

CNC**DH**

COMMISSION NATIONALE
CONSULTATIVE
DES DROITS DE L'HOMME

RÉPUBLIQUE FRANÇAISE

CONTRIBUTION

CONTRIBUTION TO THE 4TH CYCLE OF THE UNIVERSAL PERIODIC REVIEW OF FRANCE

JANUARY 2023



THE CNCDH

PRESENTATION OF THE INSTITUTION

The Commission nationale consultative des droits de l'homme (National Consultative Commission on Human Rights, CNCDH) is the French national institution for the promotion and protection of human rights, established in accordance with the Paris Principles and accredited with A status at the United Nations. The CNCDH is a pluralist and independent body whose role is to monitor, advise and follow up with the Government and Parliament on all human rights issues. It also provides human rights education and awareness-raising. The CNCDH is also the National Commission for the implementation of international humanitarian law. Lastly, it has independent national rapporteur mandates on: the fight against racism, anti-Semitism and xenophobia, the fight against trafficking in human beings, the implementation of the UN Guiding Principles on Human Rights and Business, the fight against hate and anti-LGBTI+ discrimination, and the effectiveness of the rights of persons with disabilities.

The Commission was reorganised in 2007¹ and is composed of 64 members, representing the main organisations working in the field of human rights and international humanitarian law, the main trade union confederations, as well as persons chosen for their recognised competence in these fields. The Commission may be referred to by the public authorities or take up any matter within its remit. It reports on its positions through opinions, statements, reports and studies. Since France's last Universal Periodic Review (UPR), 66 opinions and 21 statements have been published in the Official Journal of the French Republic. The CNCDH has also published five *annual reports on the fight against racism, anti-Semitism and xenophobia*, a *Study on the effectiveness of human rights in the French overseas territories*, a *report on Sexual orientation, gender identity and intersex: from equality to the effectiveness of rights*, the proceedings of a series of webinars on women's rights, the book *Human rights: 13 preconceived ideas to be deconstructed* and the fourth edition of the report *Human rights in*

France: Views from international bodies, which proposes a collection of observations and recommendations addressed to France by international human rights bodies and which could be the subject of recommendations by States during the 4th cycle of the UPR.

As part of its international mandate, the CNCDH monitors France's compliance with its international commitments and follows up on the implementation of recommendations made by international and regional human rights bodies. It advises the public authorities, in complete independence, on the preparation of reports submitted by France to international bodies and submits written contributions to these same bodies on the respect and effectiveness of human rights in France. In previous years, it has systematically provided all treaty bodies with a written contribution for the preparation of the lists of questions and for the examination of France. The CNCDH also participates in the sessions and informal meetings of these bodies. Lastly, it maintains a close link with the Special Procedures of the Human Rights Council.

THE UNIVERSEL PERIODIC REVIEW THE PROCESS

The Universal Periodic Review (UPR) is a unique mechanism created in 2006 by the United Nations, when the mandate of the Human Rights Council (HRC) was defined.

This review provides a comprehensive overview of the situation of human rights and international humanitarian law around the world.

The objective of the UPR is to improve the human rights situation in all countries through concrete recommendations, with real repercussions for individuals around the world. The UPR is designed to initiate, support and develop the promotion, protection and effectiveness of human rights on the ground.

Peer review of States

This universal mechanism consists of peer review of all United Nations (UN) member States. It aims to take stock of how each State maintains and improves the human rights situation on the ground, and to address human rights violations.

The UPR complements the examination of each State by the treaty bodies, committees of independent experts in charge of verifying the respect of international human rights commitments in the country (Committee on the Rights of the Child, Committee on the Rights of Persons with Disabilities, Committee on the Elimination of Discrimination against Women, Committee against Torture).

2022, start of the 4th cycle

The UPR operates on a cyclical basis over a period of four and a half years. The first three sessions of the UPR took place successively between 2008 and 2011, between 2012 and 2016 and between 2017 and 2022. The fourth cycle started in 2022; France will be reviewed in May 2023.

Each cycle takes place in three two-week sessions.

Course of action

The UPR is carried out within the framework of the work of the Human Rights Council Working Group on the UPR (UPR WG). This working group consists of the 47 Member States of the Council. The review is based on three equally important sources of information: a report submitted by the State under review; a compilation of recommendations and observations from UN human rights mechanisms and UN agencies; and a summary of information provided by other relevant stakeholders such as the national human rights institution (NHRI) and civil society.

