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Chair: Ms. Abdo Rocholl

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Sixth periodic report of France (continued) (CCPR/C/FRA/6;
CCPR/C/FRA/QPR/6)

1. *At the invitation of the Chair, the delegation of France joined the meeting.*
2. **The Chair** said that, pursuant to rule 74 (2) of the Committee's rules of procedure, Ms. Tigroudja would not participate in the examination of the State party's report.
3. **A representative of France**, replying to the questions raised by Committee members at the previous meeting concerning her country's report (CCPR/C/FRA/6), said that the referendum on self-determination held on 28 September 1958, in which the French overseas territories had decided to remain within the French Republic, complied with all the criteria laid down by law. Through that referendum France had completed the decolonization process of its former colonies. It no longer administered Non-Self-Governing Territories within the meaning of Article 73 of the United Nations Charter and General Assembly resolution 1514 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples. It therefore had no further international obligations in that respect stemming from its membership of the United Nations.
4. With regard to French Polynesia, the appearance of France before the General Assembly's Fourth Committee in 2023 did not imply a change of policy. There was no role for the United Nations in relations between France and French Polynesia. Of course, France supported the development of French Polynesia and sought to further the implementation of its Government's ambitious development plans. Annual financial transfers from France to French Polynesia amounted to almost €2 billion, or 30 per cent of the territory's gross domestic product. France also encouraged the integration of French Polynesia in the region surrounding it, as was evidenced by the fact that it had been granted observer status with the International Organization of La Francophonie on 5 October 2024. The considerable autonomy of French Polynesia, which was guaranteed by the French Constitution, enabled Polynesians to pursue their ambitions in keeping with their particular characteristics. The role of France was to help the local authorities to develop the territory and to maintain a dialogue of trust on all matters.
5. **A representative of France** said that the French Government was committed to engaging with the Committee's communications procedure and did its best to provide its comments as soon as it received correspondence regarding a communication. It heeded the Committee's Views and gave effect to them in good faith in accordance with the first Optional Protocol to the Covenant. Views were widely disseminated to the relevant ministries and institutions. However, they did not have res judicata authority in domestic law.
6. **A representative of France** said that the composition of the Supreme Council of Justice was of no relevance to its lawfulness. European case law made it plain that the number of judges and prosecutors was just one criterion among others; while there must be a sufficient number of them, they did not necessarily have to form a majority. The independence of its members was guaranteed *inter alia* by rules on the incompatibility of functions and the requirement that they had to declare their interests. The Minister of Justice was not a member of the section of the Council that acted as a disciplinary tribunal. The Council could issue an opinion on disciplinary measures taken by the Minister of Justice; the latter must apply for the Council's opinion if he or she wished to adopt stronger measures. An appeal against the measures taken by the Council could be filed with the Council of State.
7. **A representative of France** said that, with regard to the adequacy of the legal arsenal to meet the current threat of terrorism in France, although the state of emergency declared in 2015 and 2016 had ended, a serious risk of terrorism remained, primarily from persons present within the country. The fact that some 45 terrorist plots had been thwarted since 2017 demonstrated the need to strengthen the legislative arsenal and resources for combating terrorism.

8. **A representative of France**, responding to the request for disaggregated data on police officers and gendarmes who had been prosecuted for using excessive force, said that in 2022 more than 770 persons holding a position of public authority had been prosecuted for committing a violent offence. Criminal proceedings had been instituted in 98.5 per cent of those cases, 92.7 per cent of which had been brought before a court or referred to an investigating judge. In 2021, 305 sentences had been passed for that offence, 60 of which concerned armed violence or the threat of its use. In 85 per cent of those cases, the courts had handed down prison sentences, 31 per cent of which had led to actual imprisonment. Over 50 per cent of cases in which a weapon had been used in the commission of the offence had resulted in imprisonment for a term between 11 and 15 months.

