

Council of Europe contribution for the 43rd UPR session (April-May 2023) regarding France

Contents

<i>Prevention of torture (CPT).....</i>	<i>2</i>
<i>Council of Europe Commissioner for Human Rights.....</i>	<i>3</i>
<i>Fight against racism and intolerance (ECRI).....</i>	<i>5</i>
<i>Protection of minorities.....</i>	<i>5</i>
<i>Framework Convention for the Protection of National Minorities.....</i>	<i>5</i>
<i>European Charter for Regional or Minority Languages.....</i>	<i>5</i>
<i>Action against trafficking in human beings (GRETA).....</i>	<i>6</i>
<i>Preventing and combating violence against women and domestic violence (GREVIO).....</i>	<i>6</i>
<i>Protection of children against sexual abuse (Lanzarote Convention).....</i>	<i>6</i>
<i>Fight against corruption (GRECO).....</i>	<i>8</i>
<i>Execution of judgments and decisions of the European Court of Human Rights.....</i>	<i>8</i>
<i>Social and Economic Rights (ECSR).....</i>	<i>9</i>

Prevention of torture (CPT)

The CPT's report on the 2018 ad hoc visit to France



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The main objective of the visit was to examine the treatment and conditions of detention of persons deprived of their liberty under immigration and asylum law.

Government response



**CPT_Inf_2020_12_Fran
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The CPT's report on the 2019 periodic visit to France



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The visit aimed at assessing the situation of persons deprived of their liberty, held in police, penitentiary and psychiatric establishments. The delegation examined the conditions of detention in three remand prisons where overcrowding was a problem. It carefully observed the regime applied to specific categories of sentenced persons, including those placed in units for “radicalised” detainees. Attention was also paid to the situation of women.

In addition, the treatment of involuntary patients in psychiatric institutions was examined in detail, including as regards seclusion and means of restraint.

Furthermore, twelve police and gendarmerie stations were visited with a view to assessing their material conditions.

Executive summary



**CPT_Inf_2021_14_Part_
France_résumé exécut**

Government response



**CPT_Inf_2021_15_Fran
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The CPT's report on the 2020 ad hoc visit to France



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The aim of the visit was to assess the situation of persons deprived of their liberty in Alsace, a region particularly affected by the COVID-19 pandemic at the time of the visit. The delegation visited various detention facilities in order to examine the measures taken to protect both persons deprived of their liberty and staff before, during and after the two months' lockdown imposed by the French authorities.

Government response



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Council of Europe Commissioner for Human Rights

Asylum and migration

In a [letter](#) to members of the French National Assembly, published on 12 March 2018, the Commissioner expressed concern about certain provisions of the then draft law for managed immigration and an effective right to asylum which presented a risk of violations of the rights of migrants, including asylum seekers. She called for amendments to prevent that risk and ensure that solidarity with migrants would not be discouraged or restricted.



CommHR_France.pdf

On 8 December 2021, the Commissioner published a [letter](#) to the Minister of the Interior of France regarding Channel crossings. The Commissioner noted that the underlying issues of the lack of safe and legal routes and other human rights aspects of this situation had largely been ignored. In particular, she noted the lack of a framework for persons staying in France to apply for asylum or for a right to stay on other grounds in the United Kingdom. She also highlighted that the increasing focus on security to the exclusion of all else exacerbates the situation by redirecting people towards the most dangerous routes. She called for co-operation with the United Kingdom to ensure access to asylum, effective co-ordination of rescue at sea, safeguards in case of return, and humane and

dignified treatment of all. The same letter was also addressed to the Home Secretary of the United Kingdom.



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Human rights in law enforcement

On 26 February 2019, the Commissioner published a [memorandum](#) on maintaining public order and freedom of assembly in the context of the “yellow vests” movement in France, in which she invited the French authorities to show more respect for human rights during operations aimed at maintaining public order and refrain from introducing excessive restrictions to freedom of peaceful assembly through the then bill on strengthening and guaranteeing public order at demonstrations.



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um_France.pdf

On 18 December 2020, the Commissioner published a [letter](#) to the Law Committee of the French Senate, urging the senators to make substantial amendments to the General Security Bill. She invited the senators to remove the ban on disseminating images of the faces of law enforcement officers engaged in police operations, or any other means of identifying them, with the clear intent to do them physical or psychological harm. The Commissioner also recommended measures to enhance the right to privacy, including stricter limits on the conditions regarding access to CCTV footage of public spaces and certain private spaces, a better definition of the legal framework for the use of body cameras and a strengthening of the safeguards for persons subject to surveillance through drones. Lastly, the Commissioner stressed that it is crucial wherever possible to avoid placing the law enforcement agencies in situations of extreme tension and to secure full respect for their members’ economic and social rights.