On the day of the review, the country under review presents its report to the UPR WG. It develops actions for the promotion and protection of human rights. Then, in an interactive dialogue, not only the member States of the Human Rights Council, but also all UN member States - as observer States - have the opportunity to intervene to ask questions, make comments or formulate recommendations to the State under review. It also regularly takes the floor to answer questions and comment on recommendations. At the end, the working group proposes recommendations that the State either accepts or not. The latter in turn presents its final observations.

To facilitate and structure the work, a group of three rapporteur States, drawn by lot from among the members of the Council (the Troika), is set up. The Troika analyses, together with the State under review, all the recommendations made by the other States. It prepares, together with the State concerned and with the assistance of the HRC Secretariat, a report which contains a summary of the discussions, the recommendations of the HRC and the voluntary commitments made by the State under review.

This report is first adopted during the UPR WG session, a few days after the review. Then it is adopted by consensus a few months later at a plenary session of the Human Rights Council. At this stage, the peers, the NHRI accredited with A status, as well as representatives of civil society organisations in consultative status with the United Nations, have the opportunity to express their oral opinion on the final document.

This final session is the occasion for a dialogue between the different stakeholders, which leads to the adoption of the final report, a real roadmap for the effective implementation of human rights in the country under review.

Key role of civil society and NHRIs

The CNCDH, like any A-status accredited NHRI, is in the UPR at the crossroads of its missions towards France: advice/control/monitoring. It collaborates with the State in the preparation of its report, sends a written contribution, and coordinates the involvement of civil society.

The NHRI and key civil society representatives are invited to make general comments during the adoption of the final report at a session of the Human Rights Council.

The UPR, because of its egalitarian and interactive nature, allows for a concrete contribution to the improvement of human rights on the ground.

FULL CONTRIBUTION OF THE CNCDH

The CNCDH welcomes France's commitment to feminist diplomacy, to new public policies in favour of the rights of LGBTQIA+ people and to corporate social responsibility.

The CNCDH is pleased that the government has given it new mandates, but it recalls the importance of allocating the necessary means to carry them out.



I. HUMAN RIGHTS-BASED APPROACH

The CNCDH notes that there is a widespread lack of knowledge among administrations of the body of international human rights law, in particular the International Convention on the Rights of Persons with Disabilities. It recommends that France train government officials, especially teachers, law enforcement officers and magistrates.

It calls on France to adopt a human rights-based approach and to rethink its public policies, particularly with regard to poverty and disability issues.

It recommends that the reduction of structural inequalities between women and men be made a cross-cutting objective and that all its public policies be examined in this respect.



II. ENVIRONMENT AND THE PRECARIOUSNESS OF HUMAN RIGHTS

The State has been condemned by the French courts for climate inaction¹ and failure to comply with anti-pollution standards². The CNCDH notes that climate and environmental disasters are making the exercise of human rights in France more precarious³.

It recommends that France:

- respect the carbon neutrality trajectory and stop subsidising fossil fuels;
- adopt binding regulations on companies with regard to environmental protection;
- design climate change adaptation policies, taking into account the impact on the most vulnerable.

III. FUNCTIONING OF THE INSTITUTIONS

Institutional life is marked by a normalization of emergency regimes, restricting freedoms and the quality of democratic debate.



States of emergency

Since 2015, France has experienced an almost continuous state of exception, first because of the terrorist threat and then in connection with the pandemic⁴. Most of the exceptional measures were then incorporated into ordinary law, supported by a dangerous discourse that would make human rights and checks and balances an obstacle to effective public action⁵.

After the attacks of 13 November 2015, the state of emergency⁶ organised the transfer to administrative authorities of important prerogatives normally reserved for magistrates⁷. The purely formal exit from the state of emergency⁸ was accompanied by the perpetuation in ordinary law of some of the powers conferred on the administrative authorities⁹.

The CNCDH suggests that an independent study of the impact of these measures on security and on fundamental rights and freedoms be carried out.

The state of health emergency, introduced in March 2020, was characterised by a concentration of powers in the hands of the executive¹⁰, unprecedented restrictions on freedoms¹¹, and without involving civil society in the choice of strategic orientations.

The CNCDH recommends that the formal withdrawal of states of emergency should ensure that citizens are able to exercise

their fundamental rights and freedoms in full, and that procedural guarantees are in place to ensure their exercise.



