



# International Covenant on Civil and Political Rights

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## Human Rights Committee 142nd session

### Summary record of the 4160th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 22 October 2024, at 3 p.m.

*Chair:* Ms. Abdo Rocholl

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*The meeting was called to order at 3.05 p.m.*

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

*Sixth periodic report of France (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**, introducing her country's report (CCPR/C/FRA/6), said that France was committed to continuous improvement in fulfilling its obligations to uphold human rights and it recognized the importance of the United Nations human rights treaty bodies in supporting such efforts. Promoting human rights lay at the heart of French foreign policy. Since 2021, the Marianne Initiative for Human Rights Defenders had supported the activities of human rights defenders both in their country of origin and in France. Paris would host the ninth World Congress against the Death Penalty in 2026. In its bilateral relations and in universal periodic reviews, France called upon all States to sign and ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.
4. France had established a feminist foreign policy and would soon publish a new strategy on combating violence against women and girls, promoting equality between men and women and reaffirming the universality of the rights of women and girls, especially reproductive and sexual rights. On 11 and 12 October 2024, the Government had hosted the Committee on the Elimination of Discrimination against Women in Paris for the prelaunch of its general recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems. Also in 2024, France had hosted the first-ever Olympic Games and Paralympic Games to have achieved full gender parity; the Games had also been the first to incorporate human rights in their organization and execution.
5. France used its diplomatic network to promote democratic governance, access to justice, respect for the rule of law and mechanisms to monitor the effective enjoyment of civil and political rights. In 2019, it had launched the International Partnership for Information and Democracy, which had been joined by 54 States from regions throughout the world. In May 2024, the French President and the Prime Minister of New Zealand had announced the establishment of the Christchurch Call Foundation, a non-governmental organization aimed at eliminating terrorist and violent extremist content online. Together with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Government had organized a high-level side event during the seventy-ninth session of the General Assembly to promote the role of education in the fight against antisemitism and hate speech.
6. Domestically, the Government emphasized the importance of respecting conditions for the use of force and the rules of professional conduct in all police operations. It had reformed and strengthened its law enforcement policy to focus on justice, prevention and training. The right to protest was guaranteed under the Constitution; a demonstration could be banned only when there was a serious risk of harm to persons or property.
7. Between 2020 and 2024, the budget of the Ministry of Justice had been increased by 33 per cent, from €7.6 billion to 10.1 billion. In five years, the Ministry would have recruited as many judges as it had in the previous 20 years. Efforts had been made to reduce prison overcrowding and promote the right to dignity in detention through the introduction of a special right to remedy pursuant to a law adopted on 8 April 2021; moreover, the Ministry of Justice was implementing a proactive policy to develop alternatives to imprisonment, improve early release arrangements and increase prison capacity.
8. France sought to protect civil and political rights throughout its territory, including in overseas territories. The Interministerial Committee for Overseas Territories had been established in July 2023 with a special focus on the protection of civil and political rights, economic and social development and the preservation of the environment and local Indigenous cultures. Following the recent riots in New Caledonia, the Government had made a concerted effort to restore calm and to safeguard the security of persons and property. Emergency measures to assist businesses and local communities had been implemented in

June 2024. A mediation and work mission established by the President was working to renew political dialogue in the territory.

9. On 8 March 2023, the Government had launched a new Interministerial Plan for Equality between Women and Men 2023–2027, comprising 161 measures in four priority areas: combating violence against women, a comprehensive approach to women’s health, professional and economic equality and the promotion and transmission of a culture of equality. Pursuant to a law adopted on 19 July 2023, the quota for first-time female appointments to senior public administration posts had been raised to 50 per cent. On 8 March 2024, France had become the first country in the world to enshrine the freedom to have recourse to voluntary termination of pregnancy in its Constitution, and the President had declared that the same freedom should be enshrined in the Charter of Fundamental Rights of the European Union.

