

# FRANCE: RIGHTS UNDER PRESSURE

## AMNESTY INTERNATIONAL: SUBMISSION TO THE 43<sup>RD</sup> SESSION OF THE UPR WORKING GROUP, 1 MAY 2023

### SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of France on 1 May 2023. In it, Amnesty International evaluates the implementation of recommendations made to France in its previous UPR, including in relation to the situation of refugees and migrants, arms transfers, climate justice and discrimination in the country.

It also assesses the national human rights framework with regard to increasing threats to freedom of expression and association, and limits on the exercise of universal jurisdiction by French courts.

With regard to the human rights situation on the ground, Amnesty International raises concern about digital surveillance, unlawful use of force by the police and the right to protest.

It ends with a set of recommendations to France which, if implemented, would contribute to improving the Human rights situation.

## FOLLOW UP TO THE PREVIOUS REVIEW

1. At the last review, France accepted 238 out of 294 recommendations, partially accepted 34 and noted a further 25.<sup>1</sup>
2. Some progress has been made since the last review. France adopted legislative and policy measures to ensure access to quality education, in an inclusive manner, for all foreign children, regardless of their migration status.<sup>2</sup> Decree No. 2020-811 of 29 June 2020 specifies the documents that may be requested in support of an application for registration at school in Article L. 131-6 of the Education Code. This facilitates school registration administrative access for children who have uncertain legal status or are living in poverty.
3. France continues to support and implement policies to ensure that transgender people can more easily obtain legal gender recognition through a prompt, accessible, and transparent process.<sup>3</sup>
4. However, despite France's whole or partial support for numerous recommendations to increase protection, assistance, and access to services,<sup>4</sup> serious concern remains over the situation of asylum seekers, refugees, and migrants. The 2018 Asylum and Immigration Law was a significant step backwards, despite some minor improvements.<sup>5</sup>
5. Conventional weapons continue to be transferred to situations where they could be used to commit or facilitate serious violations of international human rights or humanitarian law, including war crimes.<sup>6</sup> Little progress has been made towards implementation of supported recommendations on unlawful use of force by the police<sup>7</sup> and its impact on the right to peaceful assembly.<sup>8</sup>
6. The legislative framework and institutional mechanisms to combat all discriminatory practices by state and non-state actors based on race, ethnicity or religion have not been strengthened, despite the commitment to do so.<sup>9</sup>

## THE NATIONAL HUMAN RIGHTS FRAMEWORK

7. The August 2021 law aimed at "strengthening republican values",<sup>10, 11</sup> criminalizes the publication of information about the private or professional life of anyone, including law enforcement officials, where it could result in direct threats against them or members of their families. The law was accompanied by a "Republican Contract" published by Prime Ministerial decree in January 2022 which places conditions on access to public funds which are open to abuse and expand powers to close down or dissolve organizations. The dissolution of an organization is an extreme measure that can be justified only in very limited circumstances.<sup>12, 13</sup> Under Article 212-1 of the Law on National Security, French law does not require prior judicial scrutiny on the government's decision to dissolve an organization.<sup>14, 15</sup>
8. The August 2010 ratification of the Rome Statute in domestic law established four criteria which render the exercise of universal jurisdiction effectively void for the most serious crimes.<sup>16</sup> In December 2021, the Court of Cassation adopted a strict interpretation of the double criminality criterion and thus concluded that a French judge does not have jurisdiction over crimes committed in Syria, on the grounds that Syria has not ratified the Rome Statute, nor criminalized crimes against humanity in its domestic legislation.<sup>17</sup>
9. Several laws to address the climate emergency were adopted since the last review, including the energy-climate law adopted in 2019,<sup>18</sup> which enshrines the goal of carbon by 2050 "to respond to the climate emergency and the Paris Agreement." In addition, France set up the Citizens' Climate Convention whose mission was to propose measures to reduce greenhouse gases by 40% by 2030.<sup>19</sup> One hundred and forty-nine proposals were submitted to the President, most of which were retained and enshrined in various laws.

## THE HUMAN RIGHTS SITUATION ON THE GROUND

### Freedom of expression (including surveillance)

10. Authorities have not taken sufficient action to investigate, stop and provide remedies for human rights violations stemming from the use of spyware against journalists and members of civil society revealed by the Pegasus Project.<sup>20</sup>
11. A January 2022 law allows the use of surveillance drones, without adequate safeguards.<sup>21</sup> The drones can be deployed in a wide range of contexts, including to monitor protests, without prior authorization by an independent authority.