Accelerated legislative procedures

The government is now routinely using the accelerated legislative procedure, which is supposed to be exceptional, at the expense of the quality of the law. The CNCDH recommends that rigorous impact studies be carried out, including a consideration of fundamental rights, and that the necessary consultations be carried out for a quality democratic debate.



Abuse of law enforcement agencies

In view of the frequency of abusive and discriminatory practices by law enforcement agencies, the CNCDH calls for a global reorientation of public security policies. It recommends moving away from the numerical evaluation of police performance and focusing on the quality of the service provided to the population, and redefining the missions assigned to the police.

The CNCDH recommends the re-establishment of genuine community policing, backed by a doctrine of intervention based on building a relationship of trust with the population.

The CNCDH insists on the need to provide a better framework for identity checks, in particular by guaranteeing their traceability, in order to rectify the ineffectiveness of remedies in the event of abuse¹². It recommends strengthening the supervision of law enforcement agencies, the independence of inspectorates, and ensuring an appropriate response to police violence¹³.

The management of the maintenance of order during recent collective mobilisations has given rise to an unprecedented use of force¹⁴. The CNCDH regrets a political discourse that tends to assimilate the demonstrators to delinquents¹⁵. It recommends a review of the doctrine of policing to better guarantee the freedom to demonstrate.



Prisons

Despite numerous reminders¹⁶, the CNCDH notes the lack of improvement in the situation of persons deprived of their liberty. It considers the new remedy adopted by the Act of 8 April 2021 to be insufficient.

Faced with prison overcrowding¹⁷, the CNCDH recommends a paradigm shift: to enshrine in law a prison regulation mechanism that prohibits any prison from exceeding a 100% occupancy rate. It encourages the State to design the prison pathway around an exit project, which would reduce the risk of repeat offenders, and to give priority to alternatives to deprivation of liberty, where possible, instead of building new prisons.



Surveillance

The CNCDH is concerned about the increased use of new technologies for the purpose of surveillance of the population, in particular with regard to the scope of the grounds for the legal possibility for the police to use drones equipped with cameras.

In addition to the numerous video-protection cameras on the public highway, these devices extend the surveillance of the population, collect sensitive personal data, and constitute a dissuasive police mechanism with regard to the exercise of fundamental freedoms such as the freedom to demonstrate.

The CNCDH recommends that video protection, as well as airborne cameras, be subject to an independent evaluation of their impact on crime and on the exercise of fundamental rights.

IV. ECONOMIC, SOCIAL AND CULTURAL RIGHTS



Schooling

Non-schooling particularly concerns children living in certain overseas territories, those living in shanty towns or those with disabilities. No official statistics are available to measure the real extent of this phenomenon¹⁸. The CNCDH recommends the creation of an observatory of non-schooling to qualify, quantify and identify the phenomenon so that appropriate responses can be provided.



Education

The CNCDH recommends that school curricula be revised to give representations of women and minorities their rightful place¹⁹.

In order to promote equal opportunities²⁰, the CNCDH recommends strengthening public guidance systems and backing support systems for high schools, regardless of their place of residence and social background.

In view of the increase in the number of distance learning courses for profit, to the detriment of access to quality education, the CNCDH recommends that a research plan on the use of digital technology in higher education be launched.

The CNCDH is concerned about the precariousness of young adults who drop out of school²¹. It recommends that a comprehensive and permanent solution for young people in precarious employment be studied with the people concerned, in order to secure their pathway from study to employment.



Health

Social and regional inequalities in health care provision have reached an unacceptable level. General medicine and public psychiatry, in particular child psychiatry, are emblematic indicators of a breakdown in fairness in access to care according to place of residence in the country²².

The CNCDH recommends:

- developing a logic of health democracy allowing citizens to take part in decisions;
- creating an interministerial delegation to promote the consideration of health in all areas of a person's life in order to address social inequalities in health;
- creating a truly universal health protection system and develop health care institutions that are concerned with the care of everyone;
- providing mental health policies with sufficient resources, in particular to enable the care of children;
- putting in place specific policies and budgets for the overseas territories, which are particularly badly off in terms of access to health.



Combating extreme poverty

The CNCDH recommends that public policies to combat poverty should be drawn up with the people concerned, and that evaluations should be carried out on existing measures and on access to rights²³ for the poorest 10%.

