



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the sixth periodic report of France*

1. The Committee considered the sixth periodic report of France¹ at its 4160th and 4161st meetings,² held on 22 and 23 October 2024. At its 4178th meeting, held on 4 November 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its sixth periodic report in response to the list of issues prior to reporting prepared under that procedure.³ It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures:

(a) Act No. 2021-1774 of 24 December 2021 on Accelerating Economic and Professional Equality, which contains provisions aimed at promoting the financial autonomy of women and their fair representation within the economy and the world of work;

(b) Act No. 2020-766 of 24 June 2020 on Tackling Online Hate Content, which provides for the establishment of an online hate observatory;

(c) Act No. 2020-936 of 30 July 2020 on the Protection of Victims of Domestic Violence;

(d) Act No. 2019-1480 of 28 December 2019 on Addressing Domestic Violence;

(e) Act No. 2018-703 of 3 August 2018 on Strengthening the Fight against Sexual and Gender-based Violence, which criminalizes harassment and establishes gender-based misconduct as an offence;

(f) Act No. 2017-399 of 27 March 2017 on the Duty of Care of Parent and Contracting Companies, which establishes the liability for human rights violations of parent companies of multinational enterprises with more than 5,000 employees;

* Adopted by the Committee at its 142nd session (14 October–7 November 2024).

¹ [CCPR/C/FRA/6](#).

² [CCPR/C/SR.4160](#) and [CCPR/C/SR.4161](#).

³ [CCPR/C/FRA/QPR/6](#).



(g) The National Plan to Combat Racism, Antisemitism and Origin-Related Discrimination 2023–2026;

(h) The National Plan for Equality and against Anti-LGBT+ Hatred and Discrimination 2023–2026;

(i) The Interministerial Plan for Equality between Women and Men 2023–2027, entitled “Toutes et tous égaux” (Everyone is equal).

C. Principal matters of concern and recommendations

Right to self-determination

4. The Committee takes note of the information provided by the State party regarding the status of the Non-Self-Governing Territories of New Caledonia and French Polynesia under Chapter XI of the Charter of the United Nations. The Committee is concerned about the lack of progress made in dealing with the issue of the self-determination of the people of French Polynesia. The Committee notes the State party’s efforts to renew dialogue in New Caledonia and to continue to implement the Nouméa Accord, which was signed on 5 May 1998 and concerns the self-determination of the people of that territory. Nonetheless, the Committee notes with concern that the third referendum in New Caledonia, which was held during the coronavirus disease (COVID-19) pandemic and the Kanak customary mourning period and was marked by a high abstention rate of 56.13 per cent, was organized in a way that denied the Kanak people their right to be given the opportunity to give their free, prior and informed consent (art. 1).

5. **Bearing in mind the Committee’s general comment No. 12 (1984) on the right to self-determination, the State party should facilitate and accelerate the realization of the right of peoples, in particular the Indigenous Peoples of New Caledonia and French Polynesia, to self-determination by cooperating fully with the special committee responsible for examining the situation of these two Non-Self-Governing Territories pursuant to the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples. Before adopting any measures relating to the self-determination process, the State party should consult the Indigenous Peoples of New Caledonia and French Polynesia in order to obtain their free, prior and informed consent. More specifically, the Committee recommends that the State party uphold the principle of constitutional irreversibility set out in point 5 of the 1998 Nouméa Accord, which guarantees the integrity of the decolonization process.**

Interpretative declarations and reservations to the Covenant

6. The Committee regrets that the State party does not intend to withdraw its reservations and interpretative declarations, the number and scope of which considerably restrict the application of the Covenant. In particular, it regrets the restrictive interpretation of article 27 of the Covenant, which the State party has adopted based on the principles of the indivisibility, equality and unicity of the French people (art. 2).

