

Report to the Universal Periodic Review Mechanism on France's UPR

Submitted to: OHCHR of the Human Rights Council to update the requirements of the State of France's report to the UPR mechanism as a mechanism of the Human Rights Council

Submitted by: Maat for Peace, Development and Human Rights (consultative status with the United Nations Economic and Social Council)

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Executive Summary:

Maat for Peace, Development and Human Rights submits this report to the Universal Periodic Review Mechanism to assess the progress made by the state of France in implementing the recommendations made to it during the periodic review of its human rights record in January 2018. The report aims to monitor the implementation of the State party of its international commitments and obligations that it has made during the third periodic review session, especially with regard to its civil, political, economic, social, and cultural rights.

In fact, during the last periodic review of its human rights record, France received a total of 297 recommendations; 238 recommendations were fully accepted, 34 were partially accepted, and 25 were taken note of. Although France accepted over 80% of the total recommendations it received and showed commitment thereto during the last periodic review session, Maat noted that the French government does not have the political will to address most human rights violations due to the repressive laws recently adopted by the French authorities, including the emergency and anti-terror law, which allowed violations related to the excessive use of force by the police, discrimination against religious minorities, particularly the Muslim minority, violations against refugees, migrants, and asylum seekers, and the rights to freedom of expression, privacy, and peaceful assembly violations. In light of the above, Maat reviews the most important human rights developments and updates of France's human rights record since the last periodic review session, focusing on the issues of concern to Maat as follows:

Scope of international obligations and cooperation with international human rights mechanisms and bodies



Organization in special consultative status with the Economic and Social Council since 2016

quarters: 148 Misr Helwan El-Zyrae Road, El Matbaa Sq, Hadayek El Maadi, 4th Floor, No 41, Cairo, Egypt

Maat Training Center: 380 Corniche El Nil St., Gawharet El Maadi Tower, 38th Floor, Tower B, Cairo, Egypt

490 El Maadi www.maatpeace.org

00(20) (2) 25266026

00(20) (2) 25266019



maat@maatpeace.org

+201226521170

During the last review session, France received many recommendations calling for expanding the scope of its international commitments related to human rights. Despite this, France is still not a party to some of the international human rights conventions, instruments, and covenants, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ILO Convention No. 189 concerning domestic workers, and ILO Convention No. 169 concerning Indigenous and tribal peoples. It still makes reservations on many articles of international conventions and instruments that it has ratified, including Article 13 of the International Covenant on Civil and Political Rights related to the principle of non-refoulment of foreigners, and Article 27 of the International Covenant on Civil and Political Rights regarding the inadmissibility of depriving members of minorities Religious, and ethnic groups of enjoying their own culture or professing their religion and practicing their rituals, and Article No. 4 of the International Convention on the Elimination of All Forms of Racial Discrimination related to the prohibition of propaganda and organizations based on racial superiority or racial hatred.

In terms of cooperation with international human rights mechanisms, France has suspended the visit of many special procedures mandate holders since the last periodic review, such as the visit of the Working Group on the Use of Mercenaries, the Special Rapporteur on Contemporary Forms of Racism, the Working Group of Experts on Aborigines of African descent, the Special Rapporteur on extreme poverty and human rights, the Special Rapporteur on the right to water and sanitation, Special Rapporteur on the rights to freedom of peaceful assembly and association on May 23, 2018 and the visit of the Special Rapporteur on the right to adequate housing from 2 to 12 April 2019¹. Maat also commends France's commitment to submit its report to the United Nations treaty committees since the last periodic review, to the Committee on the Elimination of All Forms of Discrimination against women in April 2021, to the Committee on the Rights of the Child in October 2020, to the Committee against Abuse in December 2018. And France's report to the Committee for the Protection of All Persons from Enforced Disappearances in April 2019, the Committee on the Elimination of All Forms of Racial Discrimination in May 2019, to the Committee on Economic, Social and Cultural Rights submitted in March 2020, to the Commission on Human Rights submitted in August 2022².

Recommendations:

¹ View Country visits of Special Procedures of the Human Rights Council since 1998, <https://bit.ly/3BiJsLa>

² The status of ratification of international human rights treaties and reporting cycles for the State party can be viewed through the following link: <https://bit.ly/3G3gRvx>

- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Ratification of ILO Convention No. 189 concerning domestic workers.
- Ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples.
- Withdrawing the reservation to Articles 13 and 27 of the International Covenant on Civil and Political Rights.
- Withdrawing the reservation to Article No. 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.
- Allow special procedure mandate holders to carry out their pending visits.