10. Since 2023, the Government had been implementing a new series of measures to better identify, combat and punish racist acts, antisemitism and discrimination on grounds of origin in areas such as access to employment and housing. The resources allocated to the interministerial delegation for combating racism, antisemitism and hatred towards lesbian, gay, bisexual and transgender persons had been doubled between 2017 and 2023; more than 1,000 organizations had thus been provided with State funding to prevent, educate against and combat hate. A national action plan for equality and against anti-LGBT+ hatred and discrimination had been established for the period 2023–2026; one of its main focuses was the training of public officials. Under a law passed in January 2022, practices aimed at altering sexual orientation or gender identity had been forbidden. An interministerial delegation for the elimination of discrimination against persons with disabilities had been created in 2022.

11. **Mr. Santos Pais** said that the massive protests staged by the local Kanak population in May 2024 had been sparked by the French National Assembly’s adoption of a constitutional reform, reportedly without adequate consultation or prior consent of the Kanak people and the institutions representing them. According to information received by the Committee, the authorities’ allegedly excessive use of force had led to many casualties, as well as the arbitrary arrest and detention of thousands of protesters. Notwithstanding the violent acts and damage carried out by some protesters against private and public property, the intensity of the crackdown by the authorities was alarming. Given the apparent connection between the ongoing violence in New Caledonia with changes made to the Nouméa Accord and a lack of progress in the decolonization process, the Committee would welcome information on any progress made towards achieving self-determination for the Non-Self-Governing territories of New Caledonia and French Polynesia and on the process of participation and consultation put in place to obtain the free and informed consent of Indigenous Peoples inhabiting those territories regarding the manner in which consultations on their self-determination and access to independence were organized. He would like to know whether the State party intended to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

12. Noting that the State party had taken no action to follow up on or to implement the Views of the Committee in a number of cases, he said that he would like to know whether the State party was prepared to give effect to the Committee’s Views, including those in which the State party was found to have failed to meet its obligations. He wondered whether the Covenant or the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) would prevail in the event of a conflict between the two. It would be useful to learn whether the State party, having partially withdrawn its reservation to article 14 (5) of the Covenant, intended to withdraw other reservations, for example to articles 4, 9, 14 and 27 of the Covenant.

13. He would be grateful for clarification as to who was currently responsible for nominating judges. It would be useful to learn whether the State party planned to make judges and public prosecutors majority members of the Supreme Council of Justice. He would welcome an update on the constitutional reform to make the public prosecutor’s office independent from the executive, as well as information on any planned legislation that provided for the transfer of the power to discipline judges and public prosecutors from the executive to the Supreme Council of Justice alone.

14. Since the terrorist attacks that had struck the Paris region in 2015, the French Government had introduced, with vague legal justifications, counter-terrorism measures that had increasingly restricted human rights and freedoms. Specifically, the increasing use of new surveillance technologies presented serious risks for the protection of personal data and, moreover, were liable to shake people's faith in public institutions. He wondered how the Government assessed the impact of new data-collection and surveillance technologies on the enjoyment of the rights and freedoms recognized by the Covenant. The Committee wished to know how the State party ensured that the use of algorithm-driven video surveillance technology did not lead to profiling that disproportionately affected racial, ethnic and religious minority groups, and that continuous algorithm-based surveillance did not violate the right to privacy and fulfilled the requirements of proportionality and necessity. It would be useful to learn for how long and by whom the data was stored and managed and what procedural guarantees existed in that regard. It would be helpful to learn how the State party ensured that persons affected by the use of such technologies had access to remedies; when the legislation authorizing their use would be reviewed; and how civil society organizations would be involved in the review process.

15. He wondered what the current conditions were for the sharing of information, especially sensitive data, between services, specifically what information could be shared; what requirements were in place for the traceability of data; and for how long it could be kept. It would be useful to learn how information-sharing was monitored and what bodies were responsible for doing so; under what conditions information provided by intelligence services could be made available to the judicial authorities and the public prosecutor's office; and what means of access to it were available to persons charged with acts of terrorism.

16. **Ms. Donders** said that, despite the State party's assurances to the contrary, according to reports systematic racism and racial and ethnic profiling persisted, with persons of colour far more likely to face identity checks, discriminatory treatment and the imposition of fines. She would therefore like to know what was being done to ensure that the conduct of identity checks and imposition of fines was guided by objective criteria and subject to court oversight; whether guidelines for law enforcement bodies expressly prohibited racial profiling and discriminatory checks, searches and fines; whether such practices were addressed in compulsory training; whether data on their use was systematically collected for purposes of follow-up and oversight; whether the State party might consider establishing a centralized register of all identity checks; and whether the judiciary had sufficient human and financial resources to ensure effective oversight.