9. **A representative of France** said that the interministerial plan for combating racism, antisemitism and discrimination presented by the Prime Minister on 31 January 2023 underlined the State's duty to set an example. To date 500 officials had been awarded recognition for their services to promote diversity. One of the aims of an interministerial training plan launched in October 2023 was to ensure that 100 per cent of public officials received antidiscrimination training by 2026. Key measures of the plan included the allocation of additional resources to update civic education programmes under which visits were organized to sites to commemorate historical events related to racism, antisemitism and anti-Roma sentiment. A handbook on combating new forms and manifestations of racism and antisemitism was being prepared for teachers.

10. **A representative of France** said that exchanges of information between intelligence services were governed by article L822-3 of the Internal Security Code which stipulated that the prior authorization of the Prime Minister must be obtained, following an opinion from the National Commission for the Control of Intelligence Techniques, whenever the transmission of information was for a purpose other than that initially authorized, or when the information had been gathered by a technique which the receiving authority could not have used. Follow-up and traceability were secured by legal provisions; each service had to carry out its own checks prior to those conducted by the above-mentioned Commission.

11. **A representative of France** said that, as far as diversity was concerned, the staff of law enforcement agencies reflected the composition of the population. Care was taken to ensure the dignity of the officials themselves and of citizens whom they must protect.

12. **A representative of France** said that in positive law prisoners could submit a collective appeal against undignified conditions to a court. The burden of proof had been lightened in that the prisoners needed only to make up-to-date, personal and detailed submissions. The Court of Cassation had given its seal of approval to the procedure by stating that the court must base its decision solely on the applicants' submissions. A collective appeal could be filed alongside an administrative appeal in positive law.

13. **A representative of France** said that several prisoners could submit an urgent collective request for particular improvements to conditions that undermined their dignity. The courts had ordered specific improvements in several prisons.

14. **Ms. Kpatcha Tchamdjia** said that the Committee would appreciate the delegation's comments on allegations that, during the coronavirus disease (COVID-19) pandemic, the conditions of migrants in camps in the Pas-De-Calais had deteriorated markedly owing to the brutal dismantling of several camps and a dramatic reduction in vital services. It would also like to hear the delegation's comments on reports that in Gap, the Hautes-Alpes and Marseille the child welfare authorities had abandoned unaccompanied migrant children who were then forced to live in insalubrious, overcrowded quarters.

15. She would be grateful for the delegation's comments on allegations that aggressive behaviour from the police meant that journalists and media organizations were facing growing challenges to the exercise of their profession. The Committee would like to hear what measures the State party intended to take to offer better protection to journalists and human rights defenders and what measures had been taken to implement Council of State decision No. 444849 of 10 June 2021. It would be helpful to know whether any police officers had been charged with misconduct, whether they had been sentenced and whether any damages had been awarded.

16. **Mr. Quezada Cabrera** said that he wished to know how many people had been affected by the unconstitutional extension of their pretrial detention during the COVID-19 pandemic and whether the State party had awarded them any compensation. He would appreciate clarification of the reasons for that extension, without judicial review, which had also applied to minors and would like to know the number of minors concerned by that measure and the circumstances in which it could be applied. He would be grateful for an explanation of how the Act on Ensuring Global Security while Preserving Freedoms guaranteed respect of private life, especially when law enforcement officers wore body cameras or when cameras were installed in unmanned aerial vehicles. He wished to know what entity collected that data, where and how long it was stored and what checks applied. He wondered whether the aforementioned Act took account of the principles of proportionality and necessity and offered judicial or other remedies for persons affected by surveillance activities under the Act. The Committee would like to know what safeguards or restrictions existed to ensure that the surveillance of demonstrations did not impinge on the right of peaceful assembly and the freedom of expression. He asked whether the National Commission for Information Technology and Civil Liberties had sufficient human and technical resources to efficiently monitor video surveillance systems in public places.

17. He would appreciate information about proceedings against trade union, political and community leaders who had been charged with the glorification of terrorism after the Hamas attacks on 7 October 2023. He would welcome the delegation's comments on reports that allegations of defamation were used to muzzle trade union leaders and that hate speech directed at Muslims and foreigners and systematic Islamophobia had been exacerbated by security measures at the Olympic Games thereby affecting both athletes and Muslim communities. Lastly, he wished to know what steps had been taken to guarantee freedom of expression and to prevent and punish online hate speech directed against lesbian, gay, bisexual, transgender and intersex artists and activists.

