



General Assembly

Distr.: General
16 February 2023
English
Original: English/French

Human Rights Council
Working Group on the Universal Periodic Review
Forty-third session
1 May–12 May 2023

France

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review. It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.¹

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Special Rapporteur on the right to privacy noted that France had signed the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, thereby signalling its intention to adhere to that Convention as amended, but noted also that it had not yet ratified the Protocol. The Special Rapporteur, mindful also of the disruption caused by the coronavirus disease (COVID-19) pandemic, strongly recommended that the Government of France follow up on its intent and ratify the Protocol without further delay.²

3. The Special Rapporteur on privacy strongly encouraged the Government of France to take a leading role in seeking the widest possible international consensus on matters regarding privacy and, especially, the safeguards and remedies that should be applicable in cases of government-led surveillance. He noted that, since January 2020, France was the only State now to be both a permanent member of the Security Council and a member of the European Union.³

4. The Special Rapporteur on privacy noted with satisfaction the participation by the Ambassador for Digital Affairs of France in the work of the Group of Governmental Experts on Advancing Responsible State Behaviour in Cyberspace in the Context of International Security. The Special Rapporteur saw France as being especially well positioned to take a leadership role in building bridges between Europe and the United States of America, as well as between Europe and the rest of the world, in matters concerning privacy and surveillance.⁴



III. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

5. Following its visit in December 2021 in partnership with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Working Group of Experts on People of African Descent concluded that, despite a narrative of meritocracy, individuals at varied stages of success and career development (including those with significant success) reported that the blessing of traditional institutional gatekeepers, rather than excellence, was the necessary trigger for access and recognition; that is, the relevance of their work continued to be filtered by the “white gaze”, complicating efforts to introduce new perspectives and approaches. In numerous fields, individuals reported that these struggles extended back to their school days, where their grades on the same papers were dramatically improved when graded by professors who did not know them or that they were Black.⁵

6. In addition, the Working Group heard that the perception of racial colour-blindness may obstruct recognition of formal or informal barriers experienced by people of African descent, particularly those grounded in subjective decision-making.⁶

7. The Working Group reported, in regard to legacy effects, that negative racial stereotypes both reflected and perpetuated cultural stereotypes justifying denialism, diminished expectations and divestment from communities of African descent. Racial discrimination continued to be systemic and rooted in an economic model that denied meaningful and effective development to people of African descent globally and frequently justified or neutralized the historical and ongoing exploitation of their labour, land and natural resources.⁷

8. The Working Group called for greater representation at all levels, including in politics and the media. The lack of representation of people of African descent created a gap in knowledge, expertise, and universality in the progress toward the principles set forth in the 2030 Agenda for Sustainable Development.⁸

9. The Working Group noted that recognition of the varied experiences of people of African descent, and the spaces to develop these, may be pejoratively labelled as something exclusive for the community concerned. The Working Group stressed that acknowledging the particularity of experience of French people of African descent may contribute positively to the breadth of French identity, rather than to a fruitless separation.⁹

10. To fully address the legacies of the past, the Working Group called for the assessment and elimination of any discriminatory practices in education; for the mainstreaming of African history (based on the General History of Africa) in the educational curriculum, in order to adequately and authentically address the violence of colonialism, enslavement and the trade in and trafficking of Africans, and to celebrate the achievements and contributions of the continent; for the removing of barriers to higher education, including the promotion of blind grading processes; and for recognition of the effect of the misrepresentation of African history in education and the media on the dignity of people of African descent.¹⁰

11. With regard to the persistent and widespread racist and discriminatory discourse, especially in the media and on the Internet, the Committee on the Elimination of Racial Discrimination stressed its concern about some political leaders’ racist remarks against certain ethnic minorities, in particular Roma, Travellers, Africans, people of African descent, people of Arab origin and non-citizens. It asked France to redouble its efforts to effectively prevent and combat racist hate speech through the effective enforcement of legislation and to punish all manifestations of racism and race-based hate on public platforms.¹¹

12. The Committee on the Elimination of Racial Discrimination was concerned that police and other law enforcement officers often used identity checks, discriminatory arrests and fixed penalties to disproportionately target certain minorities, especially Africans, people of African descent, people of Arab origin, Roma, Travellers and non-citizens. It asked France

to ensure that racial and ethnic profiling was clearly defined and prohibited in legislation and to provide clear operational guidelines to all law enforcement officials.¹²