### Refugees and migrants

12. Children are still detained for administrative reasons connected to the immigration status of their parents.<sup>22</sup>
13. Border police continue to summarily return people to Italy, including unaccompanied minors, without any formalities or examination of their individual circumstances or vulnerabilities; Law enforcement carries out racial profiling against people boarding or inside trains or crossing the border by foot or car; people crossing the border at night are detained outside of any legal framework until they are handed over to the Italian police in the morning. Dozens of people died while attempting increasingly dangerous crossings.<sup>23, 24</sup>
14. Thousands of people continue to attempt to cross the English Channel because of lack of safe and legal pathways to the UK and the failure of both states to put in place mechanisms for sharing the responsibility for providing a place of safety for thousands of people who tried to cross the English Channel in small boats.<sup>25, 26</sup>
15. France continues to withdraw refugee status from Chechen refugees accused of being threats to public order and deported some of them to Russia before the war with Ukraine started. Those deportations amount to refoulement.<sup>27, 28</sup>
16. Many Afghans trying to flee persecution and violence, including people with connections to France experience difficulties and long delays in the registration and processing of their application for family reunification.<sup>29</sup> 88% of Afghan refugees in France are men, so family reunification mostly impacts women and children who face major barriers to visa applications, starting with severe restrictions on freedom of movement for women in Afghanistan.<sup>30</sup>

### Arms transfers

17. France has delivered arms worth more than 8 billion Euros to Saudi Arabia and UAE since 2015, most of which have been for use in Yemen. Arms transfers have continued despite repeated reports of possible war crimes committed by Saudi Arabia and the UAE in the Yemen conflict.<sup>31</sup>
18. Lack of transparency in France's arms transfers is a major obstacle to parliamentary, judicial, and civil society oversight, inhibiting a meaningful assessment of France's obligations under international human rights and humanitarian law. The absence of French Parliamentary controls over arms transfers has allowed irresponsible - in some instances illegal - arms transfers to be authorised.<sup>32</sup>

19. A bill proposing criminal prosecution of individuals and companies violating arms embargoes was blocked in Parliament in 2018, despite states' legal obligation to comply with arms embargoes imposed by the UN Security Council.<sup>33</sup>

### Right to peaceful protest

20. Allegations of excessive use of force by the police and gendarmerie have been particularly prominent since 2018, especially in the context of peaceful assemblies.<sup>34</sup> The police used less lethal weapons against peaceful protesters, with some protesters suffering serious bodily injuries as a result. French police and gendarmerie still use rubber bullets launched with LBD40, stun grenades and sting ball grenades, including when policing protests.
21. In the context of the Yellow Vest movement, which started in October 2018 to oppose a new tax on gasoline,<sup>35</sup> the Ministry of the Interior recorded over 2500 injured protesters after one year of protests,<sup>36</sup> including serious injuries such as mutilation of the hand or eye or multiple fractures.
22. No impartial mechanism to investigate allegations of excessive use of force by police exists and existing procedures for investigating complaints about police conduct do not comply with the requirement for independent and impartial investigation of allegations of torture or other ill-treatment under Article 12 of the European Convention on Human Rights.<sup>37</sup>
23. France does not provide statistics on the numbers of complaints filed alleging excessive use of force by law enforcement officials, nor on their outcomes.<sup>38, 39</sup> This lack of data does not allow assessments of efforts to prevent excessive use of force by the police and gendarmerie. The bodies in charge of investigating cases of excessive use of force (IGPN, IGGN and other police units) are not independent from the police and gendarmerie. While an independent Ombudsman<sup>40</sup> can investigate police misconduct, its resources are limited, and its conclusions are not binding and rarely implemented by the authorities.