Some territories²⁴ are more affected by poverty than others. Specific budgets should be dedicated to them²⁵.

Given the loss of purchasing power of the poorest 5% over the last five years²⁶, the CNCDH recommends that the national strategy to combat poverty be given sufficient resources.



Housing

Despite the five-year plan to combat homelessness, the number of social housing units remains insufficient²⁷. A policy of building social housing accessible to the poorest²⁸ must be put in place as soon as possible.

Evictions from informal settlements continue²⁹ without any practical respect for the legal framework³⁰. The CNCDH recommends that a more restrictive regulatory framework be put in place to ensure that all evicted persons are provided with permanent rehousing

solutions³¹.

The Traveller caravan should be recognised as a housing in its own right³². Noting that reception areas are generally located in polluted areas and far from any public services, the CNCDH recommends that³³ it be brought into line with rights and needs, including the right to a healthy environment.



V. TRAFFICKING IN HUMAN BEINGS

The CNCDH is concerned about the lack of a real public policy to fight against trafficking. It notes the absence of:

- a dedicated interlocutor within the government;
- implementation of the majority of the measures of the two previous plans;
- national victim identification and referral mechanism³⁴.

The CNCDH recommends drafting a new plan³⁵, in consultation with civil society, extended to all forms of contemporary trafficking and exploitation and including the digital dimension. It recommends ensuring the unconditional protection of minors, and changing the view of children forced to beg or commit crimes, as well as taking into account the close links with drug trafficking.

VI. INTOLERANCE AND DISCRIMINATION



Racism

With no criminal convictions for discrimination³⁶, the CNCDH regrets the difficulty for the judiciary to grasp the phenomenon of offences and the delay in the adoption of the Inter-ministerial Plan to combat racism and anti-Semitism, the last of which ended in 2020.

It calls for the adoption of measures to:

- strengthen the fight against discrimination in the workplace;
- address the issue of systemic discrimination, particularly within the police;
- combat the normalization of racist and xenophobic speech³⁷ and

hate online³⁸;

- combat under-reporting and certain police practices³⁹ that prevent the judicial treatment of offences⁴⁰.

Roma

Victims of normalized anti-Gypsyism⁴¹, Roma populations⁴² face persistent discrimination⁴³. The CNCDH welcomes the goal of the National Action Strategy on Roma⁴⁴, and recommends the deployment of resources dedicated to the fight against anti-Gypsyism.



Women and sexual minorities

Less than 15% of police-recorded complaints of rape and attempted rape result in criminal convictions⁴⁵. The CNCDH recommends:

- revising the offences to include the notion of non-consent⁴⁶;
- conducting rigorous investigations;
- creating dedicated centres for the comprehensive care of victims of sexual violence.

The measures of the Grenelle against domestic violence⁴⁷ are very insufficient. The latest study on domestic murders⁴⁸ revealed a 20% increase in femicides. The CNCDH recommends:

- providing emergency accommodation for victims or removing perpetrators;
- reviewing the entire legal framework and procedures to facilitate access to justice and ensure effective protection for victims;
- training and specialising police officers, gendarmes and magistrates.

More generally, the CNCDH recommends that awareness-raising activities be carried out among the general public and that gender stereotypes be combated from school onwards.

The CNCDH welcomes the adoption of successive Mobilisation Plans against anti-LGBT hatred and discrimination^{49 50}, for which it is responsible for carrying out the evaluation⁵¹. These become more operational⁵². With regard to intersex persons, the CNCDH recommends that any medical intervention be subject to the free and

informed consent of the person concerned.



Disability

The CNCDH recommends that a strategy for the implementation of the Convention on the Rights of Persons with Disabilities⁵³ be adopted, following a human rights-based approach, and that the whole French legal framework be revised.

In particular, it recommends:

- revising the legal definition of disability⁵⁴ in line with the Convention;
- reviewing the model of legal protection of adults;
- providing the material conditions and services to ensure independent living;
- conducting a public policy of accessibility;
- prosecuting and punishing discrimination against people with disabilities.

VII. CHILDREN

Concerned about the lack of official data on infanticide and violence against children, the CNCDH recommends the development of tools to measure the phenomenon and to design public policies to prevent it.