18. **Ms. Donders** said that she wished to know how migrants in the Pas-De-Calais were informed that their temporary shelters would be dismantled within 48 hours. She wondered whether the State party might contemplate more humane alternatives to the dismantling of irregular migrants' temporary camps on Mayotte and the provision of more places in reception centres. She would like to know what records were kept of such operations so that they could be reviewed for their consistency with articles 4, 9 and 17 of the Covenant and what measures had been adopted to facilitate the drawing up of reports on police misconduct. She would appreciate an explanation of how the State party ensured that the detention of migrants on the border with Italy was not arbitrary and that migrants were informed of their procedural rights. The Committee wished to learn how the State party ensured that the measures provided for under the Immigration Act of January 2024 were consistent with articles 9, 12, 13 and 14 of the Covenant.

19. She would like to know how the State party ensured respect for the principle of non-refoulement and whether it would consider ending bone testing to determine the age of young migrants, in law and in practice. She would also like to know why files were created for unaccompanied minors who were suspected of having committed a criminal offence, who supervised the files and where they were kept. She wondered what recourse was available to the minors in question. She would be grateful for information on any plans to increase the number of temporary shelters for unaccompanied minors.

20. **Ms. Šurlan** said that the Committee would welcome the delegation's assessment of achievements under the Second National Action Plan to Combat Trafficking in Persons and would like to know what goals had been set in the Third Action Plan. It would be helpful to have more details about the measures adopted to support victims and to combat use of the Internet for recruitment and exploitation purposes. The Committee would also appreciate information about successful investigations and court cases on trafficking in persons, the sentences handed down to traffickers and compensation awarded to victims. Further information on victim identification methods and measures to protect them from again becoming victims would be useful. She wished to know whether prosecutors, judges and lawyers were trained to recognize instances of modern slavery.

21. She wished to know what measures had been taken to ensure that the ban on wearing religious clothing, headgear and symbols did not have a discriminatory effect in practice and

that all visible religious symbols were treated equally; the criteria used to decide if a symbol was discrete or conspicuous would also be welcome. It would be helpful to learn how the State party made sure that it banned only such public activities as were necessary, but otherwise preserved the freedom to express religious beliefs.

22. The Committee would like to know what safeguards were in place to ensure that legislation on the dissolution of associations was not so broadly interpreted that it encroached on the right of peaceful assembly. It would also welcome the delegation's views on reports that an association could be dissolved if one of its members was suspected of inciting damage to property, even when that act was unconnected with terrorism or separatism. Concerns had also been expressed that Act No. 2021-1109, establishing the "contract of commitment to uphold the principles of the French Republic", the signing of which was now mandatory for associations and foundations that wished to receive public subsidies, might enable the public authorities to place civil society under heavier surveillance.

23. She would be grateful for the delegation's comments regarding concerns that the preventive arrest of persons in the vicinity of protests might amount to a violation of the freedom of assembly. It would be useful to learn how the courts defined "contempt towards public officials" and what penalties were incurred by that offence.

24. **Mr. Santos Pais** said that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples would undoubtedly have a different opinion on French overseas territories to that expressed by the delegation.

25. His questions about the independence of prosecutors and judges put at the previous meeting had been prompted by concerns that the judicial system might be used to restrict freedom of expression in relation to demonstrations or statements regarding the situation in the Middle East. In that connection, he would like to know whether the National Law Enforcement Code covered de-escalation measures and what other action was being contemplated by the public authorities, in cooperation with the National Consultative Commission on Human Rights and civil society, to uphold the freedom to demonstrate.

