

FRANCE REVIEW

I. Justice System

B. Quality of justice

Accessibility of courts (e.g. court/legal fees, legal aid, language)

In its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women recommended that France ensure adequate victim support services, including a sufficient number of adequately funded shelters providing legal assistance ([CEDAW/C/FRA/CO/9](#), para. 22 (b)).

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination noted with concern that, according to information provided by France, there was an unknown number of racially motivated assaults that do not lead to the filing of a complaint, which points to the underreporting of racist acts and racial discrimination. The Committee was concerned at information that reports of racist acts were too often recorded in police registers without further action being taken, thus preventing victims of racial discrimination from gaining effective access to justice (arts. 2 and 6). In light of this, the Committee recommended that France take appropriate and effective measures to ensure that all parties who are victims of racial discrimination have access to effective remedies and appropriate reparation, including through the exclusion of crimes of a racist nature from the police register procedure ([CERD/C/FRA/CO/22-23](#), paras. 31, 32 (a)).

Resources of the judiciary (human/financial/material) (Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

In its 2023 concluding observations on France, the Committee on the Rights of the Child was seriously concerned about the reported increase in domestic violence against children, including young children, during the lockdown imposed in response to the coronavirus disease (COVID-19) pandemic and the fact that the measures taken to prevent such violence were delayed and ineffective owing to a lack of coordination and communication among the bodies responsible. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and recalling target 16.2 of the Sustainable Development Goals, the Committee urged the State party to increase human, technical and financial resources for the prevention of violence, clearly define competencies among the different actors involved in child protection, as their mandates overlap to varying degrees, and ensure effective coordination and communication among them ([CRC/C/FRA/CO/6-7](#), paras. 25, 26 (c)).

Furthermore, in its 2023 Concluding observations, the Committee on the Rights of the Child regretted that, despite its previous recommendations, the situation of asylum-seeking and migrant children remained unchanged. It remained seriously concerned that France does not give sufficient consideration to the best interests of the child as a guiding principle in all initial assessment processes and subsequent arrangements. In particular, the Committee was deeply concerned about: The continued detention of families with children and unaccompanied children in airport waiting areas and other administrative detention facilities with poor conditions that are not suitable for children, without judicial or administrative oversight and; The inadequate access of unaccompanied children to child protection, legal representation, psychological support, social assistance, health, education and shelter, in particular in the Pas-de-Calais and Nord Departments. With reference to its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin and joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, the Committee urged France, with immediate effect to guarantee sufficient human, technical and financial resources throughout its jurisdiction for the provision of specialist and child-specific support, protection, legal representation, social assistance and educational and vocational training for unaccompanied migrant children and to build the capacities of law enforcement officials in that regard ([CRC/C/FRA/CO/6-7](#), paras. 44 (a), (c), 45 (f)).

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees) In its 2023 concluding observations, the Committee on the Elimination of Discrimination

against Women welcomed the dissemination of the Committee's previous concluding observations; the publication of an inter-ministerial guide to fight discrimination, in particular against women, and the training on gender equality and the protection of women from sexual and gender-based violence (SGBV) for government agents. However, it noted with concern that the Convention on the Elimination of all Forms of Discrimination Against Women, the Optional Protocol thereto and the Committee's general recommendations were not widely known in France and the lack of court decisions making reference to the Convention, which covers gender-based discrimination more comprehensively than general prohibition of discrimination. The Committee thus recommended that the State party provide systematic capacity-building and training for judges, prosecutors, the police and other law enforcement officials, government officials, as well as lawyers, on the Convention, the Optional Protocol thereto and the Committee's general recommendations ([CEDAW/C/FRA/CO/9](#), paras. 11 (a), 12). Moreover, drawing attention to its general recommendation No. 13 (1989) on equal remuneration for work of equal value and to target 8.5 of the Sustainable Development Goals, to achieve, by 2030, full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value, the Committee recommended that France train law enforcement officials on the procedures and prevention of sexual harassment in the workplace, and reform legislation to increase the effectiveness of prevention procedures ([CEDAW/C/FRA/CO/9](#), para. 36. (f)).

Pursuant to its general recommendation No. 35 (2013) on combating racist hate speech, in its 2023 Concluding observations, the Committee on the Elimination of Racial Discrimination recommended that the State party assess and continue the training provided to law enforcement personnel, as well as targeted awareness-raising campaigns, in order to prevent and combat racially motivated hate crimes and racist hate speech, including on the part of political actors ([CERD/C/FRA/CO/22-23](#), para. 12 (c)). Further, the Committee on the Elimination of Racial Discrimination noted with concern that, according to information provided by France, there was an unknown number of racially motivated assaults that do not lead to the filing of a complaint, which points to the underreporting of racist acts and racial discrimination. The Committee was concerned at information that reports of racist acts were too often recorded in police registers without further action being taken, thus preventing victims of racial discrimination from gaining effective access to justice (arts. 2 and 6). The Committee recommended that France strengthen the training provided to law enforcement officials to ensure that they duly consider and investigate all complaints of racial discrimination, and prevent any reprisals against persons who report racial discrimination and punish those engaging in reprisals ([CERD/C/FRA/CO/22-23](#), paras. 31, 32 (b)).

In its 2023 concluding observations, the Committee on the Rights of the Child, while noting the recent creation of the programme of youth rights ambassadors, recommended that France strengthen the training of professionals working with or for children on the provisions of the Convention on the Rights of the Child and the Optional Protocols thereto, including the training of all child protection professionals on trafficking in children ([CRC/C/FRA/CO/6-7](#), para. 13 (b)). Furthermore, the Committee recommended that France continue its efforts to eliminate female genital mutilation by evaluating the implementation of the First National Action Plan and continuing to increase awareness among girls at risk, communities, social workers, police officers, gendarmes, judges and prosecutors ([CRC/C/FRA/CO/6-7](#), para. 30 (a)).