Child protection

The CNCDH notes a great many shortcomings, in particular an inadequate response to the precarious situation of families. It recommends the introduction of appropriate assistance co-constructed with families covering all the rights that magistrates should take into account in their decisions, better recognition of the child's voice and the widespread use of the child's project.



Unaccompanied minors and foreign children in detention

The CNCDH's field missions reveal that unaccompanied minors (UAMs) are confronted with the violence of life on the move, repeated expulsions, inadequate responses to their basic needs and the risk of human trafficking.

Malfunctions related to the recognition of their minority may result in expedited referrals. The CNCDH recommends ensuring effective protection for UAMs and applying a presumption of minority.

Condemned eight times by the European Court of Human Rights, France continues to lock up children. The situation is particularly worrying in the French Overseas Territories, where thousands of children are placed in detention centres and waiting zones⁵⁵. The CNCDH recommends the prohibition of the detention of migrant children⁵⁶, whether they are accompanied or not.



Children in camps in Syria

In 2022, there are still about a hundred children in the camps in north-eastern Syria, living in undignified conditions: the CNCDH recommends repatriating all children with their mothers.

VIII. MIGRATION AND ASYLUM



Asylum-seekers

The CNCDH notes an increasing complexity of the right to asylum which hinders effective access, in particular:

- the development of the fast-track procedure;
- the reduction of the time limits for appeal;
- the limitation on the suspensive nature of the appeal;
- the ricochet infringement of the right of residence of asylum seekers.

The CNCDH recommends that efforts to build new accommodation places be stepped up and that more permanent solutions be offered.



Border and welcome

The CNCDH calls on France to review its border control policy in order to respect the right to asylum at the borders, to allow a real sheltering of exiles and to secure the exile routes⁵⁷.

France's management of the reception of people rescued at sea during attempts to cross the Mediterranean is not acceptable. It cannot pass the buck to its neighbours when it comes to the berthing of rescue boats and the humane and dignified reception of those rescued.

Measures for the integration of migrants are notoriously inadequate⁵⁸. The compulsory paperless administrative procedures constitute a considerable obstacle to access to rights for foreigners. The CNCDH calls for the respect of the effective access to fundamental rights and recommends the reinforcement of the resources allocated to integration policies.



IX. HUMAN RIGHTS DEFENDERS

The CNCDH welcomes the "Marianne" initiative⁵⁹, but recommends that the status of human rights defenders be created in French law, and that their protection be ensured, in accordance with the 1998 United Nations Declaration⁶⁰.

Notes de fin de document

1 [Administrative Court of Paris, 14 October 2021](#).

2 [Council of State, 4 August 2021](#). The Council of State ordered the State to pay a €10 million penalty.

3 CNCDH, *Climate emergency and human rights opinion*, Plenary meeting of 25 November 2021, JORF No. 0130 of 6 June 2021.

4 This normalization of exceptional procedures and regimes over the past seven years has made these regimes sustainable, contrary to the rationale for exceptional circumstances regimes.

5 This normalization of states of exception is accompanied by the dangerous idea that respect for human rights represents an obstacle to the effectiveness of public action, and legitimises the bracketing of the democratic functioning of our institutions, by concentrating powers in the hands of the executive.

6 The state of emergency was extended six times between the attacks of 13 November 2015 and October 2017. The purely formal end to the state of emergency was accompanied by the introduction into ordinary law of some of the powers conferred on the administrative authorities, initially on an experimental basis by Law no. 2017-1510 of 30 October 2017 strengthening internal security and the fight against terrorism, then finally perpetuated by Law no. 2021-998 of 30 July 2021 on the prevention of acts of terrorism and intelligence). Not only was it adopted under an accelerated procedure, but above all the implementation of these measures, since their introduction in 2017, has not been subject to an independent evaluation.

7 In particular, house arrest and searches.

8 Law no. 2017-1510 of 30 October 2017 *strengthening internal security and the fight against terrorism*.

9 Law no. 2021-998 of 30 July 2021 *on the prevention of acts of terrorism and intelligence*.

10 Law no. 20-290 of 23 March 2020 *on the emergency response to the Covid-19 epidemic*.

11 Of particular note are the series of lockdowns applied throughout France and the definition of new criminal law offences.

12 Rec. 145.75 In line with a recommendation made during the previous Universal Periodic Review, take the necessary measures to prevent discriminatory identity checks and to ensure that proven cases of abuse of authority are subject to appropriate sanctions (Switzerland), *Report of the Working Group on the Universal Periodic Review, France, A/HRC/38/4*, 11 April 2018.