26. He would like to know to what extent law enforcement officials followed the applicable protocols for crowd control and observed the principles of necessity, proportionality, precaution, non-discrimination and self-defence when using weapons. He wondered whether the State party would be prepared to revise the law on the use of weapons and to amend article L435-1 of the Internal Security Code to restrict the use of firearms to cases of self-defence. He would like to know what action had been taken on decision No. 2020-131 of the Defender of Rights, on the topic of maintenance of law and order, and of the proposal made in his report published on 28 May 2013, that law enforcement officers should be prohibited from shooting at certain parts of the body. It would be useful to learn whether grenades were still used and whether handheld projectile launchers had been banned. He wished to know whether the State party intended to review the statistics of the Inspectorate General of the National Gendarmerie and prosecution service, with a view to ensuring that law enforcement officials who had been convicted of the excessive use of force did not enjoy impunity. He would be grateful if the delegation could supply up-to-date information on the number of persons who had died in or after police custody owing to the excessive use of force and on the outcome of investigations into those deaths, including disciplinary measures or criminal sentences, and the reparation of victims and their families. It would be useful to have statistics on the number of penalties proposed by the Defender of Rights and on the action taken on them, in particular prosecutions.

27. He wished to know what action had been taken further to the decision of the Council of State instructing the Ministry of the Interior to take measures to ensure that the personal identification numbers of law enforcement officials were visible in all circumstances. He would welcome the delegation's comments on allegations that members of motorized anti-violence brigades were not trained in crowd control but came from urban anti-crime units. He would appreciate a description of the measures that would be taken to provide reliable, disaggregated statistics on complaints of and inquiries into the use of force by law enforcement officials during demonstrations. Lastly, he would like to know how many people

had received compensation for injuries caused by law enforcement officials during demonstrations, the amount of the damages awarded and which courts had granted them.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

28. **A representative of France** said that the evacuation of informal camps required a court or administrative authority decision. The public authorities and social welfare associations provided assistance in rehousing those affected, including unaccompanied minors.

29. **A representative of France** said that, in March 2020, the Secretary of State for Children and the Family had sent a letter to the presidents of departmental councils ordering the suspension of transfers of minors from one French administrative department to another during the COVID-19 pandemic. It had been made clear that they must be given, or allowed to stay in, emergency accommodation, even on becoming adults.

30. **A representative of France** said that, to ensure the safety and freedom of the press during demonstrations, members of the press must present their press card or other standard means of identification supplied by their employer. Although they were not obliged to wear distinctive clothing, doing so would make it easier for the police to identify and assist them. They could also be embedded in police units to cover demonstrations, provided that they did not hinder the police's work or put themselves in danger. A provision of the National Law Enforcement Code approved by the Council of State in December 2023 permitted the free movement of journalists as part of security arrangements. Reporters without a press card who worked for online sites or associations sometimes ran risks by getting between the police and demonstrators. Thought was being given on how to include them in an updated version of the Code.

31. **A representative of France** said that the Inspectorate General of the National Police was guided solely by the quest for truth in administrative investigations to determine whether the Code of Ethics of the National Police and the National Gendarmerie had been breached. The police were regularly reminded that they must act in an exemplary fashion, including during violent demonstrations.

32. **A representative of France** said that a working group bringing together representatives of the National Police and the National Gendarmerie had been discussing ways of implementing two decisions issued by the Council of State in October 2023. The first decision, concerning the clear display of police officers' personal identification number, had given rise to instructions that the number must be worn visibly at all times and that police officers must be better trained and made aware of new ethical requirements. The second decision concerned changes to the design of the number to ensure that it could be seen by the public; work was ongoing in that respect.

33. **A representative of France** said that the special rules concerning the extension of pretrial detention for health reasons during the COVID-19 pandemic had applied only during the first lockdown, which has lasted until 11 May 2020. To relieve overcrowding in prisons during the health emergency, the Government had adopted measures such as home arrest under electronic surveillance and exceptional reductions of sentences.

34. **A representative of France** said that law enforcement agencies used digital technologies in a manner that respected the fundamental rights of all citizens. In accordance with the Internal Security Code, body cameras could be used only during an incident, or when an incident was likely to occur. Recordings that were not presented as evidence in court were erased after one month. The use of drones was tightly regulated at the prefectoral level and permission was given only when less intrusive means were not available or would seriously endanger law enforcement officers. Access to the images captured was restricted and images were deleted within seven days unless they were given in evidence. The Constitutional Council had approved the use of those tools and had found that the law struck a balance between respect for private life and the need to bring offenders to justice. Under data protection regulations, persons who had been recorded could lodge complaints with the data controller or the National Commission for Information Technology and Civil Liberties. The use of smart cameras did not affect citizens' right to protest and was strictly regulated by law.