### Religious and racial discrimination

24. Administrative control measures against foreign nationals have become a regular practice in France. The measures restrict freedom of movement by preventing those who are targeted from leaving a specific geographical area, requiring them to report daily to the police and, in some cases, preventing them from contacting certain individuals or visiting certain locations. Violations of any of these conditions carries a prison sentence or a fine.<sup>41</sup> These measures are imposed by governmental authorities on individuals who have not committed any crime, on the basis of vague elements and without guaranteeing fair trial standards and other safeguards of the criminal justice system. They are often discriminatory against Muslims.<sup>42</sup>
25. Since 2020, the French government has investigated thousands, and temporarily or permanently closed hundreds, of Muslim institutions including places of worship, civil society groups, schools and businesses, using a range of laws that have resulted in the violations of the right to freedom of association.<sup>43</sup> These closures are often based on secret evidence meaning that the sources and content of allegations gathered by intelligence services are unknown and cannot be meaningfully challenged, undermining the rule of law and right to a fair trial.<sup>44, 45</sup>
26. The French authorities have failed to take necessary steps to prevent and remedy ethnic profiling by the police based on physical characteristics associated with a real or presumed ethnic or racial origin during identity checks, amounting to a form of systemic discrimination.<sup>46</sup>

## Prisons

27. Despite a January 2020 ruling by the European Court of Human Rights to take measures to address the indignity of its prisons,<sup>47</sup> prison conditions continue to violate the right to be free from torture or cruel, inhuman, or degrading treatment or punishment and of the right to effective remedy.<sup>48</sup>
28. Prison overcrowding has reached new highs, with 71,038 people detained on 1 May 2022,<sup>49</sup> an occupancy rate of 138.9%,<sup>50</sup> with negative consequences with regard to the lack of privacy, non-separation of the different categories of prisoners, and an increase in tensions and violence.<sup>51</sup> This is further exacerbated by the dilapidated and insalubrious state of a significant proportion of French prisons.<sup>52</sup> This has led to a significant deterioration in the conditions of care for detainees, with shortcomings in the provision of activities and work, preparation for release, and health care, and their consequences on integration or reintegration.

## RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

### Amnesty International calls on the government of France to:

#### Freedom of expression (including surveillance)

1. Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
2. Repeal surveillance measures that amount to mass surveillance and ensure that surveillance measures can only be triggered for specific reasons and with the prior authorization of an independent body.

#### Refugees and migrants

3. Widen and expedite safe and legal migration routes such as humanitarian visas, resettlement, student visas, work visas and family reunification.
4. Ensure the right to seek asylum is respected and protected and refrain from illegal practices at its borders and illegal returns, including pushbacks, collective expulsions, detention without legal basis, and refusal to examine asylum claims without any formalities.
5. Respect and protect the fundamental human rights of all migrants regardless of their immigration status
6. Provide unaccompanied children access to effective protection and refrain from detaining families with children or unaccompanied minors.
7. Publicly support civil society initiatives to protect the rights of displaced people and refrain from prosecuting, harassing, or intimidating individuals and organizations for their actions in solidarity with asylum seekers and refugees.

#### Arms transfers

8. Incorporate in domestic law all provisions of the Arms Trade Treaty (in particular, Articles 6 and 7) and of the EU Common Position (in particular, Article 2) which require that arms transfers must not be authorized where there is a substantial or clear risk that the arms could be used to commit or facilitate serious violations of international human rights or humanitarian law.

9. Increase the transparency of the annual report to Parliament (for example, by detailing the categories and quantities of exported equipment) to open up French exports to public scrutiny and strengthen the role of Parliament and civil society in the oversight of export decisions.
10. Put in place a post-delivery control system to monitor compliance of the end-use/end-user certificates, to ensure that the equipment provided will be used in accordance with the commitments made by the end-user, and in compliance with the restrictions and conditions imposed by the monitoring authority.
11. Immediately cease the direct or indirect supply, sale or transfer, including transit and trans-shipment, of any arms or military assistance, including ammunition, spare parts, military technology or training, that carry a substantial risk of being used by states, including Saudi Arabia and UAE, to commit or facilitate serious violations of international human rights or humanitarian law.