13. An expert from the Committee on the Elimination of Racial Discrimination said that most cases of racial violence were either dismissed or dropped by the courts, and asked France what training was being provided to the police, judges and prosecutors who dealt with these cases.¹³

14. The Human Rights Committee found that the general criminal ban on the wearing of the niqab in public introduced in French law had disproportionately harmed the petitioners' right to manifest their religious beliefs, and that France had not adequately explained why it was necessary to prohibit this clothing. In particular, the Committee had not been persuaded by the claim by France that a ban on covering the face was necessary and proportionate from a security standpoint or for attaining the goal of "living together" in society.¹⁴

2. Right to life, liberty and security of person, and freedom from torture

15. The Committee on Enforced Disappearances recommended that France review its criminal legislation relating to enforced disappearance as a crime against humanity and delete the expression "as part of a concerted plan" in order to ensure that this legislation was compatible with article 5 of the International Convention for the Protection of All Persons from Enforced Disappearance and applicable international law and thus to avoid introducing an additional condition for the prosecution of cases of enforced disappearance.¹⁵

16. Drawing attention to its statement on enforced disappearances and military jurisdiction, the same Committee recommended that France explicitly exclude from military jurisdiction the investigation and prosecution of enforced disappearances committed by military personnel in crisis situations (states of siege) or states of war.¹⁶

17. The Committee recommended that the State party adopt the measures necessary to ensuring that all victims of enforced disappearance, regardless of the date of the commission of the offence and even if no criminal proceedings had been instituted, had the right to the truth and to reparation. In that connection, the Committee recommended that France explicitly include in its legislation the right of victims to the truth; and take the measures needed to ensure that domestic legislation provided for a system of full reparation that was applicable even if no criminal proceedings had been instituted or the alleged perpetrators had not been identified, and that took into account the particular circumstances of the victims, including their sex, sexual orientation, gender identity, age, ethnic origin, social situation and disability.¹⁷

3. Human rights and counter-terrorism

18. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism underlined that counter-terrorism action undertaken by the Government of France must be rooted in, and comply with, international law, including human rights, humanitarian and refugee law, and must address not only manifestations of terrorism but conditions conducive to its spread. Effective counter-terrorism measures and the protection of human rights were not conflicting goals, but complementary and mutually reinforcing.¹⁸ The Special Rapporteur recommended that a fully independent, adequately resourced expert oversight body be created to oversee the totality of counter-terrorism and exceptional national security powers operational in France. This body would undertake independent review of the overall operation of all counter-terrorism and national security powers, laws and policies in the country. Such oversight should also be tasked with ensuring that laws and policies were compatible with international human rights and, as applicable, international humanitarian law.¹⁹

19. The Special Rapporteur on terrorism affirmed the value of parliamentary oversight. She noted that the current role of parliamentary review was limited and was primarily focused on institutional effectiveness and coordination. She argued that it would be useful to augment it to encompass a range of counter-terrorism oversight matters – including assessing and monitoring the effects of new counter-terrorism powers, human rights oversight of the deployment of military personnel in counter-terrorism actions overseas, citizenship stripping for dual nationals or revocation of residence rights related to national security, increased

concerns about unlawful profiling where counter-terrorism laws and policies may stigmatize persons of the Muslim faith, and stop-and-search practices by the police in counter-terrorism contexts that created concerns about racial or ethnic profiling.²⁰

20. The Special Rapporteur on terrorism strongly encouraged the Government to activate positive legal and diplomatic protection for French citizens in conflict zones overseas, particularly children. This included taking positive steps to support nationality determination and interventions where French nationals faced serious human rights violations in detention, including but not limited to torture, extrajudicial execution, sexual violence, and the imposition of the death penalty.²¹

21. The Special Rapporteur on terrorism urged the Government to prioritize the modalities of repatriating children, including the applicable procedure for the determination of citizenship and adequate rehabilitation and reintegration programmes.²²

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

22. The Special Rapporteur on the rights of persons with disabilities recommended guaranteeing the exercise of legal capacity to all persons with disabilities, by repealing all forms of formal and informal substituted decision-making.²³

23. The Special Rapporteur on the right to privacy recommended that intelligence and police officers at all levels should be given comprehensive training on human rights, with a special focus on which conduct and measures are necessary and proportionate in a democratic society.²⁴