17. She would also like to know what the State Party was doing to effectively combat all forms of hate speech and hate crimes against racial, ethnic and religious minorities. Details of the training provided for justice officials and any related awareness-raising campaigns would be useful. While appreciating the State party's reasons for not publishing sensitive data disaggregated by ethnic or racial origin, she wondered whether it might be willing to develop its data-collection and research methodologies, subject to data protection rules, in order to obtain a more accurate overview of cases of racial or ethnic profiling and crimes based on racial, ethnic or religious characteristics.

18. She would be interested to hear about the resources allocated to the National Plan for Equality and against Anti-LGBT+ Hatred and Discrimination and the government plan against homophobia and discrimination based on sexual orientation and gender identity. She wondered whether civil society was actively involved in the implementation of those plans and whether the actions envisaged thereunder encompassed all stakeholder minorities, including transgender and intersex persons and lesbian, gay or bisexual asylum-seekers. Since victims of racist, antisemitic, xenophobic or homophobic hate speech and crime apparently often did not report incidents owing to distrust in the law enforcement system, it would be interesting to know what was being done to inspire confidence in the system, make victims aware of their rights and facilitate reporting and access to justice.

19. She would like to know how the State party ensured that measures adopted within the framework of the state of emergency that had remained in place met necessity and proportionality requirements. It would be useful to learn, for example, whether a report on their implementation had been submitted to Parliament and whether the judicial remedies through which their implementation might be challenged were accessible and effective. She

would welcome details of how the State party ensured that counter-terrorism activities did not target Muslims in a disproportionate manner and were based on presumed or alleged criminal conduct rather than religious practice and that decisions to search homes or dissolve organizations were non-discriminatory and proportionate. It would also be interesting to know how the State party justified the use of counter-terrorism laws and bodies against environmental activists as necessary and proportionate, and what percentage of criminal offences committed over the previous five years were terrorism-related offences.

20. An explanation of how the imposition of surveillance measures based on unsigned memos produced by the intelligence services (*notes blanches*) was compatible with the Covenant would be useful. Lastly, she would like to know about the time limits, appeal processes and other measures in place to ensure that surveillance, based on the vague notion of “dangerousness”, of former prisoners convicted of terrorism-related offences was not arbitrary and did not disproportionately infringe the rights of persons who had served their time.

21. **Ms. Kpatcha Tchamdja**, noting that, as implicitly recognized in the periodic report (CCPR/C/FRA/6, para. 50), the health crisis had highlighted shortcomings in the protection of fundamental freedoms including gender equality and the fight against domestic violence, said that she would appreciate information, supported by statistical data, about the impact and efficacy of the measures taken to ensure that the pandemic did not exacerbate existing inequalities. She would also like statistical data allowing for the comparison of developments in the investigation and prosecution of domestic violence before and after the health emergency.

22. She would be interested to hear the delegation’s views on the proportionality of the restrictive measures adopted during the coronavirus disease (COVID-19) pandemic, which had included the prohibition of outdoor public gatherings of more than 10 people. She would welcome its comments on reports that, although that prohibition had been lifted in June 2020, hundreds of protesters had received fines for having gathered in public areas between 11 May and the end of August 2020. Some of the restrictions imposed, such as those limiting the right to peaceful assembly and to freedom of movement, should, in her view, have been considered of sufficient significance to require a derogation under article 4 of the Covenant and thus duly reported to the Secretary-General of the United Nations, although the State party had declined to do so. Based on its experience of the pandemic, in what areas might the State party change its approach in any similar future crisis in order to better protect human rights?