#### **Unlawful use of force by police and right to freedom of peaceful assembly**

12. Make public comprehensive statistics on allegations of unlawful use of force by police, complaints filed for excessive use of force by law enforcements officers, on judicial inquiries opened, on prosecution proceedings, convictions and penalties handed down, and on cases dismissed.
13. Immediately suspend the use of LBD40 and carry out an independent and thorough evaluation to ensure that the launcher and related projectiles can be used safely and effectively, without causing unwarranted injuries, in line with international law and standards on the use of force, and that all officers authorised to use this equipment receive regular, adequate training on its use.
14. Immediately ban the use of sting grenades and stun grenades that are inherently indiscriminate and cannot be used in line with international law and standards on the use of force.
15. Ensure that any measures that restrict the rights to freedom of peaceful assembly and expression are strictly necessary and proportionate for the protection of legitimate aim under international human rights law (such as public health in the context of the Covid pandemic), avoid blanket bans on protests and assess whether restrictions may be necessary and proportionate to achieve a legitimate aim on a case-by-case basis.
16. Repeal or substantially amend all criminal provisions that unduly restrict the right to freedom of peaceful assembly including organizing a public assembly without complying with the notification requirements, contempt of public officials and the prohibition on wearing face coverings in the context of a protest deemed “likely to threaten public order”
17. End the arbitrary arrest and prosecution of protesters under Article 212-14-2 of the Criminal Code that criminalizes participation in a group with a view to preparing acts of violence and amend the provision to clarify that only individuals who are actively involved in planning violent acts in a group can face criminal charges.
18. Reform the policing doctrine, to move towards strategies of dialogue and de-escalation and reduce risks of human rights violations.

#### **Climate Justice**

19. Fully implement and go beyond the emission reduction targets set in the EU nationally determined contribution and each sectoral policy efficiently and cost-effectively, in a human rights consistent manner and according to the principles of just transition.

## Religious and racial discrimination

20. Repeal the following provisions of laws that provide for the imposition of administrative control measures that violate a person's human rights and run afoul of France's international human rights commitments: Articles L228-1 to 7 for assigned residence under the Law on Internal Security and Fight against Terrorism (SILT); Article L561-2 for assigned residence under the Code on Entry of Foreigners and Right to Asylum in the context of counter-terrorism.
21. Avoid dissolution of civil society or religious organizations by decree as it does not provide for the necessary safeguards and refrain from the dissolution of any institution, including Muslim civil society organizations, unless demonstrably necessary and proportionate to protect national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others, and the result of a court-led process.
22. Overhaul the framework governing identity checks by modifying identity check powers to explicitly prohibit discrimination in identity checks, abolish preventive identity checks, and circumscribe police authority to ensure that all identity checks, including those based on a prosecutor's orders, are based on objective and individual grounds. Establish a system to record and evaluate data on identity checks and provide those stopped with a record of the stop, as well as an effective, independent complaints mechanism.

## Universal jurisdiction

23. Amend the law to remove the main barriers preventing the prosecution of suspects of international crimes in France.

## Prisons

24. Implement a national action plan against prison overcrowding that does not rely on prison expansion and includes measures to decriminalize certain types of offences; reduce the use of pre-trial detention to make sure that it is used only as a last resort and consider strengthening alternatives to custodial measures.
25. Establish a prison regulation mechanism, including reform of the method of calculating the operational capacity of prisons, as the European Court enjoined France to do in January 2020.

## ANNEX 1

### KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

France: “*Dignité en prison – Quelle situation deux ans après la condamnation de la France par la Cour européenne des droits de l’homme ? Rapport de l’OIP avec le soutien d’Amnesty International*”, 18 June 2022, [amnestyfr.cdn.prismic.io/amnestyfr/446f871c-e084-495f-8b1e-e3d2a817a903\\_Rapport-dignit%C3%A9-prison-OIP-AI\\_juin2022.pdf](http://amnestyfr.cdn.prismic.io/amnestyfr/446f871c-e084-495f-8b1e-e3d2a817a903_Rapport-dignit%C3%A9-prison-OIP-AI_juin2022.pdf)

France: “*Prison en France : alerte sur les conditions de détention*”, 16 June 2022, [amnesty.fr/liberte-d-expression/actualites/prison-en-france-les-conditions-de-detention](http://amnesty.fr/liberte-d-expression/actualites/prison-en-france-les-conditions-de-detention)

France: “*Élection présidentielle 2022 : parlons du droit de manifester*”, 22 March 2022, [amnesty.fr/liberte-d-expression/actualites/election-presidentielle-2022-droit-de-manifester](http://amnesty.fr/liberte-d-expression/actualites/election-presidentielle-2022-droit-de-manifester)