35. **A representative of France** said that he was unable to comment on proceedings that were currently under way. The Government supported the initiatives by the European Union to protect journalists against abusive lawsuits and had backed the adoption in 2024 of Directive 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings.

36. **A representative of France** said that matters involving hate speech, including racist and antisemitic hate speech, were weighed against principles of freedom of expression on a case-by-case basis pursuant to the Act of 1881 on Freedom of the Press. Where cases had been dismissed, the plaintiffs could lodge an appeal or bring a civil suit against the alleged perpetrators.

37. **A representative of France** said that the evictions at camps in Calais, Grande-Synthe and Dunkerque had been conducted in accordance with a court order by the administrative police to halt the unlawful occupation of land. Minors were afforded protection and all migrants were offered shelter and administrative assistance. Security perimeters had been placed around the camps to prevent the entry of third parties, including journalists. In 2021, a Council of State judge had ruled that the security measures did not constitute a serious or manifestly illegal restriction on freedom of the press. In Grande-Synthe, 37 eviction operations had been carried out. In late 2023, migrants had been removed from a hangar in Calais in accordance with a new law that had been introduced to deal with squatting. Since the start of 2024, 114 camps had been dismantled and seven eviction operations had been conducted. No complaints had been lodged against the police for violence or disproportionate use of force. Between July and September 2024, only three unaccompanied minors had been identified at the camps. Most of the 20 unaccompanied minors identified since the beginning of 2024 were Sudanese nationals claiming to be 17 years of age.

38. **A representative of France** said that non-governmental organizations such as France terre d'asile searched the camps in Calais and Grande-Synthe daily to identify unaccompanied minors, offer them shelter and social care, and inform them about the possibility of applying for asylum. A shelter in Saint-Omer was sufficiently close to the camps in Calais to allow workers of France terre d'asile to travel there on a daily basis, but sufficiently far to deter people smugglers.

39. **A representative of France** said that, under the new immigration control law, information points and offices of the National Court of Asylum had been set up near migrant entry points throughout the territory to handle asylum applications as quickly as possible. Migrants who were not eligible for asylum could be placed in administrative holding facilities, at the decision of the prefect. Such decisions were subject to oversight by liberties and custody judges, whose permission had to be sought to extend detention by periods of between 48 hours and 28 days. Detention could be extended up to a maximum of 90 days, or 210 days if the person in question was suspected of terrorism-related offences. Detained migrants were entitled to legal assistance, medical examinations, psychological assessments and, in case of voluntary repatriation, financial support. Migrants were not deported until an in-depth risk assessment had been conducted in accordance with article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). Migrants were returned to countries not deemed safe solely on a voluntary basis, and all deportees had access to legal remedies with suspensive effect.

40. The number of asylum applications in Mayotte had surged in recent years. The consideration of the applications had been fast-tracked to alleviate the considerable pressure on migrant accommodation and to strike a balance between effective procedures with full safeguards and the need for decent housing.

41. **A representative of France** said that the French Office for the Protection of Refugees and Stateless Persons had posted staff on Mayotte since 2022 to process asylum applications. Applicants could be interviewed by field teams or via videoconference. Of the 3,000 asylum applications received in Mayotte in 2023, 36 per cent had been approved, compared with 33 per cent nationwide. The rate had increased to 56 per cent in 2024, owing to greater protection needs.

42. **A representative of France** said that the Government had recorded 2,100 victims of exploitation or trafficking in persons in 2023, a 6 per cent increase compared to 2022. One in five victims were minors and two thirds were women. A total of 880 individuals had been convicted for at least one offence of exploitation or trafficking in persons. The National Plan to Combat Human Exploitation and Trafficking for the period 2024–2027, which had been developed in cooperation with civil society, covered areas such as criminal policy, awareness-raising and cooperation between stakeholders. The definition of trafficking in human beings was very broad and covered procuring, forced labour and slavery. France had supported the adoption of a European directive on trafficking in persons and had been designated a “pathfinder country” by the Global Alliance to Eradicate Forced Labour, Modern Slavery, Human Trafficking and Child Labour.

