

6 September 2023

Submission to the UN Committee on the Elimination of all forms of Discrimination against Women 86th Session (9 October - 27 October 2023) Review of France

The Women's International League for Peace (WILPF) brings to the attention of the UN Committee on the Elimination of all forms of Discrimination against Women (CEDAW) information it provided to the fourth Universal Periodic Review (UPR) of France in October 2022,¹ which is relevant to the Committee's upcoming review of France's periodic report. The information provided in below and in the annex is about:

- long-lasting negative human rights impacts of France's past nuclear testing and continued obstacles to compensation, which is a concern raised in the Committee's List of Issues to France; and
- the disproportionate use of force and the increased use of drones by the police. With regard to the disproportionate use of force by the police and in the light of the unlawful killing of 17-year-old Nahel M. on 27 June 2023, WILPF has expanded the information in the UPR submission to include concerns regarding the expansion of police's use of firearms through Article L.435-1 to the Internal Security Code introduced in 2017, and the systemic racial discrimination within the police.

With regard to nuclear testing, the WILPF submission to the UPR, a shortened version of which is provided thereafter, outlines the **long-lasting negative human rights impacts of France's past nuclear testing in Algeria and French Polynesia**. In 2016, the CEDAW Committee expressed concerns about the lack of measures taken by France to "address the impact of the 30 years of French nuclear testing on the health of women and girls in French Polynesia" and made recommendations relating to nuclear testing and compensation.² Despite France's explanations in its ninth periodic report to the CEDAW Committee regarding the processing of compensation claims by victims of nuclear testing,³ serious concerns remain. We recall that nuclear explosions can have gendered impacts, as women and girls are disproportionately impacted by ionising radiation.⁴ This means that they are more susceptible to certain kinds of cancers and other physical harms from nuclear testing. Nuclear tests bombings that were carried out decades ago are still

¹ WILPF, submission for the Universal Periodic Review (UPR) of France, 43rd session of the UPR Working Group, available at: <https://www.wilpf.org/advocacy_documents/submission-for-the-upr-of-france/>.

² CEDAW/C/FRA/CO/7-8, 25 July 2016, paragraphs 36 f) and 37 g).

³ CEDAW/C/FRA/9, 20 April 2021, paragraphs 183 and 186.

⁴ See the Gender + Radiation Impact Project, available at www.genderandradiation.org.

harmful and need to be recognised and duly compensated by governments. In its 2022 List of issues the CEDAW Committee recalled that “The Commission on Improving Compensation for Victims of Nuclear Tests, established by law No. 2017-256 of 28 February 2017 on programming relating to substantive equality in the overseas territories, presented its conclusions which were intended to improve the situation of victims of nuclear tests” and asked France to provide information on the processing of claims for compensation of women and girls in French Polynesia.⁵ **Regrettably, in its Reply to the Committee’s List of Issues⁶ France did not provide any information on this Committee’s request.**

In its latest UPR (2023), France received six recommendations related to nuclear testing and nuclear weapons, including the recommendation to “Guarantee access to justice and adequate legal remedies for all victims of nuclear tests carried out by France and conduct rigorous and transparent assessments of the effects of such tests on human health and the environment, **including the gendered and transgenerational impacts.**”⁷ These recommendations follow up on a previous UPR recommendation supported by France to “Ensure compensation to all victims of nuclear tests in French Polynesia, in line with the observations of CEDAW and the Human Rights Committee.”⁸ The WILPF submission to the UPR also highlights that France’s possession and modernisation of nuclear weapons violate various obligations under international law, including human rights law.

With regard to the use of force and drones by the police, the WILPF submission to the UPR raises **serious concerns about the disproportionate use of force by French police, including through the use of so-called “less lethal weapons” during public protests, and the increased use of drones by the police. The submission also presents concerns related to the creation of a new operational police reserve,** which widely extends the possibility of carrying a weapon to all police reservists. Given the link between firearms and gender-based violence including femicides, our submission makes recommendations on this issue such as to ensure that background checks of candidates to the police reserve also include checking for complaints and/or investigations of domestic violence.