Yemen: “*Escalade des attaques menées par la coalition saoudienne : une arme de fabrication américaine utilisée lors d’une frappe aérienne qui a fait de nombreux morts*”, 26 January 2022, [amnesty.org/fr/latest/news/2022/01/yemen-us-made-weapon-used-in-air-strike-that-killed-scores-in-escalation-of-saudi-led-coalition-attacks/](http://amnesty.org/fr/latest/news/2022/01/yemen-us-made-weapon-used-in-air-strike-that-killed-scores-in-escalation-of-saudi-led-coalition-attacks/)

France: “*“Climate of total insecurity”: arbitrary arrests of peaceful protesters in Paris on 12 December 2020*”, 8 February 2021, [amnesty.org/en/documents/eur21/3650/2021/en/](http://amnesty.org/en/documents/eur21/3650/2021/en/)

France: “*Armes / Rapport sur les exportations d’armes de la France. Réaction d’Amnesty International*”, 18 November 2020, [amnesty.fr/presse/armes--rapport-sur-les-exportations-darmes-de-la](http://amnesty.fr/presse/armes--rapport-sur-les-exportations-darmes-de-la)

France: “*Arrested for protest: Weaponizing the law to crackdown on peaceful protesters in France*”, 29 September 2020, [amnesty.org/en/documents/eur21/1791/2020/en/](http://amnesty.org/en/documents/eur21/1791/2020/en/)

France: “*Targeting solidarity: Criminalization and harassment of people defending refugee and migrant rights in northern France*”, 5 June 2019, [amnesty.org/en/documents/eur21/0356/2019/en/](http://amnesty.org/en/documents/eur21/0356/2019/en/)

Europe: “*Right to be free from rape - Overview of legislation and state of play in Europe and international human rights standards*”, 24 November 2018, [amnesty.org/en/documents/eur01/9452/2018/en/](http://amnesty.org/en/documents/eur01/9452/2018/en/)

France: “*Punished without trial – the use of administrative control measures in the context of counter-terrorism in France*”, 22 November 2018, [amnesty.org/en/documents/eur21/9349/2018/en/](http://amnesty.org/en/documents/eur21/9349/2018/en/)

France: “*Des mesures antiterroristes injustes sont utilisées pour « persécuter au lieu de poursuivre »*”, 22 November 2018, [amnesty.fr/presse/malgre-la-levee-de-letat-durgence-il-y-a-un-an-des](http://amnesty.fr/presse/malgre-la-levee-de-letat-durgence-il-y-a-un-an-des)

Egypt: “*How French arms were used to crush dissent*”, 16 October 2018, [amnesty.org/en/documents/eur21/9038/2018/en/](http://amnesty.org/en/documents/eur21/9038/2018/en/)