13 Rec. 145.139 Create the necessary conditions to ensure prompt, independent and thorough investigations into complaints of ill-treatment by law enforcement officials (Austria), *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

14 French researchers, such as Fabien Jobard and Sebastian Roché, have noted in recent years an increased use of weapons by the police and gendarmerie in France, in particular LBDs (defensive ball launchers) and explosive grenades, in the context of managing collective mobilisations. This has resulted in many injuries and disabilities. The CNCDH regrets that no official record of injuries inflicted by the police on the population is published.

15 This discourse and the illegitimate police violence tend to discourage elderly, frail people or those with children from participating in demonstrations and citizen mobilisations.

16 <https://www.coe.int/fr/web/cpt-/france-anti-torture-committee-deplores-conditions-of-detention-prison-overcrowding-and-lack-of-psychiatric-beds>; see the decision of the Committee of Ministers of 16 September 2021, CM/Del/Dec(2021)1411/H46-12.

17 Rec. 145.147 Take measures to combat severe prison overcrowding, improve appalling conditions of detention and prevent violations of prisoners' rights (Bolivarian Republic of Venezuela), *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

18 According to the associations' estimates, 100,000 children are deprived of their right to education.

19 The aim is to reflect the richness of a diverse society

20 In view of the high digital bill in France, the CNCDH is concerned about the use of digital technology as the main tool for school-parent communication and recommends that time be set aside for exchanges with parents in schools, particularly for those families who are farthest from digital tools and who are unable to connect.

21 This drop-out is due to the fact that these young people are facing unprecedented financial difficulties. These drop-outs from training programmes increase the risk of severe poverty for future generations.

22 The CNCDH recalls that the financing of the health system must be commensurate with the needs of the population, in particular the most vulnerable.

23 In line with the principles of indivisibility and interdependence of human rights, access to rights is fundamental to combating extreme poverty.

24 In particular, certain suburbs, certain overseas territories or certain rural territories. See <https://www.insee.fr/fr/statistiques/4797606?sommaire=4928952>.

25 In this respect, it is worth noting the dynamism of the associative network. The CNCDH calls on the public authorities to encourage greater commitment in the associative sector, to promote local solidarity implemented by the population and to provide the necessary funding for their dynamism.

26 "The redistributive impacts of the 2022 budget on households, and a retrospective on the last 5 years", Institute of Public Policies, November 2021: "For almost 20 years, France has been living with poverty affecting 9 to 10 million people. The poverty rate in 2022 was at the same level as in 2017, at almost 14% of the population. What is worse, during the last five years, there has been an increase in the purchasing power of the richest and middle classes, while at the same time the standard of living of the poorest 5% has decreased."

27 Rec. 145.181 and 145.183, *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

28 These social housing units actually have rents that are too high for the poorest individuals and families, far from the stated objective.

29 Rec. 145.185 Ensure that measures are taken to resolve, within a reasonable time, the housing problems of persons evicted from informal settlements, and consult the occupants in advance, in particular with regard to Roma settlements (Germany), *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

30 Circular of 26 August 2012 on anticipating and accompanying operations to evacuate illegal settlements and Instruction of 25 January 2018 aimed at giving new impetus to the reduction of illegal settlements and shanty towns.

31 It is the imperative to make the right to adequate housing effective.

32 Otherwise, Travellers living in caravans struggle to enjoy their right to housing and all the rights associated with the existence of a recognised domicile.

33 Rec. 145.264 Put an end to violent attacks, hate crimes and manifestations of racism against Roma and punish the perpetrators; guarantee their fundamental rights such as access to water, sanitation, health care, education and housing (Bolivarian Republic of Venezuela), *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

34 The CNCDH, in its capacity as independent national rapporteur on the fight against trafficking in human beings, notes that this lack of political leadership and implementation of the measures of the previous Plan is far from what is expected of a pioneer country of the Alliance 8.7.

35 The next National Action Plan is supposed to be adopted in 2023, but to date the CNCDH notes that the preliminary consultation work has not yet started.

36 Figures from the Ministry of Justice indicate zero criminal convictions for discrimination in 2020, the latest reporting year. See CNCDH *Report 2021 on the fight against racism, anti-Semitism and xenophobia* (p. 298).