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Children’s rights

The Commissioner published on 2 July 2021 her written [observations](#) to the European Court of Human Rights on the cases of H.F. and M.F. v. France and J.D. and A.D. v. France regarding the fate of French children held with their mothers in camps in North-East Syria and took part in the [hearing](#) held on these cases by the Grand Chamber of the Court on 29 September. In her observations, the Commissioner stressed that nationals of the States Parties to the Convention being held in these camps fall within the jurisdiction of those states, and that the prevailing health and security situation in the camps endangers the lives and health of those detained there, especially children. She further underlined that such a situation cannot be compatible with the prohibition of torture, or inhuman or

degrading treatment laid down in Article 3 of the Convention and that the only way that States Parties can meet their obligation to take measures to prevent violations of this provision is to repatriate their nationals. Furthermore, she stressed that the refusal by certain States Parties to do so is such as to impede the effective exercise of these persons' right to respect for private and family life. The Commissioner also stated that the removal of all foreign children from the camps is an absolute and mandatory priority from the perspective of the rights which apply to all children pursuant to the UN Convention on the Rights of the Child and its protocols, and that in order to safeguard their best interests their mothers must be repatriated with them. Lastly, the Commissioner considered that the repatriation of European nationals held in the camps in North-East Syria is essential to protect the rights of victims of terrorist acts and as a means of preventing terrorism.



CommHR_third party
intervention_France.pdf



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ing_2021.pdf

Fight against racism and intolerance (ECRI)

Sixth report on France and Government comments (adopted on 28 June 2022 / published on 21 September 2022)



ECRI_6th monitoring
cycle_France.pdf

Conclusions on France (adopted on 5 December 2018 / published on 5 March 2019)



ECRI_2019_3_France.p
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Protection of minorities

Framework Convention for the Protection of National Minorities

France has not signed the Framework Convention.

European Charter for Regional or Minority Languages

France has signed the Charter in 1999 but has not ratified it.

Action against trafficking in human beings (GRETA)

GRETA evaluation report (3rd evaluation round)



GRETA_Evaluation_re
port_France.pdf

[Press release](#)

Preventing and combating violence against women and domestic violence (GREVIO)

France ratified the Convention in 2014. GREVIO published its first baseline evaluation report on France in November 2019 (Executive summary can be found on pp. 6-8).



GREVIO_baseline_eval
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The Committee of the Parties to the Convention issues its Recommendations in respect of France, based on GREVIO's findings, in January 2020.



GREVIO_Recommand
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Protection of children against sexual abuse (Lanzarote Convention)

France ratified the Lanzarote Convention on 27 September 2010 and it entered into force in its respect on 1 January 2011.

1st monitoring round on the “Protection of children against sexual abuse in the circle of trust”

This was carried out between 2013 and 2018 and focused on the protection of children against sexual abuse in the circle of trust. It led to the adoption of two implementation reports, one related to the [legal framework](#) and the other to the [strategies](#) to tackle the phenomenon. The information submitted by France in the context of the 1st monitoring round is available [here](#).



Lanzarote
Committee_1st imple



Lanzarote
Committee_2nd imple



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Committee_France.pdf

The recommendations requiring France to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:



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committee_recommen

Urgent monitoring round on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”

To respond to the urgent migrant and refugee situation in Europe, the Lanzarote Committee decided in 2016 to address the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse through an urgent monitoring round. This resulted in a [special report](#) published in March 2017. The information submitted by France in the context of this round is accessible [here](#). To follow-up on the Special report and its monitoring findings, the Committee carried out a compliance procedure to assess the conformity of Parties with the recommendations urging them to act (the “urge” recommendations), as well as those considering that they should act (the “consider” recommendations).



Lanzarote
Committee_special r



Lanzarote
Convention_T-ES_2016

Following the compliance procedure, the recommendations still requiring France to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:

On victim identification, the Lanzarote Committee:

- **Considers** that France should put in place effective mechanisms for data collection with a specific focus on children affected by the refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse and review the possible removal of obstacles to the collection of such data, in particular, where they exist, legal restrictions to do so, with due respect for the requirements of personal data protection (R7).¹

2nd thematic monitoring round: Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): Addressing the challenges raised by child self-generated sexual images and/or videos.

This was carried out between October 2017 and March 2022 and was dedicated to “Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”, with a focus on “Addressing the challenges raised by child self-generated sexual images and/or videos”. It led to the adoption of an [implementation report](#) in March 2022. The information submitted by France in the context of the 2nd monitoring round is available [here](#).

¹ On 10th of March 2022, France was considered only to partially comply with the recommendation at stake and more details on what is still lacking may be found in document T-ES(2021)25_en final at <http://rm.coe.int/compliance-report-concerning-recommendation-7-follow-up-given-by-parti/1680a5e8ab>.



**Lanzarote
Committee_T-ES_2022**



**Lanzarote
Convention_T-ES_2017**

The recommendations requiring France to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows (editing of the recommendations to be verified with the final version of the implementation report):



**Lanzarote
Committee_recomm**

Fight against corruption (GRECO)

France was evaluated in 2019 under the Fifth Evaluation Round on “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”. The corresponding 5th Round Evaluation Report was adopted by GRECO Plenary and made public in 2020. GRECO’s 5th Round Compliance Report, assessing the implementation of the recommendations, was made public in 2022. Additional information from the authorities is due by 30 June 2023.



**GRECO_Eval5Rep_019
_2_France.pdf**



**GRECORC5_2021_12_
France.pdf**

Concerning the Fourth Evaluation Round on “Prevention of corruption in respect of members of parliament, judges and prosecutors” the 4th Round Addendum to the Second Compliance Report was published in 2022 and additional information from the authorities is due by 31 March 2023.



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Execution of judgments and decisions of the European Court of Human Rights



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Appendix_Execution**

Social and Economic Rights (ECSR)



**ESC_France_factsheet
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