## ANNEX 2

### MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
<b>Theme: G4 Migrants</b>			
145.285 Ensure that unaccompanied migrant children in French territory have full access to asylum procedures and are not placed in transit zones (Zambia); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 28	Supported/Noted	G4 Migrants G5 Refugees & asylum seekers <b>Affected persons:</b> - children - migrants	Not yet implemented
<b>Theme: A41 Constitutional and legislative framework</b>			
145.200 Adopt legislative and policy measures to ensure access to quality education, in an inclusive way, for all foreign children, regardless of their immigration status (Honduras); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 27	Supported	A41 Constitutional and legislative framework A42 Institutions & policies - General E51 Right to education - General <b>Affected persons:</b> - children	Implemented
145.78 Reinforce the national legislative framework and institutional mechanisms to combat all discriminatory practices based on racial, ethnic and religious profiling (Azerbaijan); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 10	Supported	A41 Constitutional and legislative framework D42 Freedom of thought, conscience and religion <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not yet implemented
<b>Theme: A46 National Plans of Action on Human Rights (or specific areas)</b>			
145.59 Ensure that the dedicated national body completes its work on a new National Action Plan to Combat Racism and Anti-Semitism 2018–2020, based on a thorough evaluation of its predecessor (Israel); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 10	Supported	A46 National Plans of Action on Human Rights (or specific areas) B32 Racial discrimination <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not yet implemented
<b>Theme: B32 Racial discrimination</b>			
145.86 Strengthen measures against racist and xenophobic speech, including investigation and prosecution (Ecuador); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 10	Supported	B32 Racial discrimination <b>Affected persons:</b> - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not yet implemented
145.81 Continue efforts to combat all forms of racial discrimination and hate speech directed against certain groups on the basis of race or religion, in order to promote a culture of diversity and tolerance (Tunisia); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 10	Supported	B32 Racial discrimination D42 Freedom of thought, conscience and religion <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Partially implemented
145.36 Continue ensuring effective State responses when dealing with xenophobia and discrimination against women and religious and racial groups (Indonesia); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 10	Supported	B32 Racial discrimination D42 Freedom of thought, conscience and religion F12 Discrimination against women <b>Affected persons:</b> - women	Partially implemented
145.68 Address police-led racism and police violence against migrants (South Africa); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 10	Supported	B32 Racial discrimination G4 Migrants <b>Affected persons:</b> - migrants	Not yet implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
<b>Theme: B6 Business &amp; Human Rights</b>			
145.112 Continue establishing good practices in ensuring human rights obligations are met in environmental policy-making and in business enterprises (Bhutan); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 15	Supported	B6 Business & Human Rights B71 Human rights and the environment <b>Affected persons:</b> - general	Partially implemented
<b>Theme: B73 Human rights and climate change</b>			
145.114 Pursue actions and initiatives in the implementation of the aims of the Paris Agreement under the United Nations Framework Convention on Climate Change (Benin); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 7	Supported	B73 Human rights and climate change S13 SDG 13 - climate change <b>Affected persons:</b> - general	Partially implemented
145.115 Continue its efforts to implement the Paris Agreement on Climate Change (Gabon); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 7	Supported	B73 Human rights and climate change S13 SDG 13 - climate change <b>Affected persons:</b> - general	Partially implemented
<b>Theme: B8 Human rights &amp; counter-terrorism</b>			
145.130 Put in place mechanisms to systematically monitor the 2017 anti-terror laws and associated policies, especially with regard to their discriminatory impact on minorities and religious groups (Australia); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 17	Supported	B8 Human rights & counter-terrorism D42 Freedom of thought, conscience and religion <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not yet implemented
<b>Theme: D42 Freedom of thought, conscience and religion</b>			
145.296 Redouble its efforts to prevent racially motivated acts of violence against Muslims (Libya); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 10	Supported	D42 Freedom of thought, conscience and religion <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Partially implemented
<b>Theme: E26 Human Rights &amp; drinking water and sanitation</b>			
145.267 Establish cohesive, long-term strategies to provide access to safe drinking water and sanitation for migrants in Calais and in the north of France (Sierra Leone); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 34	Supported	E26 Human Rights & drinking water and sanitation G4 Migrants <b>Affected persons:</b> - migrants	Partially implemented
<b>Theme: F31 Children: definition; general principles; protection</b>			
145.283 Ensure the protection of the rights of the child, including the protection and integration of unaccompanied minors (South Africa); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 27	Supported	F31 Children: definition; general principles; protection <b>Affected persons:</b> - children	Partially implemented
<b>Theme: G5 Refugees &amp; asylum seekers</b>			
145.210 Improve procedures for asylum seekers (Iraq); <b>Source of position:</b> A/HRC/38/4/Add.1 - Para. 34	Supported	G5 Refugees & asylum seekers <b>Affected persons:</b> - refugees & asylum seekers	Partially implemented