In its latest UPR, France received 43 UPR recommendations regarding police and law enforcement, including 22 recommendations linked to protests and demonstrations, 19 explicitly regarding excessive or disproportionate use of force by law enforcement officers, and 13 recommendations about racial discrimination by the police.⁹ In 2021, the UN Human Rights Committee also asked France several questions related to excessive use of force by the police including with “less lethal weapons” in its LOIPR.¹⁰ Most recently and linked to the recent protests following the unlawful killing of 17-year-old Nahel M., the UN Committee on the Elimination of Racial Discrimination (CERD), in a statement under its Urgent Procedure and endorsed by several other UN human rights mechanisms, made a number of recommendations to France regarding **racial profiling and excessive use of force by law enforcement officials.**¹¹ It is worth noting that, as stated

⁵ CEDAW/C/FRA/Q/9, paragraph 19.

⁶ CEDAW/C/FRA/RQ/9, Réponse de la France à la liste de points et de questions concernant son neuvième rapport périodique, 5 juillet 2023.

⁷ A/HRC/54/5. France is due to provide its responses to all UPR recommendations by no later than the upcoming fifty-fourth session of the Human Rights Council.

⁸ See WILPF statement on the UPR of France, 28 June 2018, <https://www.wilpf.org/advocacy_documents/hrc38-statement-on-the-upr-of-france/>.

⁹ A/HRC/54/5.

¹⁰ CCPR/C/FRA/QPR/6, paras. 24 and 25.

¹¹ Statement 3 (2023), Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures, by the UN Committee on the Elimination of Racial Discrimination, 7 July 2023, available at: <<https://www.ohchr.org/en/press-releases/2023/07/statement-france-un-committee-elimination-racial-discrimination>>.

by Amnesty International, this: “unlawful killing did not happen in a vacuum but was a direct consequence of a combination of the prevalence in France of racial profiling by the police and a dangerously permissive legal framework governing the use of force by law enforcement.”¹²

The legal grounds for the use of firearms by the National Police and Gendarmerie were expanded in 2017 with the addition of Article L.435-1 to the Internal Security Code, which includes the principles of absolute necessity and strict proportionality.¹³ However, it also expanded the possibility of using weapons if there is a “presumed” or “anticipated” risk of injury to others without reference to the imminence of such a threat.¹⁴ Civil society organisations, researchers and journalists have documented an increase in the use of firearms by law enforcement since 2017 particularly towards moving vehicles, and a notable increase in people killed in vehicles by police, with 26 people killed since article L.435-1 was passed in 2017.¹⁵ This provision must urgently be amended to comply with international human rights law and standards to ensure that law enforcement officers are not authorised to use firearms except as a last resort in self-defence or to defend third parties against an imminent threat of death or serious injury.

Secondly, the government must ensure analysis and investigation of the excessive use of force by law enforcement against young men and boys, particularly of Arab and African descent, against the backdrop of long-standing issues with discriminatory practices in policing in France, including racial profiling. France’s new National Plan on Combatting Racism, Antisemitism and Discrimination Linked to Origin for 2023-2026¹⁶ makes no specific mention of policing practices despite a general commitment to train civil servants, including security forces, on antiracism. Nor does it include a commitment to collecting disaggregated data on visible ethnic minorities to analyse these issues further despite recommendations to this effect from the CESCR in 2016¹⁷ and by CERD in 2022.¹⁸ France must tackle the root causes of discriminatory practices in law enforcement, excessive use of force, racial profiling and other human rights violations against young men and boys of African and Arab descent who are disproportionately affected, and ensure access to justice and guarantees of non-repetition to victims of human rights violations committed by law enforcement, as well as to their families and communities. France must tackle this by, *inter alia*, implementing the recommendations made by CERD, especially the ones in its July 2023 Urgent Action statement on France.¹⁹ The French authorities’ response to these serious concerns is often a mere rebuttal of any racism in police practices,²⁰ sometimes using a condescending

¹² Amnesty International, Public statement, 13 July 2023, EUR 21/6999/2023, ‘France: Authorities must deliver justice for unlawful killing of 17-year-old Nahel. M’, available at: <<https://www.amnesty.org/en/documents/eur21/6999/2023/en/>>.

