



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of France and welcome the constructive engagement of your Government during the 29th session of the UPR Working Group in January 2018.

As the final outcome report on the review of France was recently adopted by the Human Rights Council at its 38th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 115 countries, France's presentation and responses, and the action taken by France to implement the 123 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight some areas that were raised during the review of France and which I am particularly encouraged by. I appreciated France's efforts to respect, protect and fulfil the rights of women, particularly in the area of violence against women, and to promote gender equality in the workplace through such initiatives as the creation of the High Council for Gender Equality. Efforts were also made to promote solidarity to integrate the needs of the most vulnerable members of the population, including asylum seekers, into the design of policies on access to employment, health care, education, housing and support for families.

I noted with satisfaction the adoption of the Plan to Combat Violence 2017–2019 and the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and the ratification of the Protocol to the International Labour Organization Forced Labour Convention, 1930 (No. 29), in June 2016. Furthermore, I appreciated the efforts made by France regarding: measures taken within the framework of the second National Action Plan to Combat Racism and Anti-Semitism (2015 to 2017); the adoption of the law on genuine equality between men and women in August 2014; the poverty reduction and social inclusion plan; the adoption of a national action plan for the implementation of the United Nations Guiding Principles on Business and Human Rights in April 2017; the Asylum Reform Act establishing the independence of the French Office for the Protection of Refugees and Stateless Persons, the Act on the Rights of Foreigners; and the lifting of the state of emergency in November 2017.

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H.E. Mr. Jean-Yves Le Drian,
Ministre de L'Europe et des Affaires Étrangères
France



I encourage France to develop national human rights action plans in order to follow-up matters contained in the annex and to facilitate France's preparations for the fourth cycle of the UPR. The development of national human rights action plans should include consultations with all stakeholders, in particular civil society organisations, and, where necessary, with the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR).

I welcome the efforts of France towards strengthening its national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly encourage France to continue its efforts in this sense, and make full use of the practical guide that my Office released in 2016 on this topic and which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. I congratulate France for submitting such a report during the second cycle and I was pleased to learn that France wishes to continue this commendable practice and submit a mid-term report by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist France to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

cc : H.E. Mr. François Croquette, Ambassadeur pour les droits de l'Homme, Ministère de l'Europe et des Affaires Étrangères



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention (No. 189) of the International Labor Organization.

International assistance

- Increase official development assistance to reach the target of 0.7% of gross national income.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Intensify efforts to promote a culture of equality, tolerance and mutual respect aimed at preventing all forms of discrimination, and take effective measures to increase public awareness in this regard, in particular against racial discrimination and discrimination based on ethnic motives, violence and intolerance against migrants.
- Consolidate the legislative framework and institutional mechanisms to combat all discriminatory practices based on racial, ethnic and religious profiling in order to put an end to the stigmatizing practice of profiling and further promote social inclusion and tolerance policies between different groups, in particular vis-à-vis migrants.

Human rights and counter terrorism

- Fight terrorism in accordance with international human rights instruments: in doing so, respect fundamental human rights and the rule of law in the context of the adoption of security measures in the fight against terrorism ensuring that these control measures are implemented in a proportionate and non-discriminatory manner, and do not lead to the stigmatization of defined segments of the population; to this end include measures to ensure prior checking by a judge and transparency in the fight against terrorism.

B. Civil and political rights

Right to life, liberty and security of person

- Take all appropriate measures to comply with the obligations arising from the Convention on the Prevention and Punishment of the Crime of Genocide; step up efforts to ensure that those suspected of committing genocide in Rwanda living in France are held accountable; open to the public all documents on the Rwandan genocide in order to ensure the transparency of any trial aimed at establishing the responsibilities and guaranteeing the victims' right to the truth.

- Continue to support women and children, especially girls who are or at risk of being trafficked; intensify anti-trafficking efforts by providing financial resources at local, regional and national levels to ensure the protection of victims, provide them with adequate legal representation and the opportunity to fully reintegrate into society.

Administration of justice, including impunity and the rule of law

- Continue to improve the living conditions of detainees, in particular by implementing the recommendations of the General Inspector of places of deprivation of liberty, and fight against prison overcrowding.

C. Economic, Social and Cultural Rights

Right to an adequate standard of living

- Consolidate anti-poverty policies, including improving effective access to housing for homeless or particularly vulnerable people; implement a national action plan for housing to make housing available to the poorest.

D. Rights of specific persons or groups

Women

- Constantly work to advance gender equality and combat all forms of discrimination against women in all spheres, including political and economic spheres; take special measures to combat all forms of discrimination against women and girls belonging to racial, ethnic, national or religious minorities, including those living in sensitive urban areas.
- Strengthen the implementation of gender equality policies at the municipal and regional levels.

LGBTQI persons

- Consider establishing an independent mechanism to monitor and evaluate the measures taken under the Anti-LGBTI Hate and Discrimination Plan and take the necessary measures to punish hate speech, particularly on social networks, with regard to the lesbian, gay, bisexual, transgender and intersex community.

Children

- Adopt legislative provisions explicitly prohibiting all forms of corporal punishment of children and punishing the perpetrators of such violence.

Migrants, refugees, asylum seekers and internally displaced persons

- Strengthen efforts to protect asylum seekers and migrants and find durable solutions for refugees on French territory by speeding up asylum procedures and offering more assistance to those recognized as refugees.
- Ensure that all unaccompanied minors present in France enjoy the same protection as French children; put in place the necessary measures to ensure that unaccompanied foreign minors have access to housing, education, medical services and rapid follow-up of their cases.

Minorities and indigenous peoples

- Implement the recommendations of the Committee on the Elimination of Racial Discrimination, including those relating to the situation of Roma and other minorities. By doing so, put an end to the violent attacks, hate crimes and manifestations of racism against the Roma, punish the perpetrators, and guarantee Roma fundamental rights such as access to water, sanitation, health care, education and housing.
- Implement the recommendations made following OHCHR's mission to France in March 2018 on progress, challenges and opportunities for the enjoyment by the Roma of the right to adequate housing and other related rights