7. **The State party should reconsider its interpretative declarations and reservations, in particular concerning article 27, with a view to significantly reducing their number and scope and ensuring the effective application of the provisions of the Covenant.**

Implementation of the Views of the Committee under the Optional Protocol

8. Recalling its previous concluding observations,⁴ the Committee remains concerned that the State party has failed to meet its obligation under the Covenant and the first Optional Protocol to provide victims with an effective remedy in the event that the rights set forth in the Covenant are violated, in application of the Views adopted by the Committee, for example

⁴ CCPR/C/FRA/CO/5, para. 7.

in *Hebbadj v. France*,⁵ *Yaker v. France*,⁶ *Naïma Mezhoud v. France*⁷ and *F.A. v. France*.⁸ The Committee recalls that, by acceding to the first Optional Protocol, the State party has recognized the competence of the Committee to receive and consider communications from individuals subject to the jurisdiction of the State party and has undertaken to provide an effective and enforceable remedy in case a violation has been established (art. 2).

9. **The State party should reconsider its position regarding Views adopted by the Committee under the first Optional Protocol so as to ensure access to an effective remedy in the event of a violation of the Covenant, in accordance with article 2 (3). It should also disseminate the Committee's decisions widely and raise awareness of the State party's obligations under the Covenant.**

Recognition of minorities and statistics

10. The Committee regrets the fact that the sixth periodic report contains no statistical information that would enable it to fully assess the enjoyment by minorities of the rights set out in the Covenant, including in the overseas territories. It also regrets that data collection tools remain limited and do not allow for a full picture of the racial discrimination faced by the various ethnic groups throughout the State party, including in its overseas territories (arts. 2, 26 and 27).

11. **In the light of the Committee's previous recommendations⁹ and those of the Committee on the Elimination of Racial Discrimination,¹⁰ the State party should continue and step up its efforts to develop tools that would enable it to assess the effective enjoyment by minorities of all the rights provided for in the Covenant, including in the overseas territories, doing so based on the principles of self-identification and anonymity. The State party should use the statistics compiled in formulating its policies on tackling racial discrimination.**

Racial profiling

12. The Committee is concerned about the numerous allegations that law enforcement officers use their stop-and-search powers to disproportionately target individuals belonging to racial or ethnic minority groups (racial profiling) and that such checks are not subject to routine judicial oversight or adequate statistical monitoring. The Committee is also concerned about reports that persons belonging to racial or ethnic minority groups are disproportionately handed fixed-penalty, on-the-spot fines without adequate judicial oversight (arts. 2, 9, 17 and 26).

13. **Recalling the most recent recommendations made by the Committee on the Elimination of Racial Discrimination,¹¹ the Committee reminds the State party that it should take the measures necessary to prevent racial profiling in the identity checks carried out by law enforcement officers; routinely collect data that allow for the outcomes of the measures taken to be assessed and, where necessary, for those measures to be adjusted; guarantee that allegations of racial profiling are automatically and thoroughly investigated; and ensure the appropriate punishment of the perpetrators, if found guilty, and the provision of adequate compensation to the victims. The State party should also ensure that the imposition of fixed-penalty, on-the-spot fines by police officers is subject to adequate judicial oversight in order to prevent any discrimination.**

State of emergency

14. While taking heed of the notification of a declaration of a state of emergency that was transmitted to the Secretary-General of the United Nations following the terrorist attacks of

⁵ CCPR/C/123/D/2807/2016.

⁶ CCPR/C/123/D/2747/2016.

⁷ CCPR/C/134/D/2921/2016.

⁸ CCPR/C/123/D/2662/2015.

⁹ CCPR/C/FRA/CO/5, para. 6.

¹⁰ CERD/C/FRA/CO/22-23, paras. 5 and 6.

¹¹ CERD/C/FRA/CO/22-23, paras. 23 and 24.

November 2015, the Committee regrets that no such notification was sent in relation to the declaration of a health emergency under Act No. 2020-290 of 23 March 2020. While noting the State party's explanation that the Government did not notify the measures taken to address the COVID-19 pandemic as they did not derogate from the provisions of the Covenant, the Committee is concerned that some of those measures were severe enough to constitute derogations within the meaning of article 4 (1) of the Covenant and should, therefore, have been notified to the Secretary-General pursuant to article 4 (3). Such measures include the restrictions on the right of peaceful assembly and freedom of movement and those contained in Order No. 2020-303 of 25 March 2020, which provided for the extension of pretrial detention without judicial review (art. 4).