43. Training on trafficking in human beings was provided by the Ministry of Justice and the National School for the Judiciary. A five-day course covered modern slavery and methods to distinguish trafficking from other offences, such as disguised employment. The course was held every year and more than 50 professionals had registered to attend the 2024 course, which would take place from 18 to 22 November in Paris. A national early identification mechanism was in place to guide and protect victims. Focal points had been designated within prosecutors’ offices to receive specific training on the care of trafficking victims. Civil society organizations also played an important role in victims’ care.

44. **A representative of France** said that freedom of religion was guaranteed under the country’s highest laws, and any restrictions had to be necessary, proportionate and applicable to all religions. The freedom to wear religious symbols in public was safeguarded and was not regulated in private. The Council of State had suspended or annulled a number of municipal by-laws prohibiting the wearing of religious symbols. Unless otherwise stipulated by law, users of public services also had the freedom to wear such symbols. However, that freedom could be curtailed by public service providers in certain cases where the wearing of religious symbols could be regarded as an act of pressure, provocation, proselytism or propaganda. Any such restriction must be justified by the risk posed to the proper functioning of the public service and was subject to administrative oversight.

45. **A representative of France** said that, since freedom of association was recognized as a fundamental principle of French law, only associations or groups that posed a serious threat to public order, incited hatred or discrimination, or promoted behaviour contrary to the fundamental principles of the Republic were deprived of that freedom. Act No. 2021-1109 required associations and foundations that wished to receive public subsidies or to be recognized as being of public utility to uphold the principles of the Republic, including liberty, equality, fraternity, good citizenship and dignity. Public subsidies could be refused or withdrawn in case of violation of those principles. The Constitutional Council and the Council of State had confirmed that the contract did not violate freedom of association because it did not regulate the conditions under which the association was constituted or carried out its activities, the terms of the law’s implementing regulations were sufficiently well defined so as to allay any risk of arbitrariness and appropriate safeguards were in place regarding the withdrawal of subsidies. Any decisions taken in that respect by the administrative authorities were subject to appeal before the administrative courts.

46. The dissolution of associations was ordered only in exceptional cases where strictly necessary and proportionate. Dissolution orders were governed by stringent legal criteria and were subject to oversight by the Council of State. The President alone could dissolve associations by decree, in the cases listed in the Internal Security Code. The list had been amended pursuant to the law of 24 August 2021 to include new discriminatory grounds, such as discrimination on the basis of sex or sexual orientation. Violence could provide a basis only where it seriously threatened public order.

47. **A representative of France** said that preventive arrests were not permitted on any legal grounds. Persons could be held in police custody where there was sufficient reason to believe that they had committed or were committing an offence punishable by imprisonment, such as carrying illegal weapons, intentionally causing harm or conspiring to cause harm to people or damage to property. The rights of all persons held in custody were guaranteed, including the right to be assisted by a lawyer or relative and to judicial review.

48. **A representative of France** said that alternatives to prosecution, such as educational measures, were available to prosecutors especially in cases involving juveniles. Judges were required to take into account a range of factors, including the severity of the offence, when deciding on the penalty to impose in case of attacks on law enforcement or public officials, as with any other offence.

49. **A representative of France**, with reference to law enforcement operations, said that her country had been one of the first to call for a ceasefire in the State of Palestine, and it faced a tenfold increase in antisemitic attacks.

50. **A representative of France** said that no permits were needed to hold protests. The requirement to give at least three days' notice of a demonstration was intended to ensure the safety of protesters and minimize disruption. The police could ban protests, where it was necessary and proportionate to do so, only if they were likely to threaten public order, and such bans were used rarely. Organizers could challenge a ban in the administrative courts through urgent proceedings, allowing it to be lifted before any right to protest was violated. The courts ensured that bans were limited to certain times and places and that the police had no other means at their disposal to maintain public order.

