



## Statement

### Item 6 – Adoption of the outcome of the UPR of France

6 June 2013

The Universal Periodic Review of France addressed a range of concerns, including on the issues of discrimination in particular with regards to identity checks and religious symbols, forced evictions and expulsions of Roma and counterterrorism laws.

#### **Abusive identity checks**

Human Rights Watch welcomes that France has accepted recommendations to stop the practice of ethnic profiling in identity checks by the police. We had deeply regretted that in September 2012 the government backtracked on a proposal to introduce “stop forms”—a key measure to end abusive identity checks. We recall that François Hollande promised as a presidential candidate to “fight against ethnic profiling and abusive practices during identity checks through the establishment of a ‘procedure respectful of citizens’”. We therefore urge France to swiftly implement the UPR commitment in this regard.

To fight effectively against abusive identity checks, France should in particular introduce “stop forms,” to serve as a record of the stop and a safeguard for the police and the public. The form would be filled out by the police during the stop, with a copy for the police and one for the person stopped. This would promote accountability, help avoid interference with privacy rights, make identity checks more transparent, allow for evaluation of identity check powers and improve relations between security forces and citizens.

#### **Restrictions on religious dress**

We deeply regret that France has rejected recommendations to reconsider its 2004 law banning students from wearing ostentatious religious symbols in public schools, and the 2011 law prohibiting the concealment of one’s face in public. These bans violate the freedoms of religion and expression and, by having a disproportionate impact on Muslim women, they are discriminatory in practice.

We welcome France’s acceptance of the recommendation by New Zealand to “undertake a comprehensive study of the repercussions of the ban on facial coverings in public spaces... and the effect on [women’s] access to public services.” We urge France to ensure the independence and methodological rigor of the study, and to publish its findings.

#### **Discrimination against Roma, forced evictions and expulsions**

Human Rights Watch welcomes France’s acceptance of recommendations to address discrimination against Roma. We are very concerned, however, that forced evictions of migrant Roma continue to be reported on a regular basis, with families left without adequate alternative accommodation as required under international human rights law.

In this light, it is striking that France rejected a recommendation to end the practice of forced evictions against Roma by amending existing laws and enacting new ones, despite the lack of sufficient safeguards against forced evictions under French law.

France has accepted a recommendation to ensure that Roma are not targeted for unlawful removal, but a 2011 law which allows the expulsion of EU citizens for “abuse of rights” and appears to target Roma from Romania and Bulgaria remains in force.

### **Counter-terrorism**

We welcome France’s acceptance of the recommendation by Mexico to “take the necessary measures to ensure that all detainees have equal conditions regarding access to a lawyer from the outset of their detention, regardless of the nature of the alleged offense”.

While a reform of the Code of Criminal Procedure in 2011 ensures that detainees have access to a lawyer from the outset of their detention, in the case of high-security suspects access to a lawyer can be delayed by up to three days. We urge France to remove this exception and ensure that anyone held in police custody has access to a lawyer from the start of their detention.

Thank you.

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