15. Taking into account the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, and pursuant to article 4 of the Covenant, when making derogations in the context of an officially declared state of emergency, the State party should immediately inform the other States parties, through the intermediary of the Secretary-General, of the provisions from which it has derogated and the reasons for the derogation. The State party should guarantee that any measures introduced to protect the population during a state of emergency, including a pandemic, are temporary, proportionate, strictly necessary and subject to judicial review.

Counter-terrorism measures

16. The Committee appreciates the detailed information provided by the State party on the use of administrative police measures aimed at preventing terrorism, which were introduced under the state of emergency declared in 2015 before being adjusted and made permanent through Act No. 2017-1510 of 30 October 2017 on Strengthening Internal Security and the Fight against Terrorism and Act No. 2021-998 of 30 July 2021 on Intelligence and Prevention of Terrorism. The Committee regrets that the State party does not collect data, disaggregated by ethnic or religious identity, on the persons subjected to such measures and notes with concern that they are disproportionately imposed on Muslims or individuals who are perceived to be of the Muslim faith or foreign origin. The Committee is also concerned that suspects' rights, including their right to a fair trial as provided for in article 14 of the Covenant, are not sufficiently guaranteed by the remedies provided for under administrative law and control mechanisms, in particular in relation to the use of the *notes blanches* (information memorandums) submitted anonymously by the intelligence services for consideration by administrative judges (arts. 2, 9, 14, 17 and 26).

17. The State party should:

(a) **Reconsider the application, on the basis of secret information, of administrative police measures aimed at depriving terrorism suspects of fundamental rights such as the rights to freedom of movement, freedom of association and privacy;**

(b) **Ensure that all persons who are reasonably suspected of involvement in a terrorism-related crime are investigated and, where sufficient evidence exists, charged and prosecuted in ordinary criminal proceedings that meet international fair trial standards, and that those who are convicted receive penalties commensurate with the gravity of the crime;**

(c) **Guarantee access to effective remedies, including judicial remedies, for persons who claim that their rights have been violated as a result of the application of administrative police measures, in particular those providing for home visits and the resulting seizure of data and assets, and individual administrative control and surveillance measures;**

(d) **Collect and publish data on the number of administrative police measures applied, the number of investigations and criminal proceedings initiated as a result of the application of such measures, the appeals lodged and their outcome, broken down by the type of proceedings and decision.**

Excessive use of force by law enforcement officers

18. Recalling its previous concluding observations,¹² the Committee remains concerned about the number of reported cases of excessive use of force by law enforcement officers, in particular during traffic controls, arrests, forced evacuations and demonstrations. Recalling also the most recent concluding observations adopted by the Committee on the Elimination of Racial Discrimination,¹³ the Committee is concerned about reports that these cases disproportionately involve members of certain minority groups, especially people of African descent, persons of Arab origin, Indigenous Peoples and migrants. The Committee is gravely concerned about the number of deaths resulting from the use of firearms by law enforcement officers during traffic controls. The Committee is also concerned about the apparent lack of appropriate sanctions and apparent impunity; in the case of Adama Traoré, a young man of African descent who died in 2016 after being pinned down during an arrest by gendarmes, nobody was held responsible for his death. The Committee deeply regrets the lack of information on the criminal proceedings initiated against officers alleged to have used excessive force and on the reparations provided to victims and, where appropriate, their families (arts. 2, 6, 7 and 26).

19. **In the light of the principles of equality of all persons before the law and non-discrimination, the State party should:**

(a) **Review and, if necessary, amend the legal framework, policies and operational procedures governing the use of force by law enforcement officers, with a view to ensuring their compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(b) **Ensure that all law enforcement officers receive adequate, specific training in using force and firearms in a way that is compliant with the above-mentioned international standards and that they attend regular refresher courses;**

(c) **Ensure that all allegations of excessive use of force are promptly, thoroughly and impartially investigated, that those responsible are prosecuted and, if found guilty, punished, and that the victims or their families obtain reparations;**

(d) **Ensure the routine collection and publication of detailed data on cases of excessive or deadly use of force.**

French nationals in conflict zones

20. While noting the efforts made by the State party since 2019 to repatriate around 70 children and 16 women detained in the north-east of the Syrian Arab Republic and its intention to continue those efforts and to consistently respond to any repatriation requests submitted by French nationals, the Committee is concerned about the large number of French citizens who are still being held and are facing extremely difficult conditions in the Syrian Arab Republic, in particular in the Rawj camp, the juvenile rehabilitation centres in Hourri and Orkesh and in Alaya prison, where their physical and psychological integrity is not guaranteed. The Committee regrets the lack of information received on measures aimed at guaranteeing respect for the right of French nationals accused of involvement in terrorist acts, including those who have been sentenced to death by the Iraqi courts, to a fair trial, dignified conditions of detention and protection from ill-treatment (arts. 2, 6, 7, 9, 12 and 14).