23. **Mr. Quezada Cabrera** said that, in view of the ongoing deplorable conditions of detention reported in Syrian camps, he would welcome information about the action being taken to protect the physical and psychological integrity and the lives of children and women of French nationality detained in the Hawl and Rawj camps and secure their repatriation, including an indication of the numbers still being held and their current situation. An estimate of the number of former Da’esh combatants of French nationality being detained would also be helpful, along with details of action taken to ensure that they were not ill-treated and that due process was respected in any trials before Syrian courts. He would like to know what action had been taken to ensure compliance with the judgment of the European Court of Human Rights in *H. F. and others v. France* and the application of due process safeguards to prevent arbitrariness in decision-making on repatriation requests from French families held in camps in the Syrian Arab Republic. Information about the specific conditions that must be met in order for the return of such families to be guaranteed would be helpful, along with an explanation of the rationale behind the assertion (CCPR/C/FRA/6, para. 114) that France was not required to repatriate persons who were not subject to French jurisdiction within the meaning of the relevant international treaties.

24. The delegation might also provide more information about the negotiations between France and Iraq that had prevented the imposition of the death penalty against French nationals convicted in Iraq, including details of the alternative sentences those prisoners were required to serve.

25. He wished to know whether decision-making in applications for arms export licenses included a review of whether the recipient country would use the licensed weapons in a manner consistent with the right to life; whether any steps had been taken to ensure a

complete ban on arms sales to countries where there was a clear risk of weapons being used in violation of international human rights standards and international humanitarian law; and whether information on arms exports that might provide an indication of the State party's compliance with its obligations under national and international arms standards was accessible to civil society and other interested stakeholders. Information on measures taken to address the potential impact on the right to life of the operations of French companies abroad, particularly in Cabo Delgado Province, Mozambique, where gas extraction operations had apparently raised concerns about human rights abuses, would likewise be helpful.

26. **Ms. Šurlan** said that allegations of ill-treatment, excessive use of force and disproportionate use of lethal weapons remained a concern. Although law enforcement officials apparently received extensive training on combating discrimination and racism and the use of alternative arrest techniques, statistical data and recent cases such as the killing of Nahel Merzouk suggested that the training was not effective. She wondered whether any improvements had been made following recent incidents and, specifically in the light of recent events in New Caledonia, whether officers in the overseas territories also received such training. An update on investigations into those specific events would be appreciated. She would also like to know about any plans to amend article L435-1 of the Internal Security Code, which authorized, inter alia, the use of weapons during traffic controls, and to review the legal conditions governing the use of firearms to reduce the risks of disproportionate use of lethal force and strike a better balance with the principles of absolute necessity and strict proportionality.

27. In the light of cases involving racial profiling and police racism such as *Toubache v. France*, in which the European Court of Human Rights had concluded that the use of force had not been absolutely necessary in order to carry out a lawful arrest, she would like to receive information about the reparations available to victims of profiling and other forms of police misconduct. She would also like to know whether the State party was taking steps to ensure the timely release of information about legal proceedings brought against law enforcement officials who had abused their authority, as doing so could contribute meaningfully to rebuilding public trust.

28. The new right of remedy introduced under article 803-8 of the Code of Criminal Procedure was welcomed but persistent overcrowding and undignified conditions of detention suggested that detainees were not yet benefitting. She wondered what had been done to raise awareness of the new remedy among detainees and whether those without sufficient funds to avail themselves of it had access to legal aid. It would be interesting to know how often the new remedy had resulted in the identification of violations of detainees' human rights and whether it had prompted any prison renovations. She would also like to hear about any new measures in place, such as more extensive use of alternatives to detention, that might bring the prison situation more closely into line with the State party's obligations under the Covenant.

*The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.*

29. **A representative of France** said that her Government was sympathetic to the aspirations of Indigenous communities, subject to respect for the constitutional principles of the indivisibility of the Republic, unicity of the French people and equality of citizens before the law. The Constitution established that the overseas populations were recognized within the French people, and the consideration of their practices, customs and local knowledge in public policies was provided for under national law. Specific legal instruments taking into account local customs in the overseas territories were gradually being introduced, to the benefit of Indigenous groups in particular. The Government supported the institutional recognition of Indigenous communities; in French Guiana, for instance, Amerindian and Bushinenge customary councils had been set up to promote those groups' cultural, educational and environmental interests.