51. **A representative of France** said that the use of non-lethal weapons by the police and the gendarmerie was regulated by the Criminal Code and the Internal Security Code. Such weapons allowed public order to be maintained while respecting the right to protest and keeping a safe distance between protesters and the police. They were used only where necessary and proportionate to the level of violence. A regulation for the police and the gendarmerie from 2017 established rules and recommendations on the use of non-lethal weapons, including the conductive energy devices known as "tasers", riot guns and certain types of grenades, and on training for police and gendarmerie officers.

52. **A representative of France** said that motorized anti-violence brigades were part of the authorities' strategy to respond to changes in the nature of protests in recent years, owing to factors such as the heavy use of social media and extensive real-time media coverage of events. An average of two or three protests took place in Paris on a daily basis and greater mobility was essential to control highly dispersed and unpredictable demonstrations. The brigades had been established during the "gilets jaunes" (yellow vest) demonstrations in 2019, when riots had erupted regularly, and had been set up as a permanent unit from 1 October 2020. They were the first to respond to minor incidents before other police units arrived, and they had proven highly effective on a number of occasions.

53. **A representative of France** said that the use of force by law enforcement officers of any kind was very strictly regulated. When assessing the use of force in a given situation, the only question that mattered was whether the use of force had been legitimate, that is to say, absolutely necessary and strictly proportional.

54. **A representative of France** said that protesters injured by law enforcement officers could seek compensation by pressing charges against the officers concerned. Alternatively, they could bring a claim under article L211-10 of the Internal Security Code on the State's liability without fault for damage caused during assemblies and gatherings. That article could be invoked by third parties and by protesters themselves, provided that they had not committed an offence that exonerated the State from its responsibility.

55. **A representative of France** said that, on 10 October 2023, the Minister of Justice had issued a circular requesting prosecutors to respond promptly, firmly and consistently to acts of antisemitism committed in the wake of the terrorist attack in Israel on 7 October 2023. The offence of justification or glorification of terrorism could be invoked in that context. That offence was now punishable under the Criminal Code, rather than the Act on Freedom of the Press. A person could not be convicted of that offence unless it had been proven that he or she had intended to glorify an act of terrorism or its perpetrator and to share that message with other people.

56. The Constitutional Council had declared the definition of the offence to be in line with the Constitution on the grounds that it was precise enough to ensure that the offence would not be invoked arbitrarily. The criminal division of the Court of Cassation, meanwhile, had declared the definition to be compatible with the European Convention on Human Rights.

57. Although the offence was no longer punishable under the Act on Freedom of the Press, criminal court judges who were ruling on cases of alleged justification or glorification of terrorism were nevertheless required to take into account the right to freedom of expression and the risk of misuse of counter-terrorism provisions. In such cases, judges balanced the risk of a potential violation of freedom of expression against the risk of an exceptional disturbance to public order.

58. **A representative of France** said that the Government was committed to combating Islamophobia and firmly believed that members of the large Muslim community in France should have access to places of worship governed by ordinary law and should be able to practise their faith with complete peace of mind. Any laws that imposed restrictions were of a general nature and were not aimed at specific religious communities or other groups.

59. **Ms. Donders** said that the delegation had not yet responded to her question on age assessment procedures in the context of migration. The fact that there was a solid legal basis for the dismantling of migrant camps and the expulsion of migrants did not mean that no human rights violations took place during such operations. She would like to know how the migrants concerned were notified of such operations and assisted with the relevant procedures. She would be interested to know whether progress had been made towards developing a legal framework for the return of migrants to States members of the Schengen area with which France had a readmission agreement.

60. The Committee was concerned that the implementation of the law on immigration of January 2024, which prohibited the detention of child migrants, had been postponed to January 2027 for Mayotte, which was a place where many migrant children were subjected to detention and expulsion without the possibility of appeal. It would like to know whether the State party would consider immediately extending the same guarantees to migrant children in Mayotte as were applicable in metropolitan France.

61. **Mr. Santos Pais** said that he would like to know whether there had been improvements in the provision of training to law enforcement officers on the legal framework and rules concerning the use of weapons. It would be helpful if the delegation could provide more comprehensive data on the use of force by law enforcement officers, as well as clarification as to the investigations and inspections that were carried out in cases where force had been used.