24. The Committee on the Elimination of Racial Discrimination recommended that measures be taken to ensure that prompt, thorough and impartial investigations by bodies external to the police are conducted into all cases of racist incidents caused by or involving police officers and that the people responsible for such acts are prosecuted and appropriately punished. Measures should be taken to ensure that members of groups targeted by racism and racial discrimination who are victims of excessive use of force by law enforcement officers have access to effective remedies and compensation and are not subjected to reprisals for reporting such acts.²⁵

5. Fundamental freedoms and the right to participate in public and political life

25. Bakari Sidiki Diaby, member of the Committee on the Elimination of Racial Discrimination and country co-Rapporteur, asked about the reasons for the closing of places of worship. Vadili Rayess, member of the Committee on the Elimination of Racial Discrimination and co-Rapporteur, said that closures of places of worship were serious issues that harmed the international reputation of France. He called on the State to address this issue.²⁶

26. United Nations human rights experts found that the country's bill on global security – by restricting the publication of images of police officers and by allowing surveillance techniques that would infringe the right to privacy and the right to peaceful assembly – was incompatible with international human rights law and should be comprehensively revised. While they welcomed the establishment of a commission led by the President of the National Consultative Commission on Human Rights to formulate recommendations for article 24, they urged the authorities to undertake a comprehensive evaluation of the compatibility of the whole bill with international law.²⁷

27. UNESCO recommended that France decriminalize defamation and place it within a civil code that was in accordance with international standards; and that it guarantee freedom of opinion and expression in the execution of counter-terrorism activities.²⁸

28. United Nations human rights experts denounced the disproportionate curtailing of the *gilets jaunes* protests, the excessive use of force by law enforcement authorities, the high number of arrests and detentions, the searches and confiscations of demonstrators' possessions and the serious injuries. The United Nations experts also expressed deep concern about a proposed law which it was claimed would prevent violence during demonstrations and punish the perpetrators, pointing out that some of the provisions of that law were not in line with the International Covenant on Civil and Political Rights, to which France was a

party. The experts encouraged France to rethink its law enforcement policies, and encouraged the French authorities to establish avenues for dialogue to reduce tension, and to recognize the important and legitimate role that social movements played in governance.²⁹

6. Right to privacy

29. The Special Rapporteur on privacy recommended that every time that an intelligence or police officer wished to carry out any form of surveillance, he or she must be obliged by law to justify how said surveillance was provided for by law and how it met the tests of necessity and proportionality and to attach those considerations at each and every stage of internal authorization within a service.³⁰

30. The Special Rapporteur on privacy added that every time a senior officer within an intelligence service or a law enforcement agency was required to approve operations requiring any form of surveillance, he or she should be required to check the legal basis and the justification of necessity and proportionality, and then, by law, he or she should be required to refuse to approve a surveillance operation if the correct legal basis was not present or if the tests of necessity and proportionality had not been adequately met.³¹

7. Right to an adequate standard of living

31. Following her visit in April 2019, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, concluded that the housing conditions experienced by vulnerable and marginalized persons in France stood in contradiction to a nation that had a long tradition of promotion of human rights and was now the seventh wealthiest on the planet; that housing affordability had become a significant problem, with housing prices and rental costs on the rise; that there was an insufficient supply of social housing in metropolitan areas for those in need; and that those in informal settlements were often denied basic services and were regularly subjected to forced eviction.³²

32. The Special Rapporteur on housing also noted that homelessness was increasing at a significant pace, as an acute shortage of emergency shelters and longer-term housing deepened; and that migrants fleeing civil conflict or extreme poverty, who were living in some of the most egregious conditions, had put additional strain on national and local governments to ensure adequate and affordable housing for all. That situation, which included barriers to access to justice and the opening of the housing market to private investors, had resulted in a housing sector under siege, despite government efforts. The Special Rapporteur called for immediate attention by the Government to ensure that the human right to adequate housing was fully respected and enjoyed by all.³³

33. The Special Rapporteur on housing commended France for enshrining the right to housing in its national legal order and welcomed the fact that France had put in place laws, policies and programmes intended to guarantee the right to adequate housing. The Special Rapporteur urged France to increase its efforts to ensure that its commitment to the right to adequate housing reached all people, particularly the most vulnerable and marginalized groups.³⁴ In that regard, the Special Rapporteur recommended that France review its national housing strategy – the Five-year Plan for Housing First and the Fight against Homelessness (2018–2022) – and make any necessary amendments to ensure that it was fully consistent with international human rights law and with its obligations, as outlined in the report of the Special Rapporteur on this issue;³⁵ and improve cooperation and coordination between the national, regional and local governments in addressing homelessness and other violations of the right to housing.³⁶