C. Efficiency of the justice system

Other

UPR - Under the 4th cycle of Universal Periodic Review, France supported recommendations made in relation to justice namely criminal justice response to multiple forms of discrimination and access to justice for victims of human trafficking and nuclear testing. Once these recommendations have been examined and accepted by the State Party, they should be taken into consideration ([A/HRC/54/5/Add.1](#)).

IV. Other institutional issues related to checks and balances

D. The enabling framework for civil society

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

In its 2023 concluding observations, in line with its General Recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee on the

Elimination of Discrimination against Women recommended that France increase funding and resources specifically for anti-trafficking coordination and victim assistance, including adequate funding for NGOs providing assistance ([CEDAW/C/FRA/CO/9](#), para. 28 (d)).

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that France continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection ([CERD/C/FRA/CO/22-23](#), para. 38).

In its 2023 Concluding observations, the Committee on Economic, Social and Cultural Rights noted with concern that the recent reforms to the unemployment insurance system, which provide for a tightening of the rules on benefits, including a reduction in the length of time during which benefits are paid, were introduced against a backdrop of high inflation that has pushed a large section of the population into a vulnerable situation. The Committee was also concerned that the pension reform was not debated in the National Assembly. It noted with concern that this reform would have a negative impact on the most disadvantaged persons, particularly women, because of their career paths (art. 9). In light of this the Committee urged France to conduct, with the participation of social partners and civil society, a comprehensive assessment of the effects of the recent reforms to unemployment insurance and pensions on the most disadvantaged persons who have been affected by them, with a view to taking the necessary corrective measures ([E/C.12/FRA/CO/5](#), paras. 30, 31).

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives etc.)

In its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women was concerned about the low prosecution and conviction rates in cases of discrimination based on gender. In line with its general recommendation No 33 (2015) on women's access to justice, the Committee recommended that France enhance women's knowledge and awareness of their rights and the remedies available to claim them ([CEDAW/C/FRA/CO/9](#), paras.13, 14 (b)). Moreover, recalling its general recommendation No. 23 (1997) on women in political and public life and target 5.5 of the Sustainable Development Goals, to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life, the Committee recommended that the State party provide capacity-building to women politicians and candidates on political campaigning, leadership and negotiation skills, and raise awareness, in collaboration with the media, among politicians, the media and the general public, of the importance of gender parity in political and public life as a requirement for fully implementing the human rights of women ([CEDAW/C/FRA/CO/9](#), para. 32 (a)).

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination, noted with concern that, according to information provided by the State party, there was an unknown number of racially motivated assaults that do not lead to the filing of a complaint, which points to the underreporting of racist acts and racial discrimination. The Committee recommended that France conduct campaigns to raise rights holders' awareness of the provisions of the Convention and the legal framework on protection from racial discrimination ([CERD/C/FRA/CO/22-23](#), paras. 31, 32 (c)).

In its 2023 concluding observations, with reference to its general comment No. 12 (2009) on the right of the child to be heard, and while noting good practices such as the regular exchange between delegations of children and the Prime Minister, the Committee on the Rights of the Child recommended that France provide regular, in-depth continuing education for professionals working with and for children, including in the justice system, on the right of the child to be heard and awareness-raising programmes for the general public and; promote the meaningful and empowered participation of all children within the family, communities and schools and increase the involvement of children in the monitoring, implementation and evaluation of public decisions, policies and plans that affect them ([CRC/C/FRA/CO/6-7](#), paras. 19 (c), (d)). Moreover, with reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and recalling target 16.2 of the Sustainable Development Goals, the Committee urged the State party to further strengthen awareness-raising and education programmes, including campaigns and including on the use of the 119 national child protection hotline, with the involvement of children, in order to streamline the reporting of cases of violence against children ([CRC/C/FRA/CO/6-7](#), para. 26 (b)).

In its 2023 Concluding observations, the Committee on Economic, Social and Cultural Rights welcomed the adoption of Act No. 2017-399 of 27 March 2017 on the Duty of Care of Parent and Subcontracting Companies (Duty of Care Act), as well as the National Action Plan for the implementation of the United Nations Guiding Principles on Business and Human Rights. However, the Committee was concerned about the fact that some companies are not covered by the Duty of Care Act, because of their size, and also about the effectiveness of how the Act is applied, in particular compliance by companies with the obligation to draw up and publish a care plan. The Committee also noted France's commitment to European projects, including those designed to include the financial sector in the new European Union directive on corporate sustainability due diligence. In light of this, the Committee recommended that the State party conduct campaigns to raise awareness of the provisions of the Act among the administrative and judicial authorities responsible for its application ([E/C.12/FRA/CO/5](#), paras. 6, 7 (d)).

Other

UPR - Under the 4th cycle of Universal Periodic Review, France supported recommendations in relation to ensuring effective safeguards against the excessive use of force by law enforcement authorities against protesters during demonstrations ([A/HRC/54/5/Add.1](#)). The same issue was raised by UN Special Procedures in the context of the criminalization of environmental and human rights defenders in May 2023 ([FRA 5/2023](#)) and protesters mobilized against the pension reforms ([FRA 4/2023](#)) in April 2023. The same issue was raised by UN Special Procedures in the context of the criminalization of environmental and human rights defenders in May 2023 ([FRA 5/2023](#)) and protesters mobilized against the pension reforms ([FRA 4/2023](#)) in April 2023.