

Organization for Defending Victims of Violence (ODVV)

UPR Submission

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France



سازمان دفاع از قربانیان خشونت
Organization for Defending Victims
of Violence

www.odvv.org

About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labor (based in New Delhi). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.

3. ODVV is also a member of the International Organization against Small and Light Weapons, the UN Conference of Non-Governmental Organizations (CONGO), the International Movement for a Just World (JUST), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT).

4. During the last 2 decades, we have done so many activities, mainly informative with regard to human rights and support of the victims of violence. Various human rights education courses, workshops, seminars, conferences have been held or co-held by ODVV for various sectors of society: civil society institutions and governmental organizations.

5. Other Activities:

- Participation in UN Commission on Human Rights annual sessions, and the new Human Rights Council sessions in Geneva. Written and oral statements on various items of the agenda are issued by ODVV.
- Internship for foreign students
- Publication of different books and booklets on human rights such as Rights of the Child, Racism, Racial Discrimination and Xenophobia. Publication of Defenders Newsletter (English), human rights news and developments bulletin (Farsi), Rights of the Child bulletin (Farsi)
- Daily electronic human rights newsletter in English and Farsi.

6. As a NGO active in human rights, ODVV has collected documents and data, through published information in news websites, and is providing the following report on the human rights situation of France, with the aim of the improvement of the human rights situation.

1) Counter-terrorism

7. France is in breach of its human rights obligations while countering terrorism. According to Amnesty International following the truck attack on France's national holiday in Nice, the French Parliament declared a state of emergency. The state of emergency gave the Ministry of the Interior and police exceptional powers including the possibility to conduct house searches with no judicial authorization. The authorities conducted more than 4,000 house searches without judicial authorization and subjected more than 400 individuals to assigned residence orders. These actions have violated the right to freedom of movement, right to privacy and the security of citizens.

8. Also the parliament has passed a new bill which increases the executive and judicial authority of the government for fighting against terrorism. But ambiguous definitions such as the word 'terrorism' has resulted in the freedom of expression and information of citizens to possibly be prosecuted.¹

2) Refugees and Migrants

9. France has joined the UN Refugees Convention and the Convention on the Rights of the Child and is committed to implement them. On the contrary, in a measure on 24 October 2016, the French authorities evicted 6500 refugees and asylum-seekers from the camp known as the Jungle in Calais and relocated them in various camps across France.² The French government refuses to give these refugees suitable services, consulting them with the replacement places to settle, and presentation of information regarding their refugee status. Among these individuals there are 1600 unaccompanied minors, that there is serious concern about their conditions. UN Committee on the Rights of the Child raised concerns over these minors in Calais who were left without adequate shelter, food and medical services during the eviction operation.³

3) Discrimination

10. The principles of equality and non-discrimination are principal grounds of a democratic government which France seems to violate them. The French government has forcibly evicted approximately 4600 of Roma people without providing them with consultation and guidance for replacement housing.⁴ And this act, has left destructive effects on the health situation of these individuals, and has made conditions for their children to remain in school impossible and caused the violation of the fundamental rights of individuals on the basis of the International Covenant on Economic, Social and Cultural Rights.

11. According to reports, several French mayors have taken measures to restrict freedom of dress in the coastal regions, and by citing public order and secularism as justifications, have tried to ban full covering beachwear (i.e. burkini etc.) and have on several occasions harassed women for their attire in these regions.⁵ Also they prevent Muslim women from wearing the hijab in public schools.⁶

4) Islamophobia

¹ https://www.nytimes.com/2017/03/30/opinion/whatever-happened-to-frances-famed-liberte.html?_r=0

² <https://www.amnesty.org/en/countries/europe-and-central-asia/france/report-france/>

³ <https://www.theatlantic.com/photo/2016/10/france-dismantles-the-jungle-in-calais/505481/>

⁴ <https://www.amnesty.org/en/countries/europe-and-central-asia/france/report-france/>

⁵ <https://www.amnesty.org/en/countries/europe-and-central-asia/france/report-france/>

⁶ <https://www.theguardian.com/world/2016/aug/24/french-police-make-woman-remove-burkini-on-nice-beach>

⁷ <https://www.theguardian.com/world/2013/jul/22/frances-headscarf-war-attack-on-freedom>

12. The increasing use of stigmatization and xenophobic language in the mass media and political discourse is a disturbing trend in France. For example, when searching, individuals are in a discriminatory way searched according to their religion and skin colour in homes, restaurants and even mosques. In a way that according to Human Rights Watch, many owners of halal restaurants and Muslim citizens think that they are searched by the police solely because of their religion.[^] Islamophobia has increased and it took various forms like profanation of cemeteries and mosques, physical attacks, insults, provocations and burning or profanation of the Koran and Muslims.[^]

5) Arms Trade

13. France has violated its commitments in refraining from selling and buying arms for the purposes of committing war crimes. The Arms Trade Treaty, ratified by France in 2013, obligates member states to monitor arms exports and ensure that weapons don't cross existing arms embargoes or end up being used for human-rights abuses, including terrorism. France is the fourth largest arms exporter in the world and sells weapons to Israel and Saudi Arabia,[^] knowing that, according to UN experts, war crimes are being committed against the people of Palestine[^] and Yemen.[^] For example, in June 2016 a Palestinian family lodged a complaint against the French company, Exxelia Technologies for complicity in war crimes and the killing of Palestinians.[^]

Recommendations

15. In pursuing terror crimes, the French government must make further efforts to protect the fundamental rights and freedoms of its citizens. In the recent sessions of the Human Rights Council a lot of stress has been made on the observation and protection of human rights and jus-cognes such as equality and nondiscrimination while fighting terrorism.

16. France should be committed to its international obligations towards refugees and migrants and not escalate crises. And continue its efforts to protect the rights of all migrants regardless of their situation and status.

17. France should 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.

18. Towards practicing the value of democracy and freedom, the French government must seriously refrain from discriminating against minorities and Muslims. In the event of revoking the right to freedom of dress of women, which is a part of their freedom of expression, this country will deprive a section of the citizens and residents from their fundamental rights and freedoms. It should lift the ban on hijab and respect the right of Muslim women to express their beliefs.

[^]<https://www.hrw.org/news/2016/02/03/france-abuses-under-state-emergency>

[^]<https://www.jacobinmag.com/2016/08/burkini-ban-islamophobia-valls-france-secularism-islam/>

[^]<https://www.amnesty.org/en/countries/europe-and-central-asia/france/report-france/>

[^]<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16119>

[^]<http://www.telegraph.co.uk/news/2017/01/31/un-experts-say-yemen-opponents-may-have-committed-war-crimes/> , <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>

[^]<https://electronicintifada.net/blogs/charlotte-silver/gaza-family-files-complaint-against-french-company-complicity-war-crimes>

19. In a context of growing Islamophobia, the French government should urgently reach out to Muslims and give them assurances that they are not under suspicion because of their religion or ethnicity and adopt a law banning incitement indicating religious and racial hatred.

20. France must use its legal right in the arms trade in a way that it guarantees that human rights and humanitarian laws are not violated.