- <sup>1</sup> UN Human Rights Council, Report on its 38<sup>th</sup> session, 24 August 2018, UN Doc. A/HRC/38/2, para. 320
- <sup>2</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: France, UN Doc. A/HRC/38/4 and its appendix UN Doc. A/HRC/38/4/Add.1 recommendation 145.200 (Honduras)
- <sup>3</sup> A/HRC/38/4/Add.1 recommendation 145.94 (Belgium)
- <sup>4</sup> A/HRC/38/4/Add.1, recommendations 145.55 (Mexico), 145.154 (Belarus), 145.171 (Philippines), 145.261 (Peru), 145.272-282 (Ukraine, Algeria, Bangladesh, Brazil, China, Egypt, Morocco, Venezuela, Afghanistan, Cote d'Ivoire), 145.85-86 (Zambia, Bangladesh), 145.89-90 (Ecuador, Mexico) and 145.92 (Republic of Korea)
- <sup>5</sup> LOI n° 2018-778 du 10 septembre 2018 pour une immigration maîtrisée, un droit d'asile effectif et une intégration réussie (1) [legifrance.gouv.fr/dossierlegislatif/JORFDOLE000036629528/](http://legifrance.gouv.fr/dossierlegislatif/JORFDOLE000036629528/)
- <sup>6</sup> A/HRC/38/4/Add.1 recommendation 145.31 (Panama)
- <sup>7</sup> A/HRC/38/4/Add.1 recommendations 145.138 (Australia), 145.173 (Belarus)
- <sup>8</sup> A/HRC/38/4/Add.1 recommendation 145.172 (Venezuela)
- <sup>9</sup> A/HRC/38/4/Add.1 recommendations 145.76-78 (Venezuela, Pakistan, Azerbaijan)
- <sup>10</sup> LOI n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République [legifrance.gouv.fr/jorf/id/JORFTEXT000043964778/](http://legifrance.gouv.fr/jorf/id/JORFTEXT000043964778/)
- <sup>11</sup> Often referred to as the "séparatisme" law
- <sup>12</sup> According to European human rights law, a dissolution may be justified in light of a close and direct connection between an organization and a crime or the engagement of an organization in activities that constitute an imminent infringement of the rights of others or that fundamentally reject democratic institutions and the rule of law.
- <sup>13</sup> The current French law on dissolution of organizations is already problematic as it enables the government to dissolve an organization on vague grounds and without requiring prior judicial scrutiny. [amnesty.org/en/documents/eur21/3281/2020/en/](http://amnesty.org/en/documents/eur21/3281/2020/en/)
- <sup>14</sup> Amnesty International, "Austria/France: measures announced by the governments threaten freedom of association", 18 November 2020, EUR 01/3359/2020, [amnesty.org/en/documents/eur01/3359/2020/en/](http://amnesty.org/en/documents/eur01/3359/2020/en/)
- <sup>15</sup> This law also introduces a requirement for organizations seeking public funds to sign a "republican contract" through which they commit to "principles of liberty, equality, fraternity and respect for human dignity". Making funding subject to these vague principles risks disproportionate restrictions of the rights to freedom of association and freedom of expression.
- <sup>16</sup> Four locks have been adopted: the Public Prosecutor's monopoly on prosecutions, the condition that the suspect must be a habitual resident, the condition of double criminality and the condition aiming to check that case in not already be before the International Criminal Court. Amnesty International France, "Qu'est-ce que la compétence universelle" ? [amnesty.fr/focus/competence-universelle](http://amnesty.fr/focus/competence-universelle)
- <sup>17</sup> Cour de cassation, 24 novembre 2021, pourvoi n° 21-81.344
- <sup>18</sup> LOI n° 2019-1147 du 8 novembre 2019 relative à l'énergie et au climat [legifrance.gouv.fr/dossierlegislatif/JORFDOLE000038430994/](http://legifrance.gouv.fr/dossierlegislatif/JORFDOLE000038430994/)
- <sup>19</sup> "Convention citoyenne pour le climat : une expérience démocratique inédite" Vie publique, 18 May 2021 [vie-publique.fr/eclairage/279701-convention-citoyenne-pour-le-climat-experience-democratique-inedite](http://vie-publique.fr/eclairage/279701-convention-citoyenne-pour-le-climat-experience-democratique-inedite)
- <sup>20</sup> "Pegasus. Révélations sur un système mondial de surveillance" 17 July 2022 [amnesty.fr/actualites/projet-pegasus-revelations-sur-un-systeme-mondial-de-surveillance](http://amnesty.fr/actualites/projet-pegasus-revelations-sur-un-systeme-mondial-de-surveillance)
- <sup>21</sup> LOI n° 2022-52 du 24 janvier 2022 relative à la responsabilité pénale et à la sécurité intérieure [legifrance.gouv.fr/jorf/id/JORFTEXT000045067923/](http://legifrance.gouv.fr/jorf/id/JORFTEXT000045067923/)