Excessive use of force by police

Since the last periodic review session, the French police have continued to use excessive force to break up peaceful protests and during arrests of suspects. In this context, Maat observed the police using excessive force to disperse hundreds of people who had peacefully gathered for a music festival in June 2021 in Redon, Brittany. The police used weapons, tear gas, stun grenades, and explosive grenades, resulting in serious injuries, including a man's hand loss. That is a breach of French national and international law that requires the use of force to be necessary and proportionate³. In January 2020, three police officers murdered a 42-year-old delivery driver named (S.H) after they strangled him; during his arrest near the Eiffel Tower in Paris⁴. And in June 2019, the police killed a 24-year-old French youth called (S.K) during clashes that broke out between the police and young men holding a concert on the banks of the Loire River in the city of Nantes⁵.

Recommendations

- Establish an independent body to investigate complaints against law enforcement officials.
- Ban the use of explosive bombs in police operations and review intervention tactics to ensure they are based on dialogue and de-escalation strategies.
- Respect the principles of necessity, proportionality, and gradual use of force under international human rights law.

Violations related to freedom of opinion and expression, privacy and peaceful assembly

³ Several injured as police break up illegal rave party in France, Euro news, June 20 2021, link: <https://bit.ly/3DvVfc1>

⁴ French police restraint techniques criticised after Paris arrest death, theguardian, 9 Jan 2020, link: <https://bit.ly/3doiZnH>

⁵ Body of young French man, missing after police clash, found in river, reuters, JULY 30, 2019, link: <https://reut.rs/3LmwYXy>

French authorities violated the rights to freedom of opinion, expression, privacy, and peaceful assembly when adopting a new anti-terror law in July 2021, so it renewed emergency measures adopted in 2015 and 2017. And it gave intelligence services new powers for mass surveillance without judicial authorization, allowed using algorithms to check internet connections and browsing data, conduct home searches, and close places of worship suspected of spreading ideas that incite terrorism. And perform identity checks near borders, train stations, or airports without warrants⁶. Maat worries that this law threatens human rights and the right to privacy and grants the executive branch extensive surveillance powers under the guise of fighting terrorism.

In addition, the French authorities have enacted many repressive legislation and laws over the past years, which have resulted in significant restrictions on the right of individuals to freedom of expression and peaceful assembly. The Comprehensive Security Law adopted by the French Parliament in April 2021 included a provision restricting the right to share photos that identify police personnel and making it illegal to disseminate video of police officers while on duty. That concerned the possibility of preventing newspapers and human rights defenders could be done from sharing information in the public interest about abuses allegedly committed by the police. Under this law, a new crime of online hate speech has emerged by this crime individuals could be punishable with up to five years and a fine of up to 75,000 euros for posting personal information on social media regarding law enforcement officials, the public sector, elected officials or journalists with intent Harming them to prison. While crimes that target other individuals are punishable by law by three years in prison; and a fine of up to 45,000 euros. This law also makes it easier for authorities to block or delete websites that promote hate speech and expedite legal action against them⁷. This law worries Maat about disproportionate restrictions on freedom of expression.

The French authorities also use unclear criminal provisions to arrest and prosecute peaceful protesters. Including in the context of public gatherings protesting the new comprehensive security bill, the police on more than one occasion over the years following the last review session used excessive force to disperse peaceful protests and gatherings. In June 2021, for example, police used excessive force to disperse hundreds of people who had peacefully gathered for a music festival in Redon, Brittany, resulting in serious injuries⁸.

Recommendations:

⁶ France: l'état d'urgence fait place à la loi antiterroriste, INFO, December 24, 2021, link: <https://bit.ly/3dp6R5S>

⁷ 2021 Country Reports on Human Rights Practices: France, Us department of state, March 2022, link: <https://bit.ly/3S9MeJu>

⁸ Several injured as police break up illegal rave party in France, Previous reference.

- Amending or repealing laws that restrict the implementation of the rights to privacy, peaceful assembly, and freedom of opinion and expression, including the new Anti-Terrorism Law and the Law to Promote Republican Principles.
- Ensure that the rights to freedom of expression and peaceful assembly are fully respected.
- Conduct a thorough and impartial investigation of all cases of unnecessary use of force by law enforcement officials against peaceful protesters and protesters.