34. The Special Rapporteur on housing also recommended that France recognize in law, policy and practice that the right to adequate housing extended to all individuals regardless of their immigration status, including by ensuring that emergency and temporary accommodation was available to all in need, irrespective of immigration status; and establish binding and secure firewalls to ensure that service centres did not share their clients' data with immigration services, since failing to do so would only exacerbate the number of migrants and asylum-seekers living in homelessness and who were too afraid to seek shelter with social institutions for fear of deportation.³⁷

8. Right to health

35. The Special Rapporteur on disability recommended improving access to health care for persons with disabilities as close as possible to their homes, through comprehensive rights-based medical care, including access to HIV/AIDS and reproductive health services; and assessing the situation of autistic children and developing an efficient system for early identification to facilitate the design of appropriate strategies and health programmes.³⁸

9. Right to education

36. The Special Rapporteur on disability recommended that the Government train all teachers, education professionals and school assistants on providing inclusive education and individual support, creating inclusive and accessible environments and giving due attention to the specific situation of each child; close the existing medico-educational institutions and include all children with disabilities previously in these institutions in regular schools, with the required support; and adopt measures to facilitate and ensure the access of all children with disabilities to appropriate support in inclusive regular schools, including those children considered “without a solution”, for instance by locating the Service for Special Education and Home Support and other specialized services on the school premises, avoiding duplications with the specialized units for school inclusion.³⁹

37. The French Committee for the United Nations Children’s Fund (UNICEF France) noted that unaccompanied minors faced significant obstacles to schooling: they had no schooling during the provisional reception and assessment phase; the education authorities refused to assess their educational level and assign them to schools when their cases were rejected; and they were refused access to education owing to the neglect or even the opposition of certain departments when they were entrusted to them, particularly for young people over the age of 16.⁴⁰

38. UNICEF France also noted strong inequalities in access to education for children residing in French Guiana and those living in slums. It recommended the establishment of a national non-schooling observatory, which would make it possible to produce an accurate picture of the educational status of children excluded from school and also to identify, bring together and coordinate the actions of all stakeholders in a single, unified approach, so as to provide solutions adapted to each locality.⁴¹

39. UNESCO noted that, in response to several recommendations issued during the third cycle of the universal periodic review, France had extended its bullying prevention programme to all schools; promoted care for children who are victims of bullying; adopted a scheme to provide free breakfasts to elementary school children; also adopted the “Rural Education Areas” programme strengthening pedagogical and educational attention for children in rural areas to reduce inequalities in opportunities for success in the country; and taken several measures to strengthen inclusiveness in the education system by addressing the needs of persons with disabilities.⁴²

40. UNESCO recommended that France continue its efforts to promote inclusive education; continue to improve the digital inclusion of learners and teachers while ensuring their online privacy; continue efforts to include the subject of sustainable development in the education system and schools; take steps to combat all forms of violence in schools at all levels of education; and regularly submit periodic reports on the implementation of the standard-setting instruments of UNESCO, in particular on the implementation of the Convention against Discrimination in Education.⁴³

10. Cultural rights

41. UNESCO noted that France did not submit its national report on the implementation of the Recommendation on Science and Scientific Researchers for the consultation period of 2017–2020. UNESCO encouraged France to report to UNESCO on its implementation actions, especially noting legislative, regulatory or other measures adopted by France and the funding allocated, with the aim of ensuring application of these norms and standards in international law. UNESCO called for particular attention to be paid to measures for realization of the human rights of scientific researchers (i.e. freedom of association, freedom

of research, expression and publication, working conditions, and so on), and also of human rights related to the practice of science.⁴⁴

42. Furthermore, UNESCO urged France to consider addressing issues of equality and non-discrimination in access to education, as well as to scientific benefits and their applications, and to include reference to the relevant dimensions of the right to share in scientific advancement and its benefits in its reporting on the impact of the COVID-19 pandemic and the assessment of the responses thereto. Finally, UNESCO invited France to expand the scope of application of freedom of expression to include scientists and scientific researchers.⁴⁵