30. In New Caledonia, the institutional framework established under the 1998 Nouméa Accord provided for the shared governance of the territory. The interests of the Kanak community were represented by the Customary Senate. In view of the crisis in the territory and the need to facilitate the resumption of peaceful dialogue among the parties concerned,

on 1 October 2024, the Prime Minister had announced that the proposed constitutional amendment on the modification of the territory's voting lists would not be submitted for ratification and that provincial elections would be postponed until late 2025. That announcement had been welcomed by almost all members of the Congress of New Caledonia. An interministerial delegation, led by the Prime Minister and the Minister for Overseas France, had been established to ensure the long-term management of the challenges in the territory. Steps would be taken to guarantee that all views could be heard.

31. Each territory was responsible for embarking on a path towards self-determination through democratic means and without resorting to violence. The Government had worked effectively with the Special Political and Decolonization Committee on matters relating to New Caledonia since the signature of the Nouméa Accord. While it remained of the view that French Polynesia should not feature on the list of Non-Self-Governing Territories drawn up by the United Nations, it continued to support the development of that territory and the promotion of its interests.

32. **A representative of France** said that the Government currently had no plans to reconsider the interpretative declarations and reservations formulated upon signature of the Covenant. While the French authorities fully respected the Covenant's provisions, they did not consider the Views of the Committee to be binding. The fact remained, however, that those Views were implemented by the Government in good faith.

33. **A representative of France** said that the fact that most members of the Supreme Council of Justice were not judges guaranteed its transparency and independence. The Council's opinion on the candidates put forward by the Minister of Justice for appointment as prosecutors was always followed; moreover, the Council was consistently requested to advise on disciplinary cases. While the independence of the public prosecution service was considered to be protected under existing laws, a bill on the reform of its status had been examined by Parliament in 2016 and 2019. That bill could not, however, be adopted until Congress had met to vote on it.

34. **A representative of France** said that the use of intelligence techniques was regulated by a very precise legal framework. Citizens' right to privacy was provided for under the Intelligence Act (No. 2015-912 of 24 July 2015), which also established that intelligence techniques must be applied in accordance with the principle of proportionality. The Act outlined what services were entitled to use such techniques and the purposes for which they could be applied, as well as the procedure to be followed before their use. As part of that procedure, the Prime Minister was required to give his or her authorization based on an opinion issued by the National Commission for the Control of Intelligence Techniques. The Commission produced an annual report that provided civil society with information on the implementation of the Act.

35. The legal framework had been updated to take account of technological developments that had led to changes in the intelligence techniques used and to strengthen the guarantees provided to citizens. The opinions issued by the National Commission for the Control of Intelligence Techniques had taken on a more binding character and, in certain cases, the Commission's authorization was required before information gathered through the use of intelligence techniques could be exchanged among the intelligence services. Those services' handling of personal information was regulated by a strict legal framework and closely monitored by the National Commission for Information Technology and Civil Liberties. Various channels had been established to enable citizens to learn what information the services held on them.

36. **A representative of France** said that the testing of artificial intelligence-powered video surveillance had been authorized under Act No. 2023-380 of 19 May 2023 on the 2024 Olympic and Paralympic Games and Various Other Provisions. Such surveillance was used only to ensure the security of recreational, sporting or cultural events at which there was a risk of terrorist attacks or serious threats to human safety. There was no use of facial recognition; the video surveillance concerned was simply a tool to detect and draw attention to potential incidents. The footage alone could not serve as grounds for initiating legal or criminal proceedings. Companies wishing to provide such services were required to demonstrate compliance with the guarantees set out by the Government and ensure that their

systems remained under the control of the individuals responsible for their management. The use of artificial intelligence-powered video surveillance would be authorized only within the area that was deemed to be strictly necessary and for a limited period of time.

37. The National Commission for Information Technology and Civil Liberties was responsible for overseeing the development, use and evaluation of such surveillance. The footage could be used for training purposes for a maximum of one year from the date it was recorded and would be destroyed at the end of the trial period. Information on the use of such surveillance had been made public, and an evaluation thereof would be conducted by an independent committee.

