



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues in relation to the fifth periodic report of France\*

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In its concluding observations on the State party's fourth periodic report (CCPR/C/FRA/CO/4, para. 10), the Committee noted with satisfaction the State party's commitment to review its interpretative declaration concerning article 14, paragraph 5, of the Covenant and its declaration concerning article 13. Please describe the specific measures taken in this regard. Please also indicate whether the State party intends to withdraw other reservations and interpretative declarations made concerning the Covenant. Please indicate what the procedures are for putting into practice the Committee's observations regarding the Optional Protocol.

##### Counter-terrorism measures and respect for rights guaranteed in the Covenant

2. Please comment on reports that: (a) laws and investigative procedures used by France to combat terrorism, involving in particular lengthy periods of detention in police custody and ill-defined charges of criminal association, fail to meet minimum fair trial standards; (b) in terrorism cases the State party uses evidence obtained from third countries that resort to torture and ill-treatment; and (c) the criminal procedure reform of 2011 introduced restrictions on access to a lawyer by suspects who pose a high security risk, particularly alleged terrorists.

##### Non-discrimination and equality between men and women (arts. 2, para. 1, 3 and 26)

3. Please indicate the steps taken to increase women's participation and representation in political and public life, particularly in the parliament and the judiciary, and in senior posts.

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\* Adopted by the Committee at its 111th session (7–25 July 2014).



4. Please provide information on the impact of the measures taken to promote equality between men and women in the labour market, including an update of the data and statistics provided in the fifth periodic report (CCPR/C/FRA/5, paras. 96–110). Please indicate the measures taken to promote gender equality in the workplace and equal wages for women and men, especially in enterprises with fewer than 50 employees.

5. Please provide information on the steps taken to guarantee the access of Roma to education, health, housing and temporary facilities; to stop the eviction of the Roma from their settlements without providing them with any alternatives or making decent, long-term housing available to them; to prevent mass repatriations; and to ensure full respect for human dignity when expulsions take place. Please provide an update on the implementation of the interministerial circular of 26 August 2012 concerning unlawful camp evictions.

6. Please indicate the measures taken to ensure equal treatment for Travellers in respect of freedom of movement, the right to vote and access to education.

### **Domestic violence (arts. 3, 6, 7, 24 and 26)**

7. Please describe specific measures aimed at combating domestic violence, in particular against women and children, such as awareness-raising campaigns or training activities. Please provide information on the number of complaints received, the inquiries conducted, the types of sentences passed, compensation granted to victims, the number of households involved and the allocation of any other resources to help victims of domestic violence.

### **Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)**

8. Please provide updated information on: (a) the number of complaints of ill-treatment committed by law enforcement agents received; (b) the share of complaints lodged by foreign nationals, including asylum seekers placed in prisons or administrative detention centres or escorted back to the frontier; (c) the investigations conducted; (d) the types of penalties imposed; and (e) compensation granted to victims. Please indicate whether an appropriate system has been put in place to monitor practices and prevent violations against foreign nationals.

9. Please indicate what measures the State party intends to take to address concerns over the cumulative and restrictive conditions introduced by article 689-11 of the Code of Criminal Procedure, which make it difficult to prosecute and convict persons alleged to have committed crimes against humanity, genocide and war crimes.

10. Please provide information on the measures taken to reduce the use of restraining devices for prisoner hospital transfers and eliminate any degrading treatment of prisoners by prison staff during medical examinations, as recommended by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Please comment on the allegations that prisoners undergoing involuntary psychiatric care are subject to isolation or physical restraints throughout their stay in most health facilities. Please provide information on the Ministry of Justice action plan of 2009 to prevent suicide in prison and indicate what mental health care is provided in prisons, including in the overseas territories.

11. Please indicate the number and share of asylum applications submitted under the fast-track procedure in 2012 and 2013 and the number of appeals against removal orders on grounds of a risk of torture. Please also indicate whether the right to a suspensive appeal for

asylum applications under the fast-track procedure has been introduced and comment on measures taken to ensure that thorough assessments of the personal risk of torture are systematically carried out.

12. Please clarify measures taken by the State party to assess the impact of nuclear tests by France on local populations, particularly in French Polynesia. Please indicate steps taken to address the shortcomings in enforcing Act No. 2010-2 of 5 January 2010 on recognition and compensation of victims of French nuclear tests, which were identified in fact-finding report No. 856 (2012–2013), which was submitted to the Senate on 18 September 2013 and stated that 98.7 per cent of cases filed with the Nuclear Test Victims Compensation Committee were dismissed.

### **Elimination of slavery and servitude (arts. 2, 8 and 26)**

13. Please provide updated information on: (a) progress achieved in preventing trafficking in persons; (b) the prevalence of the phenomenon, including up-to-date statistics disaggregated by gender, age and ethnic origin; (c) the number of prosecutions brought, convictions obtained and penalties imposed against persons implicated in human trafficking; and (d) the availability of adequate shelter facilities. Please clarify what protection and assistance is afforded to victims of trafficking who cannot or do not wish to cooperate with the relevant prosecution authorities because of concern for their safety.

### **Right to liberty and security of the person, treatment of persons deprived of their liberty and right to a fair trial (arts. 9, 10 and 14)**

14. Please comment on the position of the National Consultative Commission for Human Rights that the “proliferation of legislation” — marked by the adoption of a law which seeks to reduce the risk of reoffending, the law on post-sentence preventive detention (*rétenion de sûreté*) and exemption from criminal responsibility, the framework law on sentence enforcement and the framework law on internal security — has undermined principles of criminal procedure and criminal law, particularly the principle that punishment must be strictly necessary. Please clarify whether recent legislative reforms have made it possible to repeal post-sentence preventive detention, in accordance with the Committee’s recommendations (CCPR/C/FRA/CO/4, para. 16).