21. **The State party should intensify its efforts to repatriate French nationals being held in conflict zones, in particular in the Syrian Arab Republic, and, in accordance with its international obligations, guarantee the consistent and individualized handling of any repatriation request that such nationals may make. The State party should also step up its efforts to guarantee respect for the right of French nationals accused of involvement in terrorist acts, including those who have been sentenced to death by the**

¹² CCPR/C/FRA/CO/5, para. 15.

¹³ CERD/C/FRA/CO/22-23, paras. 25 and 26.

Iraqi courts, to a fair trial, protection against ill-treatment and dignified conditions of detention.

Trafficking in persons

22. While recognizing the important steps taken to address trafficking in persons and the recent adoption of the National Plan to Combat Human Exploitation and Trafficking for the period 2024–2027, the Committee is concerned that more measures need to be introduced to improve victim identification, including among the irregular migrants facing deportation from Mayotte. The Committee regrets the lack of information provided by the State party on access to compensation for victims and the guarantees in place to ensure that victims are not held criminally liable for unlawful acts committed as a direct consequence of trafficking (arts. 2, 7 and 8).

23. The State party should redouble its efforts to proactively identify victims of trafficking by looking for signs among vulnerable groups, including irregular migrants in Mayotte. The State party should also guarantee effective access to compensation for victims of trafficking in persons and ensure that they are not held criminally liable for unlawful acts committed as a direct consequence of trafficking.

Liberty of person

24. The Committee is concerned about the transfer to metropolitan France of several defenders of Indigenous rights who are members of the New Caledonian independence movement and the fact that they continue to be held in pretrial detention following the demonstrations and incidents that took place in New Caledonia in May 2024 (arts. 9, 10 and 17).

25. The State party should reconsider its practice of holding inhabitants of the overseas territories in pretrial detention in metropolitan France and promote the use of non-custodial measures as an alternative to pretrial detention.

Treatment of persons deprived of their liberty

26. While welcoming the measures taken during the COVID-19 pandemic to prevent the entry and spread of the virus in prisons and the introduction, in 2021, of a legal remedy for individuals who wish to submit complaints about detention conditions, the Committee remains concerned about the persistence of prison overcrowding and the poor material conditions in many places of deprivation of liberty, including administrative detention centres, especially in the overseas territories. The Committee is also concerned about the overrepresentation of Indigenous Peoples in prisons in New Caledonia (art. 10).

27. The State party should intensify its efforts to bring prison conditions into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including by allocating more resources for efforts to reduce prison overcrowding, especially in the overseas territories. In particular, the State party should:

- (a) **Renovate existing prisons in line with current international standards;**
- (b) **Make greater use of adjusted sentences and alternatives to imprisonment;**
- (c) **Introduce and ensure widespread observance of the principle that prisoners should be housed in individual cells;**
- (d) **Guarantee widespread access to procedures that enable prisoners to challenge their conditions of detention and obtain redress;**
- (e) **Take specific measures to address the overrepresentation of Indigenous Peoples among the prison population in New Caledonia and meet their specific needs, including through the use of alternative measures that enable Indigenous convicts to serve their sentences in their community.**