- <sup>22</sup> "Nous appelons le gouvernement et les députés à interdire définitivement l'enfermement administratif des enfants" Le Monde, 13 July 2022. [lemonde.fr/idees/article/2022/07/13/nous-appelons-le-gouvernement-et-les-deputes-a-interdire-definitivement-l-enfermement-administratif-des-enfants\\_6134661\\_3232.html](http://lemonde.fr/idees/article/2022/07/13/nous-appelons-le-gouvernement-et-les-deputes-a-interdire-definitivement-l-enfermement-administratif-des-enfants_6134661_3232.html)
- <sup>23</sup> "À la frontière franco-italienne, des violations systématiques" 16 October 2018 [amnesty.fr/refugies-et-migrants/actualites/a-la-frontiere-franco-italienne-des-violations-systematiques](http://amnesty.fr/refugies-et-migrants/actualites/a-la-frontiere-franco-italienne-des-violations-systematiques)
- <sup>24</sup> "La France viole le droit d'asile à la frontière italienne" 10 July 2020 [amnesty.fr/refugies-et-migrants/actualites/la-france-viole-le-droit-dasile-a-la-frontiere-italienne](http://amnesty.fr/refugies-et-migrants/actualites/la-france-viole-le-droit-dasile-a-la-frontiere-italienne)
- <sup>25</sup> "Naufrage meurtrier dans la Manche : chronique d'un drame annoncé" 26 November 2021 [amnesty.fr/refugies-et-migrants/actualites/calais-naufrage-meurtrier-dans-la-manche-chronique-un-drame-annonce](http://amnesty.fr/refugies-et-migrants/actualites/calais-naufrage-meurtrier-dans-la-manche-chronique-un-drame-annonce)
- <sup>26</sup> "Calais : l'aide humanitaire et citoyenne ne doit pas être interdite" 16 September 2020 [amnesty.fr/refugies-et-migrants/actualites/calais-aide-humanitaire-et-citoyenne-interdiction](http://amnesty.fr/refugies-et-migrants/actualites/calais-aide-humanitaire-et-citoyenne-interdiction)
- <sup>27</sup> "Expulsé de France, M. Gadaev très certainement aux mains des autorités tchétchènes" 12 December 2021 [amnesty.fr/refugies-et-migrants/actualites/expulse-de-france-m-gadaev-tres-certainement-aux](http://amnesty.fr/refugies-et-migrants/actualites/expulse-de-france-m-gadaev-tres-certainement-aux)
- <sup>28</sup> On 20 August 2022, the European Court of Human Rights found that France violated Article 3 of the European Convention on Human Rights in issuing deportation orders following an inadequate assessment of the risks for Chechen refugees upon deportation to Russia. European Court of Human Rights (ECtHR), R v. France, Application 49857/20) and W v. France, Application no. 1348/21), ECHR 261 (2022), Chamber judgment, 30 August. 2022, [hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-218931%22%5D%7D](http://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-218931%22%5D%7D)
- <sup>29</sup> "Avec les oubliés afghans pour qui « le président français n'a pas tenu son engagement »" Le Monde, 21 January 2022 [lemonde.fr/international/article/2022/01/21/le-president-francais-n-a-pas-tenu-son-engagement-avec-les-oublies-afghans-de-l-operation-apagan\\_6110462\\_3210.html](http://lemonde.fr/international/article/2022/01/21/le-president-francais-n-a-pas-tenu-son-engagement-avec-les-oublies-afghans-de-l-operation-apagan_6110462_3210.html)
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- <sup>45</sup> In January 2022, the President's office shared new statistics regarding the fight against Islamism and communitarianism", revealing that across the country, 24,877 investigations had been carried out resulting in the closure 718 establishments accused of "séparatisme" accompanied by the seizure of 46 million euros of assets. As well as mosques, other institutions targeted as part of this campaign have included Muslim schools and butchers on grounds of building safety, security and hygiene measures, raising concerns about the conflation between counterterrorism initiatives and generic surveillance and harassment of Muslim communities. "Sous l'autorité des préfets, les CLIR sont pleinement opérationnelles dans chaque département, avec un bilan cumulé de 24 877 opérations de contrôle qui ont conduit à fermer 718 établissements ou structures séparatistes et permis la saisie ou le redressement de 46 millions euros d'avoirs." Elysée, 1 July 2022, [elysee.fr/front/pdf/elysee-module-19130-fr.pdf](https://www.elysee.fr/front/pdf/elysee-module-19130-fr.pdf)
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