Discrimination and hate crimes against members of religious minorities

Members of religious minorities, especially Muslims in France, are subject to unfair racial discrimination, hate crimes, prejudice, hostile acts, and other human rights violations in France. In this context, Maat verified local reports that indicated more than 235 attacks on Muslims and their places of worship in France during 2020 alone⁹. France has also rejected all recommendations made during previous Universal Periodic Reviews, which call for the 2004 law to repeal secularism in schools that prohibits students from wearing religious symbols in public schools. And the 2010 law prohibits wearing the Islamic veil or hiding the face in public places. The authorities in France have continued over the past years to prevent Muslim girls from wearing the Islamic headscarf and other visible religious symbols in government schools and public places. Employers also continued to prevent Muslim women from wearing the Islamic headscarf, according to court rulings issued by the European Union Court in this regard. Maat is concerned that such racist and discriminatory policies and measures against Muslim women violate many human rights and principles, including the right to freedom from discrimination, autonomy, religious freedom, freedom of expression, and the right to education and work. Maat believes such discriminatory measures are neither necessary nor proportionate and have a disproportionately negative impact on Muslim women, especially regarding the completion of their studies in public schools and their participation in the labor market in France. They are discriminatory measures on the grounds of religion and gender and contravene the rights of women to express their religion and beliefs freely and in personal independence¹⁰.

Recommendations:

- Repeal or amend the law prohibiting hiding the face or wearing the niqab in public places to ensure that women who choose to hide their faces for religious reasons may do so without fear of legal punishment.

⁹ Islamophobic attacks in France increase by 53% in 2020, daily sabah, JAN 29, 2021, link: <https://bit.ly/3BMXdIV>

¹⁰ France's headscarf ban: the effects on Muslim integration in the West, the forum, MAY 14, 2019, link: <https://bit.ly/3Ug3tuN>

- Repeal or amend the law prohibiting Muslim girls from wearing the Islamic headscarf and other visible religious symbols in public schools.
- Ensure effective response to anti-Muslim attacks and incidents and hold those responsible for these attacks accountable.

Concerns about the treatment of migrants and asylum seekers, including unaccompanied minors

French authorities subjected migrants, asylum seekers, and unaccompanied minors to human rights abuses, beatings by the police, denial of access to services or protection under the law, prolonged detention at the border in places of waiting, expulsion or Forced return to their countries, where they would be at risk of torture and other ill-treatment. In this context, since the last Universal Periodic Review of France, Maat has documented numerous cases in which police and local authorities have restricted access to humanitarian assistance for migrants and asylum seekers and subjected them to harassment in Calais. Maat also documented many incidents in which migrants and asylum seekers were subjected to forcible return. In April 2021, France deported a Chechen national who was a witness in a torture case to Russia despite the decision of the National Asylum Court to prevent his expulsion; there were reasonable causes for the risk of degrading torture. That occurred immediately after his deportation to Russia, where Chechen security officials arbitrarily detained him two days after deportation¹¹. In addition, migrants faced difficulties obtaining the right to seek asylum in France, which led many of them to attempt to cross by boat to the UK in the absence of effective access to the asylum procedure. And in the context of the obstacles placed in the way of family reunification in France, hundreds of them drown. In November 2021, for example, at least 27 migrants died in a boat accident in the Channel Channel while trying to reach the UK from Calais, northern France¹².

Recommendations:

- Investigating reports of police abuses against asylum seekers and migrants and hold anyone found responsible for abuses accountable. And issuing clear directives to police officers outlining the prohibition of unjustified and disproportionate use of force.

¹¹ France slammed for deporting Chechen refugee to Russia despite risk of torture, euro news, April 15, 2021, link: <https://bit.ly/3UA3REH>

¹² مقتل 27 شخصا على الأقل في حادث غرق زورق مهاجرين قبالة كاليه في شمال فرنسا، 24 france، 24 نوفمبر 2021، الرابط:

<https://bit.ly/3xAiMVg>

- Ensuring timely access to fair and effective asylum procedures for all asylum seekers.
- Ensuring that individuals are not returned to countries where they may be at risk of serious human rights abuses. That is by undertaking comprehensive individual assessments to examine the risks that foreign nationals may face upon return to their countries of origin and before any decision to deport them.