38. **A representative of France** said that all French citizens were equal before the law, without distinction of origin, race or religion. Discriminatory identity checks were explicitly prohibited by the Internal Security Code. Any individual who considered that they had been subjected to a discriminatory check could file a complaint through platforms established by the Defender of Rights, the National Police or the National Gendarmerie. Officers found to have conducted such checks would face disciplinary action.

39. Police and gendarmerie officers received initial and in-service training aimed at guaranteeing compliance with the principle of non-discrimination. Specific training modules had been developed to ensure that all officers understood their responsibilities regarding identity checks. Officers were expected to ensure that their individual identification numbers were on display, to wear and activate their body camera when conducting identity checks and to be capable of explaining why an individual was being subjected to such checks.

40. **A representative of France** said that French law made a distinction between administrative and judicial identity checks. The latter were conducted in relation to the commission of crimes and were strictly regulated to ensure that they were not discriminatory in nature and would not, therefore, invalidate the subsequent criminal proceedings. Some identity checks were carried out at the request of a public prosecutor in order to prevent the commission of a crime. The public prosecutor was required to outline what crimes would be prevented by the checks, which had to be conducted during a specified period and in a specific location. All administrative identity checks had to be authorized by a public prosecutor. One of the objectives behind the increase in the budget allocated to the Ministry of Justice was to strengthen the work of public prosecutors, judicial staff and judges.

41. **A representative of France** said that, while the state of emergency declared in response to the terrorist attacks of 2015 and 2016 had ended, some preventive measures remained in place owing to the persistent and significant terrorist threat facing the country. Four such measures had been established under Act No. 2017-1510 of 30 October 2017 on Strengthening Internal Security and the Fight against Terrorism: the installation of protective perimeters, the closure of places of worship, individual administrative monitoring and surveillance measures and home visits. Those measures, which were different to those implemented during the state of emergency, had been introduced on a temporary basis before being made permanent in 2021. They were applied in accordance with the principle of proportionality and were overseen by the administrative courts, which had the ability to issue urgent decisions on their implementation. The conduct of home visits and the use of any information gathered as a result had to be authorized by a liberty and custody judge. The Constitutional Council had ruled that the measures generally allowed for the reconciliation of the need to prevent terrorist attacks with the duty to protect the rights and freedoms guaranteed under the Constitution.

42. *Notes blanches* were memos produced by the intelligence services to set out the information they had on an individual without compromising their operations. The memos were used by judges to determine whether the measures implemented against that individual were justified. Only those memos that were sufficiently detailed and precise were considered to have evidential value; the submission of documents lacking those characteristics would result in the termination of the measures. The use of *notes blanches* was deemed to be conducive to exercise of the right to effective remedies, which had recently been confirmed in a ruling of the European Court of Human Rights concerning the measures implemented by the French Government during the state of emergency in effect during the period 2015–2017.



43. **A representative of France** said that individuals who had been the subject of administrative police measures during the state of emergency had been able to file an urgent application for interim measures to protect their fundamental freedoms, in respect of which judges were required to issue a decision within 48 hours. A total of 1,147 appeals against individual measures had been lodged, 23.7 per cent of which had led to the reconsideration of the measure.

44. **A representative of France** said that counter-terrorism efforts did not target a specific ethnic, racial or religious group; the definition of the crime of terrorist conspiracy, which provided for the prosecution of individuals who were preparing or had committed an act of terrorism, was sufficiently broad and neutral. The national counter-terrorism prosecutor handled proceedings involving Muslim individuals and those belonging to far-right, far-left and separatist movements.

45. The judicial measure to prevent recidivism among persons found guilty of terrorist acts and to promote their rehabilitation was imposed on individuals who had been sentenced to at least 5 years' imprisonment for such acts. The measure was initially applied for a maximum of one year following the individual's release and was renewable for the first five years. While the individuals concerned were required to comply with certain restrictions and obligations, the Constitutional Council had deemed the measure to be proportionate given its objective of combating terrorism.

46. **A representative of France** said that, since 2020, terrorism convictions had accounted for around 0.05 per cent of all convictions handed down. That figure rose to 1.6 per cent when only serious crimes were taken into account.