Treatment of foreigners

28. The Committee is concerned about the impact of the regular evacuations of temporary shelters for migrants at the border between France and the United Kingdom of Great Britain and Northern Ireland and in shanty towns in Mayotte, which sometimes involve an excessive use of force and are said to only worsen the deplorable living conditions faced by these people. The Committee is also concerned about various provisions of Act No. 2024-42 of 26 January 2024 on Controlling Immigration and Improving Integration, which establishes unprecedented restrictions on the guarantees granted to foreigners in France. In particular, the Committee is concerned that the Act provides for enhanced administrative powers to detain and expel foreign nationals, including those in a regular situation, who are considered a “threat to public order” and that it offers more opportunities for them to be banned from French territory for committing minor offences. The Committee is also concerned that the Act might allow for the detention period to be extended beyond the legal 30-day limit, without adequate judicial review, in the event that a threat to public order is identified through an administrative assessment. While welcoming the fact that the Act prohibits the administrative detention of migrant children, including those who are accompanied, the Committee is concerned about the fact that the introduction of this prohibition has been postponed until January 2027 in Mayotte, where a large number of children, including unaccompanied children, are reported to be held in administrative detention centres without adequate safeguards in place (arts. 2, 7, 9, 10, 13, 24 and 26).

29. **Taking into account the Committee’s previous concluding observations¹⁴ and the most recent concluding observations of the Committee on the Elimination of Racial Discrimination,¹⁵ the State party should:**

(a) **Step up its efforts to ensure access to decent housing for asylum-seekers and to end the ill-treatment of asylum-seekers and migrants in an irregular situation in border areas, especially at the border between France and the United Kingdom and in Mayotte;**

(b) **Provide alternatives to administrative detention, take measures to ensure that detention is resorted to for the shortest appropriate period and only if the existing alternatives to administrative detention have been duly considered, and guarantee that immigrants are able to effectively bring proceedings before a court that will decide on the lawfulness of their detention;**

(c) **Review the legislative provisions that provide for the administrative detention and expulsion of foreign nationals, including those in a regular situation, who are considered a “threat to public order”, and that offer more opportunities for them to be banned from French territory for committing minor offences;**

(d) **Reconsider the exemption schemes in matters of immigration that are applicable in the overseas territories and take the steps necessary to expedite the introduction in Mayotte of the ban on the administrative detention of minors.**

Non-refoulement

30. The Committee is concerned about reports that, on a regular basis, foreign nationals are forcibly and summarily returned to the border between France and Italy without being granted access to a proper asylum procedure, information on their rights or the opportunity to challenge the measures imposed on them. Recalling its previous recommendations,¹⁶ the Committee remains concerned about the situation in Mayotte, where the State party continues to apply an exemption scheme in matters of asylum that offers fewer procedural safeguards, including appeals without suspensive effect. The application of the scheme means that many foreign nationals, including unaccompanied children, are reportedly deported without having been able to exercise effectively their right of asylum. The Committee also expresses its concern about the changes made to the asylum system through Act No. 2024-42 of 26 January

¹⁴ CCPR/C/FRA/CO/5, paras. 18 and 19.

¹⁵ CERD/C/FRA/CO/22-23, paras. 19–22.

¹⁶ CCPR/C/FRA/CO/5, para. 19.

2024 on Controlling Immigration and Improving Integration, which weakens procedural safeguards for asylum-seekers and reduces from three to one the number of judges required for the consideration of asylum cases before the National Court of Asylum, except in particularly complex cases (arts. 2, 7, 9, 10, 13 and 24).

31. The State party should ensure that the principle of non-refoulement is respected in practice and that all persons applying for international protection have access to an independent appeal mechanism with suspensive effect against negative decisions in removal, deportation and extradition proceedings. In accordance with its international obligations, the State party should ensure that foreign nationals at the border between France and Italy have access to an asylum procedure and are provided with information on their rights. It should also put an end to the application of an exemption scheme in matters of asylum in the overseas territories, especially Mayotte.

Independence of the judiciary

32. While welcoming the recent reforms aimed at strengthening the administration of justice, the Committee shares the concerns expressed by the Council of Europe and the European Union regarding the need to guarantee the full independence of the judiciary and the public prosecutor's office and protect them from undue interference by the executive branch, in particular in relation to appointments, promotions, disciplinary measures and the dismissal of judges and prosecutors. In this respect, the Committee notes with concern that the public prosecutor's office reports directly to the Minister of Justice. The Committee is also concerned about the limited powers of the Supreme Council of Justice as the body constitutionally responsible for guaranteeing judicial independence. It notes that, unlike the Minister of Justice, the Supreme Council of Justice cannot initiate disciplinary proceedings against a judge and has a purely advisory role with regard to disciplinary sanctions against prosecutors.