B. Rights of specific persons or groups

1. Women

43. During his visit, the Special Rapporteur on privacy observed instances when gender could have an impact on how privacy was experienced. He therefore respectfully drew the attention of the Government of France to the findings and recommendations on gender and privacy contained in his report submitted to the Human Rights Council in March 2020.⁴⁶ The Special Rapporteur on privacy recommended that the principles outlined therein be closely respected and implemented in any forthcoming reform and in any contribution made by France to the debate on reviewing and reforming applicable data protection laws, including the General Data Protection Regulation.⁴⁷

44. The Committee on Enforced Disappearances emphasized the particularly cruel effect of enforced disappearance on women and children. It noted that women who were subjected to enforced disappearance were particularly vulnerable to sexual and other forms of gender-based violence. Women who were relatives of a disappeared person were particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisals as a result of their efforts to locate their loved ones. Children who were victims of enforced disappearance, either because they themselves were disappeared or because they suffered the consequences of the disappearance of one of their relatives, were especially vulnerable to violations of their human rights.⁴⁸

45. The Committee on Enforced Disappearances therefore placed particular emphasis on the need for the State party to systematically adopt a gender perspective and take into account the specific needs of women and children as it acted on the recommendations made in the present concluding observations and implemented the full range of the rights and obligations set forth in the International Convention for the Protection of All Persons from Enforced Disappearance.⁴⁹

2. Children

46. The Committee on the Rights of Persons with Disabilities recommended that France ensure that legislation on the protection of children was inclusive of children with disabilities, adopt a specific strategy with timelines and benchmarks to facilitate the inclusion of children with disabilities in all areas of life, and foster safe and nurturing children's environments respectful of the life and dignity of children with disabilities, on an equal basis with other children. The Committee also recommended that France set up mechanisms to ensure that children with disabilities were protected against being compelled to use cochlear implants and had the opportunity to learn sign languages and participate in deaf culture, and recommended that information about the impact of cochlear implants be made available to them.⁵⁰

47. The same Committee further recommended that France establish mechanisms that respected the evolving capacity of children with disabilities to ensure that they could form their own views and express them freely in all matters affecting them, and that these views be given due weight in accordance with the child's age and maturity.⁵¹

48. The Committee on the Rights of the Child found that the failure by France to repatriate French children who had been held in Syrian camps in life-threatening conditions for years violated their right to life, as well as their right to be free from inhuman and degrading

treatment. The Committee found that France had the responsibility and power to protect the French children in the Syrian camps against an imminent risk to their lives by taking action to repatriate them. The Committee also concluded that France had not shown that it had given due consideration to the best interests of the child victims when assessing their relatives' requests for repatriation. The Committee urged France to take urgent action to repatriate the remaining child victims. In the interim, it asked France to take additional measures to mitigate the risks to life, survival and development of the child victims while they remained in the north-east of the Syrian Arab Republic.⁵² UNICEF France made similar recommendations.⁵³

49. Given the persistent shortage of affordable housing, which has an impact on children, UNICEF France recommended the adoption of a multi-year accommodation and housing programme focusing especially on children and families. The programme should include ambitious objectives for the production of affordable housing appropriate for families and for the transformation of the housing stock, resulting inter alia in a reduction in overnight stays at hotels and the adaptation of the housing stock to meet the needs of families.⁵⁴

3. Persons with disabilities

50. The Committee on the Rights of Persons with Disabilities recommended adopting measures to increase the visibility and participation of persons with disabilities in public life, and eliminating negative and harmful stereotypes of persons with psychosocial disabilities with regard to radicalization and terrorism.⁵⁵

51. The same Committee also recommended strengthening measures to implement a national suicide prevention strategy for persons with disabilities, with specific measures to target autistic persons and persons with psychosocial disabilities, and to ensure close consultation and active involvement of persons with disabilities through their representative organizations.⁵⁶

52. The Committee further recommended that France develop measures in consultation with organizations of persons with disabilities and independent monitoring mechanisms to initiate emergency deinstitutionalization of persons with disabilities, to ensure safe and independent living in the community and to protect the right to life in critical health situations.⁵⁷

53. With regard to access to justice, the Committee recommended adopting a mechanism to review decisions concerning access to full or partial legal aid and in all areas of law, strengthening the capacity of independent legal advice services in the departmental centres for persons with disabilities, and ensuring the right to appeal any restriction of freedom, including treatment without consent.⁵⁸