47. **A representative of France** said that the National Plan for Equality and against Anti-LGBT+ Hatred and Discrimination had been developed in close cooperation with around 20 civil society organizations. A significant number of ministries had committed to implement measures under that plan.

48. **A representative of France** said that the committee responsible for monitoring the National Plan for Equality and against Anti-LGBT+ Hatred and Discrimination would meet by the end of 2024 to take stock of the implementation of the measures contained therein. One key measure was the creation, by 2027, of a fund of €10 million for the establishment of centres for individuals belonging to that community in each region of the country and the overseas territories.

49. The National Plan contained measures specifically targeted at transgender individuals. In accordance with Act No. 2016-1547 of 18 November 2016 on the Modernization of Justice, efforts had been made to ensure that individuals were not required to undergo a medical transition in order to officially change their sex. The Ministry of Justice was currently assessing whether the objectives of that Act had been met. A working group had been established to improve the collective childcare options available to transgender children. The requirement for consultations to be held before intersex children could undergo any medical treatment was established under the Bioethics Act (No. 2021-1017 of 2 August 2021).

50. **A representative of France** said that article 132-76 of the Criminal Code provided for aggravated penalties for offences that were motivated by hatred on grounds of the victim's race, ethnicity, religion, gender identity or sexual orientation. Act No. 2024-449 of 21 May 2024 on Securing and Regulating Cyberspace contained a number of provisions aimed at combating online hatred by ensuring that digital service providers were held to account and strengthening the penalties handed down for illegal acts. Perpetrators of such acts could be temporarily banned from using social media as an additional punishment. Efforts had been made to strengthen the work of the investigators of the PHAROS platform for reporting online hate speech. Civil society associations had the right to initiate legal action to address acts of hate provided that they had been registered for at least five years. A significant step had also been taken with the implementation of the Digital Services Act of the European Union, under which large online platforms were required to regulate and moderate hateful content.

51. **A representative of France** said that French law provided for a number of forms of exoneration, including the termination of sentences and the withdrawal of convictions. The purpose of exoneration was to promote the reintegration of convicts and enable the rights lost following their conviction to be restored.

52. **A representative of France** said that 2020 had seen a smaller number of femicides compared to other years, which was likely attributable to the effective and proactive efforts of stakeholders including the law enforcement and judicial services. Steps had been taken to ensure that a variety of channels were available for individuals to report cases of domestic violence – in pharmacies, through victims' associations and by telephone.

53. **A representative of France** said that the Government had sought to mitigate the impact on French society of the restrictions imposed in response to the COVID-19 pandemic. The restrictions introduced in March 2020, such as those on travel, freedom of enterprise and freedom of assembly, had been reviewed by the courts and the Constitutional Council, which had deemed them to be constitutional and proportionate. In addition to those measures, the Government had issued a number of orders aimed at addressing the pandemic's economic, financial and social effects. The Government considered that the restrictions imposed during the pandemic were in line with article 4 of the Covenant.

54. The authorities had sought to ensure that individuals, especially those most vulnerable, continued to have access to public services during the health emergency. The validity of the residence permits of certain foreign nationals had been extended in view of the challenges in providing them with access to administrative procedures. Special measures had been put in place to protect vulnerable individuals and ensure that they could receive COVID-19 vaccinations and be tested for the virus.

55. **A representative of France** said that, although there had been a 28 per cent decrease in complaints of domestic violence during the lockdown period, that fall had been the smallest reported among all crimes. At the same time, there had been a 46 per cent increase in in-home interventions and a rise in the number of calls made to victims' associations. The pandemic had led to the accelerated implementation of certain measures aimed at combating domestic violence, including the breaking of patient confidentiality in cases involving a victim in immediate danger and the use of electronic bracelets to prevent perpetrators from approaching victims.

56. An emergency plan had been adopted in March 2020 to expand listening services, promote campaigns aimed at addressing domestic violence and create more places in shelters. As a result, the number of places in specialized shelters had doubled in five years to reach 10,600 in 2022. At the end of the pandemic, the hours of the 3619 hotline for women victims of violence and other listening services had been permanently extended to enable them to operate round the clock. Specialized offices established in each court to tackle domestic violence had been made permanent in 2023. Overall, cases of domestic violence had increased between 2017 and 2022. In 2023, around 52,000 individuals had been convicted for that offence, representing a more than twofold increase on the number convicted in 2017.