33. The State party should take all measures necessary to ensure that the judiciary and the public prosecutor's office are fully independent from the executive branch. It should, to that end, review the composition of the Supreme Council of Justice and strengthen its powers relating to appointments, promotions, disciplinary measures and the dismissal of judges and prosecutors. It should also pursue constitutional reform to make the public prosecutor's office independent from the executive branch.

Respect for privacy

34. The Committee is concerned about the impact on public freedoms and the right to privacy of certain measures provided for under Act No. 2021-646 of 25 May 2021 on Ensuring Global Security while Preserving Freedoms, in particular those established in article 22, which grants prefects the power to authorize the use by the law enforcement authorities of camera-equipped drones in a wide range of circumstances, including during demonstrations. The Committee is also concerned that Act No. 2023-380 of 19 May 2023 on the 2024 Olympic and Paralympic Games authorizes the experimental use, until March 2025, of artificial intelligence-powered video surveillance to ensure the security of high-risk events, as was the case during the 2024 Olympic Games in Paris. While noting the information provided by the State party concerning the supervisory role played by the National Commission for Information Technology and Civil Liberties in the application of surveillance measures, the Committee is concerned about the proportionality of these measures and the use of artificial intelligence in this context. It is also concerned about the finding of the National Consultative Commission on Human Rights on 20 June 2024 that the National Commission for Information Technology and Civil Liberties lacks the resources required to effectively manage video surveillance systems in public spaces (art. 17).

35. The State party should:

(a) **Review Act No. 2021-646 of 25 May 2021 on Ensuring Global Security while Preserving Freedoms, especially article 22 thereof, in order to ensure that any surveillance activities permitted under the Act are carried out with respect for the principles of legality, proportionality and necessity and in full compliance with the Covenant, in particular article 17;**

(b) **Conduct a thorough assessment of the experimental use of artificial intelligence-powered video surveillance to ensure the security of high-risk events, with a view to guaranteeing its full compatibility with the rights protected by the Covenant, and ensure that this technology is not used without individuals' knowledge or consent;**

(c) **Ensure that surveillance activities are subject to effective oversight mechanisms, including those of a judicial nature, and guarantee access to effective remedies in cases of abuse.**

Freedom of conscience and religion

36. Recalling its previous recommendations,¹⁷ the Committee regrets that the State party has failed to reconsider its approach to regulating the wearing of religious symbols and clothing in public places. The Committee notes with concern that such restrictions have been extended, resulting in bans on the wearing of religious clothing by individuals competing in sports, which appear to be incompatible with the principles of necessity and proportionality and which, in practice, are likely to have a discriminatory impact on members of religious minorities, especially Muslim women and girls (arts. 18, 26 and 27).

37. **The State party should review its laws that establish restrictions on the wearing of religious symbols and clothing in the light of its obligations under the Covenant, in particular article 18 on freedom of conscience and religion, and the principle of equality enshrined in article 26. The State party should consider whether these measures are necessary and proportionate, especially in the school environment, and refrain from extending the scope of the restrictions to areas such as amateur and professional sport. The State party should assess the discriminatory effect of these measures in practice and their impact on members of religious minorities, especially Muslim women and girls.**

Freedom of expression

38. The Committee is concerned that, since the Hamas attacks on 7 October 2023, a number of political, trade union and association leaders have been prosecuted for promoting terrorism, which article 421-2-5 of the Criminal Code establishes as an offence by punishing direct incitement to terrorist acts and their public glorification, even though, according to the information received, the individuals concerned merely recalled the context in which the attacks were committed. Furthermore, the Committee notes with concern the significant increase in the number of abusive defamation proceedings, known as “gag proceedings”, the purpose of which is to intimidate, silence and exhaust the financial resources of journalists, human rights defenders and trade union members. The Committee is also concerned about the recent temporary closure of a large social media platform in response to the unrest in New Caledonia in May 2024 and the declaration of a state of emergency in the territory. While recognizing the improvements made to the National Law Enforcement Code in December 2021 with regard to the recognition of the presence of journalists at demonstrations, the Committee is concerned that journalists covering such events continue to suffer arbitrary arrests and excessive use of force by the law enforcement authorities (art. 19).