62. **A representative of France** said that, pursuant to new legislation introduced in 2022 and 2023, all migrants who claimed to be minors were placed in emergency accommodation for a minimum of five days. During that time, their health needs were evaluated and they were allowed to rest without being questioned. By law, migrants who had been identified as minors in one part of the country could not have their age reassessed by the authorities in another part of the country if they changed location. Their age was recorded in a file that was accessible to the relevant authorities nationwide. Age assessments were based on a set of indicators, including a social evaluation and an analysis of the migrant's civil status documents. Bone testing was carried out only as an exceptional measure on the basis of a judicial decision. Age assessments were conducted in line with the relevant national guidelines, by trained professionals and in a language that was understood by the migrant concerned, with the assistance of an interpreter if necessary.

63. **A representative of France** said that the dismantling of migrant camps was carried out in accordance with judicial or administrative decisions that were made public. The migrants concerned were generally informed in advance, except where action must be taken urgently to maintain public order. They were notified firstly to ensure that they were ready for their evacuation, and secondly to ensure that they could be provided with the necessary social and administrative support.

64. **A representative of France** said that readmissions within the Schengen area were governed by the Dublin III Regulation, the implementation of which was not entirely satisfactory. Under the New Pact on Asylum and Migration of the European Union, there were plans to revise the Dublin III Regulation and to introduce new solidarity measures, which his Government had decided to implement early.

65. The decision to postpone the implementation of the law on immigration in Mayotte had not been taken lightly. The Prime Minister had announced that a new bill on immigration was to be drafted. The Committee's comments would be taken into account in the drafting process.

66. **A representative of France** said that measures to prevent online hate speech were taken under the National Plan for Equality and against Anti-LGBT+ Hatred and Discrimination. Her Government was cooperating closely with other governments and online platforms to create a safer digital space, including in the framework of legislation adopted in May 2024.

67. **A representative of France** said that law enforcement officers used non-lethal weapons with the aim of safeguarding the right to protest, preserving public order and protecting other protesters and fellow officers. Their actions were governed by a doctrine on the use of non-lethal weapons, which required that their response must be proportional to the gravity of the threat that they faced. The Government aimed to ensure that all members of the security forces received regular training on the use of force. A non-lethal weapon could not be used unless the officer in question had obtained specific authorization for the weapon in question. Such authorization was valid for a limited time period. Under the revised National Law Enforcement Code, handheld projectile launchers could be used only on the orders of a senior officer. The Code also provided for the replacement of sting-ball grenades with another type of grenade that was less likely to cause serious injury.

68. The way in which complainants were treated in police and gendarmerie stations was monitored through unannounced visits from inspectors pretending to be complainants. The outcomes of those inspections were made public. In addition, comprehensive data on the use of weapons by law enforcement officers were recorded and could be cross-checked against the data that were kept on persons injured or killed during police operations. Those data were published in the annual report of the Inspectorate General of the National Police.

69. **A representative of France**, thanking the Committee for the dialogue, which had been enriched by its cooperation with civil society, said that her delegation would endeavour to submit any outstanding replies in writing within 48 hours. The Committee's recommendations would be carefully examined by the Government, in collaboration with civil society and the National Consultative Commission on Human Rights, and would inform its policymaking. France was committed to renewing its dialogue with New Caledonia. The visit of the Minister for Overseas France had been well received and the Congress of New Caledonia had voted almost unanimously in favour of postponing the provincial elections. When it came to the policing of demonstrations, the Government sought to strike a balance between preserving the right to protest and protecting people and property, with due regard for the principle of proportionality. It was committed to eradicating ethnic profiling and to safeguarding the fundamental freedoms of all members of the diverse national community.

70. **The Chair** said that she wished to thank the State party for engaging in a wide-ranging dialogue that had covered many important issues, including counter-terrorism measures, discrimination against vulnerable groups during the COVID-19 pandemic, the prohibition of torture and the principle of non-refoulement.

The meeting rose at 1 p.m.