37 Rec. 145.79 Efforts to curb racist and xenophobic discourse in public life and the political sphere, especially when it emanates from elected representatives (Botswana), *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

38 In particular, the adoption of the Rabat threshold assessment grid.

39 In particular, the filing of reports and the refusal of police officers to take a complaint when the

complainant goes to the gendarmerie or the police station are real obstacles to legal action.

40 Rec. 145.65 Intensify efforts to prevent and prosecute violence and criminal acts motivated by hatred or intolerance (Slovakia), *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

41 Rec. 145.264 Stop and punish violent attacks, hate crimes and manifestations of racism against the Roma; guarantee their basic rights such as access to water, sanitation, health care, education and housing (Bolivarian Republic of Venezuela); Rec. 145.263 Address the marginalization and discrimination of Roma, including by ensuring their right to adequate housing and education (South Africa), *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

42 Roma people or those perceived to be Roma. There is considerable confusion in France between Roma, Travellers and Gypsies.

43 In particular in the areas of education, employment, health and housing.

44 The CNCDH welcomes the goal of the National Action Strategy on Roma equality, inclusion and participation and is committed to monitoring the reality of its implementation by public authorities.

45 [The letter from the National Observatory on Violence against Women, November 2021.](#)

46 In accordance with the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention, ratified by France.

47 The Grenelle against domestic violence is a mobilisation initiated by the President of the Republic which took place in 2019 to define and adopt a set of 46 measures to combat domestic violence as well as 10 emergency measures.

48 [National study on violent deaths within couples - 2021 | vie-publique.fr](#): the Ministry of the Interior's study reveals a 20% increase in femicides between 2020 and 2021.

49 Rec. 145-91 Establish an independent mechanism to monitor and evaluate the measures taken as part of the Mobilisation Plan against anti-LGBT hate and discrimination (Spain) and Rec. 145.93 Ensure independent monitoring and evaluation of the implementation of the Mobilisation Plan against anti-LGBT hate and discrimination (2017-2020) (Austria), *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

50 CNCDH, Contribution of the CNCDH in view of the drafting of the new Plan against anti-LGBT hate and discrimination, Plenary Meeting of 23 May 2019. Available on the CNCDH website: https://www.cncdh.fr/sites/default/files/2021-09/note_evaluation_plan_lgbt_annexe.pdf.

51 CNCDH, Sexual orientation, gender identity and intersex: from equality to effectiveness of rights, 17 May 2022, available on the CNCDH website: <https://www.cncdh.fr/sites/default/files/2022-05/CNCDH%20Rapport%202022%20Droits%20LGBTI%2C%20pdf%20web.pdf>.

52 DILCRAH, National Action Plan for Equality, Against Anti-LGBT+ Hate and Discrimination 2020-2023, 14 October 2020, available online: <https://www.gouvernement.fr/plan-national-d-actions-pour-egalite-contre-la-haine-et-les-discriminations-anti-lgbt-2020-2023>

53 The Convention's Monitoring Committee recommended this in its general comments in 2021. Before it, the Special Rapporteur in her report on France presented in 2019 to the Human Rights Council, had also recommended this.

54 Law no. 2005-102 of 11 February 2005 for equal rights and opportunities, participation and citizenship of people with disabilities.

55 Rec. 145.288 Adopt the necessary measures to ensure the effective protection of unaccompanied foreign minors and to find alternatives to deprivation of liberty with regard to their care (Canada), *Report of the Working Group on the Universal Periodic Review, France, op. cit.*, 2018.

56 CNCDH, *Opinion on the proposed law aimed at strictly regulating the administrative detention of families with minors: a missed opportunity*, adopted on 24 September 2020, JORF no. 0242 of 4 October 2020, Text no. 76.

57 CNCDH, *Opinion on the situation of migrants at the French-Italian border missions in the Hautes-Alpes and Alpes-Maritimes - March-April 2018*, adopted on 19 June 2018, JORF no. 0150 of 1 July 2018,

text no. 24.

58 The CNCDH has made numerous observations concerning the inadequacies in access to accommodation, healthcare, education, learning French and access to employment

59 The CNCDH questions the delay in launching a strategy on human rights defenders which was announced at the launch of the "Marianne for Human Rights Defenders" initiative.

60 *UN Declaration on Human Rights Defenders*, 9 December 1998.



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