39. **The State party should:**

(a) **Review article 421-2-5 of the Criminal Code, which punishes the glorification of terrorist acts, in order to ensure that it cannot be misused to unduly restrict freedom of expression;**

(b) **Consider adopting laws to ensure that parties who initiate gag proceedings with no legal basis bear all of the resulting costs, and enable judges to dismiss manifestly unfounded cases at an early stage;**

(c) **Ensure that any restrictions on press and media activities and Internet access are in strict conformity with the provisions of the Covenant and the principle of proportionality, and refrain from imposing blanket bans;**

¹⁷ CCPR/C/FRA/CO/5, para. 22.

(d) **Ensure that journalists can cover demonstrations without facing undue restrictions or risks to their personal safety, in particular by guaranteeing the effective application of the relevant provisions of the National Law Enforcement Code, as amended in December 2021.**

Hate speech and hate crimes

40. While recognizing the significant measures taken by the State party to address hate speech, including, in 2020, the establishment within the Paris public prosecutor's office of the National Centre to Combat Online Hate Speech, the Committee notes with concern that such speech is said to remain widespread both online and offline, in particular against persons belonging to ethno-religious minorities, migrants and lesbian, gay, bisexual, transgender and intersex persons, and to have been used by public figures. While welcoming the measures taken to strengthen the response of the criminal justice system to such speech, the Committee also notes with concern that many cases involving racist, Islamophobic, antisemitic, xenophobic or homophobic hate speech and hate crimes allegedly go unreported owing to the poor treatment of victims in police stations and the distrust of law enforcement officers (arts. 2, 20 and 26).

41. **The State party should intensify its efforts to tackle hate crimes and hate speech and, in particular:**

(a) **Take effective measures to prevent and publicly condemn hate speech, especially hate speech by public figures;**

(b) **Intensify action to tackle the prevalence of online hate speech, in close cooperation with Internet service providers, social networking platforms and the groups most affected by hate speech;**

(c) **Reinforce awareness-raising campaigns for public officials and the general public aimed at promoting respect for human rights and diversity;**

(d) **Effectively apply and enforce existing legal and policy frameworks on addressing hate crimes and provide effective training to law enforcement officers, judges and prosecutors on investigating hate crimes;**

(e) **Improve the collection of data on hate speech and hate crimes;**

(f) **Investigate hate crimes thoroughly, ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and provide victims and their families with access to full reparations.**

Freedom of association

42. The Committee notes with concern that Act No. 2021-1109 of 24 August 2021 on Strengthening Respect for the Principles of the Republic (known as the separatism act) has reportedly been used to unduly dissolve civil society organizations, including some that promote freedom of belief and non-discrimination. The Committee is also concerned that the Act provides for the dissolution of an association in the event that one of its members is suspected of inciting material damage, even if the association and the damage are not connected to terrorism or separatism. In this respect, the Committee is deeply concerned about the attempted dissolution in March 2023 of Les Soulèvements de la Terre, a major environmental movement, even though the relevant decision was subsequently overturned by the Council of State. The Committee is also concerned that the aforementioned Act introduces a requirement for associations wishing to receive public funds to agree to a "republican commitment contract", under which associations may lose their government subsidies if they fail to comply with the legally vague concept of a "republican commitment", and that appeals may be lodged only after funding has been withdrawn (arts. 2, 22 and 26).

43. **The State party should review the Act of 24 August 2021 on Strengthening Respect for the Principles of the Republic in order to ensure that it may not be used to unduly restrict the freedom of association of civil society organizations, including those that promote freedom of belief and non-discrimination. The State party should also ensure that the Act may not be misused to undermine the freedom of association of**

organizations that pursue political goals, including environmental movements, and that the “republican commitment contract” may not be applied arbitrarily to withdraw government subsidies from associations deemed to be in breach of their “republican commitments”. The State party should guarantee access to effective remedies for any organizations subjected to such measures.

Right of peaceful assembly

44. The Committee is concerned about allegations that exercise of the right of peaceful assembly is being hindered by the increased number of arbitrary controls and arrests of demonstrators, including in areas close to where demonstrations are held, and by the increased number of protests, including recent demonstrations in support of the Palestinian people, being banned by the authorities because of an alleged threat to public order (arts. 9, 12 and 21).