54. Finally, the Committee recommended that France end the institutionalization of children and adults with disabilities, including in small residential homes, and launch a national strategy and action plans to end the institutionalization of persons with disabilities, with time-bound benchmarks, human, technical and financial resources, responsibilities for implementation and monitoring, and measures to support the transition from institutions to life in the community; and that it ensure the implementation of the agreement concerning the moratorium on placing persons with disabilities in Belgian institutions, and strengthen measures to support families of children with disabilities and to uphold the right of persons with disabilities to live independently and in the community.⁵⁹

55. The Special Rapporteur on disability recommended that the Government ensure that all public policies, including disability-specific ones, adopted a human rights-based approach to disability and were aimed at removing barriers impeding the effective and full participation of persons with disabilities; enhance coordination among all ministries tasked with mainstreaming disability within their institutions, including through the prompt nomination of full-time disability and accessibility focal points within each ministry, cabinet and departmental administration; and increase the capacity of government officials, civil servants, service providers and civil society to implement the Convention and engage in a wide-scale public awareness campaign on the rights-based approach to disability.⁶⁰

56. The Special Rapporteur on disability further recommended that the Government mainstream the rights of persons with disabilities in all the programmes, strategies and

projects of the French Development Agency and make disability a conditionality for receiving official development assistance.⁶¹

4. Indigenous Peoples and minorities

57. The Committee on the Elimination of Racial Discrimination recommended that France step up its efforts to ensure equal treatment with the rest of the population with regard to access to economic, social and cultural rights, including access to health and education, taking into account the particular needs of each territory and the cultural and linguistic diversity of indigenous peoples. It also recommended that indigenous peoples be consulted on any legislative or administrative measures that may affect their rights with a view to obtaining their free, prior and informed consent, particularly before the approval of any project affecting the use of their lands or territories and other resources.⁶²

58. The same committee recommended that the necessary measures be taken to protect the right of indigenous peoples to own and use their lands, territories and resources, including through the necessary legal recognition and protection, and reiterated its earlier recommendation that more efforts be made to ensure that the Mahorais people enjoy their economic, social and cultural rights fully and on an equal basis with the rest of the population.⁶³

5. Migrants, refugees and asylum-seekers

59. The Special Rapporteur on the human rights of migrants stated that he was concerned about increasingly regressive migration policies and the inhumane and substandard conditions suffered by migrants. It was estimated that up to 900 migrants and asylum-seekers in Calais, 350 in Grande-Synthe and an unidentified number at other sites elsewhere along the northern French coast were living without adequate emergency shelter and proper access to drinking water, toilets or washing facilities. United Nations human rights experts urged France to increase efforts to provide safe drinking water, sanitation services and emergency shelter for migrants and asylum-seekers in Calais, Grande-Synthe, Tatinghem, Dieppe and other areas along the northern French coast.⁶⁴

60. UNICEF France called on the Government of France to adapt the procedure for the initial reception and evaluation of unaccompanied minors by establishing an effective right to appeal so that minors are protected until a final court decision is made and to stop using the minors' age assessment support system. It also recommended that the same level of protection be guaranteed to all minors entrusted to the child welfare services.⁶⁵

61. In view of the extremely worrying situation of minors on the coast, UNICEF France recommended that the departments of Pas-de-Calais and Nord increase the number of "outreach" actions to promote information and guidance for minors and build their trust, to end the illegal practice of refusing to provide shelter and to tailor child welfare services to meet local specific needs. It recommended that the Government of France end expulsions without diagnoses or proposals for rehousing and start new negotiations to allow family reunifications for unaccompanied minors on their way to third countries.⁶⁶

62. UNICEF France called on France to legally prohibit the administrative detention of children for reasons related to migration, whether in detention or in holding areas, and to favour non-custodial solutions.⁶⁷

Notes

¹ See [A/HRC/38/4](#), [A/HRC/38/4/Add.1](#) and [A/HRC/38/2](#).

² [A/HRC/46/37/Add.2](#), para. 89.

³ *Ibid.*, para. 90.

⁴ *Ibid.*

⁵ See https://www.ohchr.org/en/statements/2021/12/capacity-building-visit-un-working-group-experts-people-african-descent#_ftn3.

⁶ *Ibid.*

⁷ *Ibid.* See also [A/74/274](#).

