Letter to the French Minister for Immigration, Integration, National Identity and Development Solidarity, 21 September 2010.

- ² CNCDH, para. 1.
- ³ CNCDH, para. 8.
- ⁴ CNCDH, paras. 4–7.
- ⁵ CNCDH, paras. 27–30.
- ⁶ CNCDH, para. 16.
- ⁷ CNCDH, para. 18.
- ⁸ CNCDH, para. 19.
- ⁹ CNCDH, paras. 20–22.
- ¹⁰ CNCDH, para. 32.
- ¹¹ CNCDH, paras. 34–35.
- ¹² CNCDH, para. 36.
- ¹³ CNCDH, para. 24.
- ¹⁴ CNCDH, para. 26.
- ¹⁵ OU-IHRC, page 2.

- 16 ICAAD, para. 20.
17 ICAAD, para. 20.
18 DEI, page 5.
19 INDIGENOUS, page 2.
20 STP, para. 10.
21 OU-IHRC, page 4.
22 OU-IHRC, page 3.
23 ATD, para. 24.
24 EBLUL, page 5. See also STP, para. 2.
25 LDH, para. 35. See also DEI, pages 4 and 9.
26 DEI, page 5.
27 JS1, para. 36. See also CoE-CPT/Inf (2012) 13, para. 8.
28 ATD, para. 5.
29 DEI, page 5.
30 LDH, para. 3.
31 LDH, para. 6.
32 DEI, pages 5 and 6.
33 CoE, page 2. See also CoE-ECRI (2010) 16, page 8 and para. 56.
34 IHRC, pages 4–5.
35 IHRC, page 2. See also ODVV, para. 8 (b).
36 IHRC, pages 2–3.
37 IHRC, page 5.
38 ODVV, para. 12.
39 ODVV, paras. 9 (b) and (c).
40 ATD, para. 9.
41 ATD, para. 11.
42 C-IDAHO, page 2.
43 C-IDAHO, page 2.
44 CoE, page 1. See also CoE-CPT/Inf (2012) 13, para. 7.
45 CoE, page 1. See also CoE-CPT/Inf (2012) 13, para. 11.
46 HRW, page 1.
47 HRW, page 2. See also LDH, para. 19.
48 OIP, page 2.
49 OIP, page 2.
50 JS1, para. 41. See also CNCDH, para. 16.
51 OIP, pages 2–3. See also CNCDH, para. 17.
52 CGLPL, page 2. See also JS1, para. 46 and OIP, pages 2–3.
53 OIP, page 4.
54 OIP, page 6. See also CGLPL, page 2.
55 OIP, page 4. See also CGLPL, page 4.
56 OIP, page 6.
57 OIP, page 4.
58 OIP, pages 4–5. See also CoE, pages 1–2 and CoE-CPT/Inf (2012) 13, paras. 7, 122–123.
59 CPCK, page 3.
60 CGLPL, page 6.
61 See also INDIGENOUS, pages 2–3.
62 DEI, page 4. See also CGLPL, page 4.
63 JS2, para. 7.
64 JS2, para. 15.
65 JS2, para. 18.
66 JS2, para. 19. See also CNCDH, para. 12.
67 ECPAT, pages 1–2. See also CNCDH, para. 12.
68 ECPAT, pages 1–2, 3–4.
69 ECPAT, page 6.
70 GIEACPC, para. 1.1.
71 GIEACPC, para. 1.2.

- 72 GIEACPC, para. 2.1.
73 LDH, para. 20.
74 LDH, para. 21.
75 JS1, para. 55. See also CNCDH, para. 9.
76 LDH, para. 10.
77 LDH, para. 12.
78 LDH, para. 13.
79 HRW, page 2, ICAAD paras. 6–15.
80 ICAAD, para. 2.
81 HRW, page 2.
82 CoE, page 2. See also CRI (2010) 16, para. 89.
83 ICAAD, para. 20.
84 ICAAD, para. 20. See also CNCDH, para. 31 and CoE, page 2 and CRI (2010) 16, para. 90.
85 HRW, page 5.
86 EOHRCS, para. 2.
87 CAP, paras. 5–6.
88 CICNS, preamble.
89 CICNS, para. 2.
90 CICNS, para. 28.
91 CICNS, para. 29.
92 CICNS, para. 30.
93 CRAN, page 1.
94 **ODVV, para. 11.**
95 CGLPL, page 3.
96 OIP, page 5.
97 OIP, page 5.
98 CGLPL, page 3.
99 ATD, para. 1.
100 DEI, page 2.
101 DD, page 12. See also ATD para. 19.
102 CGLPL, page 6.
103 EBLUL, page 5.
104 STP, para. 1.
105 EBLUL, page 4.
106 EBLUL, page 8.
107 EBLUL, pages 6–7.
108 ERRC, pages 1–2.
109 HRW, page 5.
110 LDH, para. 28.
111 **ODVV, para. 17.**
112 JS2, para. 29.
113 ERRC, pages 1–2. See also CoE, page 2 and CRI (2010) 16, page 7.
114 ERRC, page 2.
115 ERRC, page 2. See also HRW, page 2.
116 ERRC, page 5.
117 INDIGENOUS, page 1.
118 INDIGENOUS, page 2.
119 **JS1, para. 2. See also ODDV, para. 18.**
120 JS1, para. 18.
121 JS1, paras. 21 and 27. See also HRW, pages 3–4.
122 HRW, page 5.
123 JS1, para. 39.
124 JS1, para. 28. See also DEI, page 5.
125 APL, page 2.
126 APL, page 2.
127 APL, page 4.

- ¹²⁸ CoE, pages 3–4. See also CommDH(2010)38.
¹²⁹ HRW, page 3.
¹³⁰ HRW, page 5.
¹³¹ INDIGENOUS, page 2.
¹³² OCEANIA, page 2.
¹³³ STP, para. 6. See also OCEANIA, page 2.
¹³⁴ STP, para. 7. See also OU-IHRC, pages 4 and 6.
¹³⁵ OU-IHRC, page 7. See also STP, para. 8 and INDIGENOUS, pages 3–4.
¹³⁶ OU-IHRC, page 3.
¹³⁷ OU-IHRC, page 3.
¹³⁸ OU-IHRC, page 3.
-