45. Bearing in mind general comment No. 37 (2020) on the right of peaceful assembly, the State party should guarantee and protect the right of peaceful assembly, without discrimination, and avoid imposing restrictions that are incompatible with article 21 of the Covenant.

46. While welcoming some of the amendments made to the National Law Enforcement Code in December 2021, in particular those relating to the recognition of the specific role of journalists at demonstrations, the Committee remains concerned about the numerous allegations of excessive use of force during crowd control operations at demonstrations in metropolitan France and the overseas territories, including since the National Law Enforcement Code was updated. Notwithstanding the amendments made in 2021 concerning the regulation of the use of intermediate weapons and the permissible models, the Committee is gravely concerned about the deployment of these weapons, often in situations not provided for in the legal and regulatory framework, which regularly causes serious injury, as was the case during the 2023 protests against pension reform. The Committee notes with concern that the National Law Enforcement Code still permits the deployment of units that have not undergone specific crowd control training – such as the motorized anti-violence unit and the anti-crime unit – and that law enforcement officers often fail to comply with the requirement to display their individual identification number (arts. 2, 6, 7 and 21).

47. In the light of the Committee’s general comment No. 37 (2020) on the right of peaceful assembly, the State party should:

(a) **Ensure that the principles of necessity and proportionality are strictly adhered to in practice during the policing of demonstrations;**

(b) **Ensure that the use of weapons is limited to cases of self-defence and that any such use is promptly, impartially and effectively investigated;**

(c) **Reconsider, in view of the large number of serious injuries sustained by protestors, whether the law enforcement authorities should be authorized to use intermediate weapons, in particular explosive grenades and handheld projectile launchers, to maintain order during demonstrations;**

(d) **Ensure that all cases of excessive use of force are promptly, impartially and effectively investigated, that the perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of their acts, and that victims receive full reparations;**

(e) **Ensure that all law enforcement officers are routinely trained on the international standards governing the use of force and firearms in the policing of assemblies, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, and on non-violent means of crowd control, such as de-escalation techniques;**

(f) **Take the steps necessary to ensure that all law enforcement officers may be easily identified when conducting their duties, including by ensuring that their individual identification numbers are visible and worn consistently.**

48. The Committee is gravely concerned about allegations concerning the excessive use of force by the law enforcement authorities in New Caledonia since the outbreak, in May 2024, of demonstrations and incidents in response to the constitutional bill that would modify voting lists in the territory. Some events are reported to have turned violent; a number of individuals, including around 10 members of the Kanak community and two gendarmes, lost their lives, while hundreds of others were injured (arts. 2, 6, 7 and 21).

49. **The State party should ensure that all alleged cases of excessive use of force by the law enforcement and security forces during the demonstrations and incidents that have taken place in New Caledonia since May 2024 are promptly, impartially and effectively investigated, that the perpetrators of crimes and offences committed in the context of these events are prosecuted and, if found guilty, punished with penalties commensurate with the gravity of their acts, and that victims receive full reparations.**

Participation in public affairs

50. While welcoming the announcement that the constitutional bill that would modify voting lists in New Caledonia has been shelved, the Committee is concerned about the lack of effective political participation of the Indigenous Kanak People and the absence of consultative measures that would enable them to provide their free, prior and informed consent concerning the adoption of laws or other measures affecting their rights. The Committee is particularly concerned about the limited decision-making powers of the Customary Senate (art. 25).

51. **Recalling the commitments made by the signatory States to the United Nations Declaration on the Rights of Indigenous Peoples, the Committee invites the State party to ensure the effective participation in political life of Indigenous Peoples in its overseas territories and to guarantee respect for the right of Indigenous Peoples to be consulted so that they can give their free, prior and informed consent concerning the adoption of any legislative measures or initiatives that may have an impact on the enjoyment of their rights.**

D. Dissemination and follow-up

52. **The State party should widely disseminate the Covenant, the two Optional Protocols thereto, its sixth periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.**

53. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 8 November 2027, information on the implementation of the recommendations made by the Committee in paragraphs 19 (excessive use of force by law enforcement officers), 39 (freedom of expression) and 47 (right of peaceful assembly) above.**

54. **In line with the Committee's predictable review cycle, the State party will receive in 2030 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its seventh periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.**