- ⁸ See https://www.ohchr.org/en/statements/2021/12/capacity-building-visit-un-working-group-experts-people-african-descent#_ftn3.
- ⁹ Ibid.
- ¹⁰ Ibid.
- ¹¹ See <https://www.ohchr.org/en/press-releases/2022/12/un-committee-elimination-racial-discrimination-publishes-findings-bahrain>.
- ¹² Ibid. See also <https://www.ungeneva.org/en/news-media/meeting-summary/2022/11/experts-committee-elimination-racial-discrimination-commend>.
- ¹³ See <https://www.ungeneva.org/en/news-media/meeting-summary/2022/11/experts-committee-elimination-racial-discrimination-commend>.
- ¹⁴ See <https://www.ohchr.org/en/press-releases/2018/10/france-banning-niqab-violated-two-muslim-womens-freedom-religion-un-experts>.
- ¹⁵ [CED/C/FRA/OAI/1](#), para. 10.
- ¹⁶ Ibid., para. 14.
- ¹⁷ Ibid., para. 22.
- ¹⁸ [A/HRC/40/52/Add.4](#), para. 51.
- ¹⁹ Ibid., para. 52.
- ²⁰ Ibid., para. 54.
- ²¹ Ibid., para. 61.
- ²² Ibid., para. 62.
- ²³ [A/HRC/40/54/Add.1](#), para. 86 (a).
- ²⁴ [A/HRC/46/37/Add.2](#), para. 73 (a).
- ²⁵ [CERD/C/FRA/CO/22-23](#), para. 26.
- ²⁶ See <https://www.ungeneva.org/en/news-media/meeting-summary/2022/11/experts-committee-elimination-racial-discrimination-commend>.
- ²⁷ See <https://www.ohchr.org/en/press-releases/2020/12/france-must-revise-bill-global-security-un-experts>.
- ²⁸ UNESCO submission for the universal periodic review of France, pp. 9–10.
- ²⁹ See <https://www.ohchr.org/en/press-releases/2019/02/france-un-experts-denounce-severe-rights-restrictions-gilets-jaunes>.
- ³⁰ [A/HRC/46/37/Add.2](#), para. 73 (b)–(c).
- ³¹ Ibid.
- ³² [A/HRC/43/43/Add.2](#), para. 90.
- ³³ Ibid.
- ³⁴ Ibid., para. 91.
- ³⁵ [A/HRC/37/53](#).
- ³⁶ [A/HRC/43/43/Add.2](#), para. 92 (a)–(b).
- ³⁷ Ibid., para. 92 (f).
- ³⁸ [A/HRC/40/54/Add.1](#), para. 85.
- ³⁹ Ibid., para. 81 (b)–(d).
- ⁴⁰ UNICEF submission for the universal periodic review of France, p. 3.
- ⁴¹ Ibid., pp. 6–7.
- ⁴² UNESCO submission, pp. 6–7.
- ⁴³ Ibid., p. 9.
- ⁴⁴ Ibid., pp. 10–11.
- ⁴⁵ Ibid.
- ⁴⁶ [A/HRC/43/52](#).
- ⁴⁷ [A/HRC/46/37/Add.2](#), para. 86.
- ⁴⁸ [CED/C/FRA/OAI/1](#), para. 24.
- ⁴⁹ Ibid.
- ⁵⁰ [CRPD/C/FRA/CO/1](#), para. 16.
- ⁵¹ Ibid.
- ⁵² See <https://www.ohchr.org/en/press-releases/2022/02/france-violated-rights-french-children-detained-syria-failing-repatriate>.
- ⁵³ UNICEF submission, p. 8.
- ⁵⁴ Ibid., p. 5.
- ⁵⁵ [CRPD/C/FRA/CO/1](#), para. 18 (b)–(c).
- ⁵⁶ Ibid., para. 22 (a).
- ⁵⁷ Ibid., para. 22 (b).
- ⁵⁸ Ibid., para. 28 (d).
- ⁵⁹ Ibid., para. 41 (a)–(b).
- ⁶⁰ [A/HRC/40/54/Add.1](#), para. 78 (f)–(h).
- ⁶¹ Ibid., para. 88.

⁶² CERD/C/FRA/CO/22-23, para. 16.

⁶³ Ibid., paras. 16 and 18.

⁶⁴ See <https://www.ohchr.org/en/press-releases/2018/04/france-urged-un-experts-take-effective-measures-bring-water-and-sanitation>.

⁶⁵ UNICEF submission, p. 3.

⁶⁶ Ibid., pp. 3–4.

⁶⁷ Ibid., p. 5.