15. Please comment on reports that the implementation of the Prison Act, No. 2009-1436 of 24 November 2009, has fallen short of expectations because of delays in application of the law, shortfalls in resources allocated to it and the increase in the number of detained persons. Please provide information on measures taken to carry out the recommendations made by the Senate Commission responsible for assessing the status of implementation of the law.

16. Please indicate how article 89 of the Prison Act of 24 November 2009 — which grants prison authorities broad discretionary power to place prisoners under different prison regimes on the basis of a classification of detainees according to subjective criteria such as personality or dangerousness — is compatible with the Covenant. Please describe steps to exercise supervision over the discretionary element of the powers vested in the prison authorities and the risk of arbitrary action.

17. Please indicate what steps the State party has taken to exercise strict supervision of body search procedures in prisons and ensure that only the least possible intrusive methods are used. Please also indicate whether electronic detection methods have been put in place and brought into widespread use.

18. Please describe the follow-up to the report of the National Assembly Commission on Constitutional Laws, Legislation, Universal Suffrage, Regulations and the General Administration of the Republic of 23 January 2013, in which prison overcrowding is described as “alarming”. Please indicate whether there are plans for wider use of non-custodial measures as an alternative to the prison sentences handed down at present and for the introduction of a system of automatic release on parole. Please provide updated information on the steps taken to improve conditions of detention in the overseas territories, including with a view to reducing the overcrowding that has been reported in several prison facilities and detention centres.

19. Please comment on the concerns raised, notably by the Inspector-General of Places of Deprivation of Liberty, regarding the impact of the layout of prisons on aspects such as the privacy of prisoners, the confidentiality of interviews and human interaction.

20. Please provide details of the follow-up to the recommendations made by the Defender of Rights in his report of April 2013 concerning the “alarming” situation of unaccompanied minors in the Department of Mayotte and clarify whether the State party intends to set up a branch of the French Immigration and Integration Office in Mayotte. Please comment on reports that certain foreign unaccompanied minors placed in detention centres in Mayotte have been given over to adult strangers on false pretences and escorted back to the frontier with them despite the absence of ties of filiation.

21. Pursuant to the judgment of the European Court of Human Rights in the case of *Popov v. France*, 19 January 2012 (Applications Nos. 39472/07 and 39474/07), please provide details of measures taken to prevent the detention of foreign minors accompanying their parents in unsuitable administrative holding centres. Please give updated information on the number of children placed in administrative detention.

22. Please clarify how Act No. 2011-672 of 16 June 2011, which delays interventions by liberty and custody judges designed to challenge the legality of detention, is in keeping with the requirement of promptness set out in article 9 of the Covenant. Please provide information on measures taken or planned to implement the recommendations contained in the report of Deputy Matthias Fekl of 14 May 2013.

### **Protection of the family and children (arts. 17, 23 and 24)**

23. Please clarify the measures taken pursuant to the broadcast of a news report on 19 January 2014 that exposed serious offences against the rights and dignity of children with disabilities in French institutions. Please provide information on: (a) measures taken to remove all children from places in which their right to respect for physical and/or mental integrity is violated; (b) inquiries into the allegations made in the news report, prosecutions brought and penalties imposed; (c) the supervision of institutions by health authorities; and (d) the availability of community care services for children with disabilities that allow them not to be separated from their parents and to receive the care they need.

24. Please indicate the extent to which “packing” is practised, which involves temporarily wrapping children and adolescents with autism or psychotic adults in extremely cold, wet sheets so that they become aware of their bodies, and clarify whether the State party intends to prohibit the practice.

25. Please comment on reports of the obstacles to family reunification of refugees posed by the procedure for verifying civil registration documents by the local authorities under the reforms of article 47 of the Civil Code, introduced in 2003 and 2006. Please provide information on the average length of the procedure and the share of visa applications that are turned down compared with the total number of applications for family reunification during the period under consideration.

**Non-discrimination, freedom of religion and belief and prohibition of incitement to discrimination and violence (arts. 18, 20, para. 2, and 26)**

26. Please explain how the ban on wearing religious symbols considered as “ostentatious” is compatible with the State party’s obligations under articles 18 and 26.

27. Please comment on reports of: (a) increases in the number of violent attacks of a racist or religious nature, particularly against persons of North African origin and Muslims; (b) a marked increase in prejudice against and mistrust of Islam; and (c) racist or discriminatory conduct on the part of law enforcement officials (racial profiling). Please provide statistics on the magnitude of acts of racist violence and racial discrimination and inequality. Please describe measures taken to combat racially or religiously motivated offences against members of the Jewish, Muslim and Roma communities, French persons of foreign origin and asylum seekers in the State party. Please also describe the specific measures adopted to promote freedom of religion and respect for diversity in order to guarantee the rights established under the Covenant.

28. Please comment on reports of a rise in stigmatization and xenophobic language in public discourse by political or media figures. Please describe the measures taken to combat incitement to hatred and racist propaganda and provide data on the inquiries conducted and proceedings brought as a result of advocacy of national, racial or religious hatred and indicate the outcome.

**Freedom of expression and right to peaceful assembly (arts. 19 and 21)**

29. Please comment on the restrictions placed on freedom of expression and the right to peaceful assembly in relation to the pre-emptive prohibition of pro-Palestinian demonstrations in France in July 2014.

**Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)**

30. Please indicate measures taken to disseminate information on the Covenant and the submission of the fifth periodic report and its consideration by the Committee. Please also indicate measures taken to make public the views of the Committee adopted under the Optional Protocol and disseminate them widely to the institutions concerned. Please also give additional information on the participation of representatives of ethnic and minority groups, civil society, non-governmental organizations and the national human rights institution in the drafting of the report.

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