57. **A representative of France** said that the Government was not obliged to repatriate the French nationals in camps in the north-east of Syria. It did, however, seek to comply with its obligation under international law to systematically respond to repatriation requests submitted by French citizens. The French authorities had always taken into account the best interests of children; operations for the repatriation of minors had been organized since 2019. Such minors received multifaceted support upon their arrival in France. During the most recent operation in north-eastern Syria, all mothers who had expressed their desire to return to France had been able to do so. Additional operations would be organized in the future where possible.

58. **A representative of France** said that her Government was resolutely committed to preventing and removing threats to peace and suppressing acts of aggression or other breaches of that peace, in line with Article 1 of the Charter of the United Nations. War materials were exported to countries that wished to boost their military capacity in order to strengthen their security. Such exportations were governed by a strict national regime and were carried out in accordance with international law.

59. **A representative of France** said that the Government attached the utmost importance to the prohibition of the death penalty. The Directorate for Criminal Matters and Pardons had sought to cooperate with the Iraqi authorities and had been informed that the Iraqi Court of Cassation had decided to commute the death sentences handed down to French nationals. Those nationals were also the subject of French judicial proceedings; information on those proceedings could not be provided while they remained ongoing.

60. **A representative of France** said that, with regard to the activities of French companies in Mozambique, her Government supported and facilitated the implementation by businesses of the Guiding Principles on Business and Human Rights and the Guidelines for Multinational Enterprises on Responsible Business Conduct of the Organisation for Economic Co-operation and Development. It also supported the implementation of the 2017 version of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the key conventions of the International Labour Organization.

61. **A representative of France** said that the code of ethics of the National Police and the National Gendarmerie established that force should be exercised in a proportionate manner, being used only in the circumstances permitted by law and if necessary. The use of weapons by all law enforcement officers had been strictly regulated by the Internal Security Code since its establishment in 2017. Under that Code, weapons could be used to immobilize a vehicle only when absolutely necessary, such as in the event that an individual had disobeyed an order to stop and was likely to endanger officers' lives when fleeing.

62. **A representative of France** said that a specific procedure had been established to enable detainees who considered their conditions of detention to be undignified to avail themselves of the new remedy introduced under article 803-8 of the Code of Criminal Procedure. Detainees who wished to do so were entitled to receive legal aid. The Government planned to establish statistical monitoring to measure the new remedy's effectiveness.

63. **A representative of France** said that information on the remedies available to detainees was displayed in detention facilities and set out in the guide provided to individuals upon their arrival at a facility. Template forms for requesting such remedies were also available.

64. **Mr. Santos Pais** said that clarification of the status of French Polynesia would be welcome. He wondered how the State party's position on the Views of the Committee could be reconciled with the obligations it had assumed upon ratification of the first Optional Protocol to the Covenant. He would welcome the delegation's comments on whether it considered that the impartiality and independence of the Supreme Council of Justice would be enhanced if the majority of its members were judges. He wondered whether the counter-terrorism measures in place were proportionate to the current terrorist threat.

65. **Ms. Šurlan** said that she would appreciate disaggregated data on the offences with which law enforcement officials, including gendarmerie officers, had been charged. It would be interesting to learn whether detainees had the right to collectively appeal against the conditions in their detention facility.

66. **Ms. Donders** said that she wished to know what steps would be taken to guarantee the application of the provisions preventing discriminatory identity checks in practice, in particular by addressing the root causes of racism and discrimination and promoting greater racial and ethnic diversity among the law enforcement forces.

67. **Ms. Kpatcha Tchamdja** said that it would be helpful for the delegation to provide information on the redress available to victims of violence.

68. **Mr. Quezada Cabrera** said that he would like to hear about the specific measures adopted by the State party to comply with the judgment of 14 September 2022 of the European Court of Human Rights. The delegation might wish to provide information on the steps taken to guarantee effective judicial and parliamentary oversight of the exportation of arms and comply with the relevant rulings of international organizations including the International Court of Justice.

*The meeting rose at 6.05 p.m.*