¹³ France, Internal Security Code, available at: <https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000034107970>, Article L. 435-1.>

¹⁴ Amnesty International, Public statement, 13 July 2023, EUR 21/6999/2023, ‘France: Authorities must deliver justice for unlawful killing of 17-year-old Nahel. M’, available at: <<https://www.amnesty.org/en/documents/eur21/6999/2023/en/>>.

¹⁵ basta ! ‘Tués par la police : pourquoi le recensement de batsa ! est différent de celui de l’IGPN’, available at : <<https://basta.media/Tues-par-la-police-pourquoi-le-recensement-de-basta-est-different-de-celui-de-l-IGPN>>, 19 July 2023 ; Amnesty International, Public statement, 13 July 2023, EUR 21/6999/2023, ‘France: Authorities must deliver justice for unlawful killing of 17-year-old Nahel. M’, pages 8 and 9, available at: <<https://www.amnesty.org/en/documents/eur21/6999/2023/en/>>.

¹⁶ Plan national contre le racisme, l’antisémitisme et les discriminations liées à l’origine, available at: <<https://www.gouvernement.fr/dossier-de-presse/plan-national-contre-le-racisme-lantisemitisme-et-les-discriminations-liees-a-lorigine>>.

¹⁷ E/C.12/FRA/CO/4, paras. 16 and 17.

¹⁸ CERD/C/FRA/CO/22-23, paras. 6 and 26 d).

¹⁹ Statement 3 (2023), Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures, by the UN Committee on the Elimination of Racial Discrimination, 7 July 2023, available at: <<https://www.ohchr.org/en/press-releases/2023/07/statement-france-un-committee-elimination-racial-discrimination>>.

²⁰ See France’s response to the CERD statement: France Diplomatie, Déclaration du Comité pour l’élimination de la discrimination raciale (8 juillet 2023), available at:

tone, placing the blame on families, in particular mothers,²¹ and focussing on securitised responses rather than an understanding that violent protests in reaction to police violence are triggered by long-standing grievances resulting from broader social injustices, including systemic racism, direct experiences of racism and violence from the police, and feelings of being second class citizens.²² In the above-mentioned statement following the unlawful killing of 17-year-old Nahel M., Amnesty International describes how the “Government doubles down on denialism of systemic racism and excessive force in law enforcement.”²³

Just like in addressing gender inequality, effectively tackling racial discrimination requires understanding its full extent through proper data collection. Policy solutions must be centered on the experiences of those affected, and measures should be taken to combat both direct and indirect forms of discrimination, the latter often being more insidious and rooted in historical and structural factors. Furthermore, France must urgently take measures to ensure the enjoyment of human rights by individuals belonging to racialised groups, in particular of Arab and African descent, and with a gender perspective.²⁴ Indeed, while the most visible impacts of racism in police practices or of excessive use of force by the police are on men and boys, it is essential to also analyse and consider such impacts on women and girls.

In an annex to this submission, WILPF provides a shortened version of its submission to the UPR of France (October 2022), the full text of which can be found on the WILPF website .²⁵ WILPF hopes that this information can inform the upcoming Committee’s review of France’s periodic report. We would have liked to update our UPR submission to provide additional relevant recent developments on those concerns, but were unable to do so by the deadline. Nonetheless, we will be pleased to respond to the Committee’s questions and requests for additional information.

<<https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/la-france-et-les-nations-unies/evenements-et-actualites-lies-aux-nations-unies/article/declaration-du-comite-pour-l-elimination-de-la-discrimination-raciale-08-07-23>>.

²¹ Bondy Blog, ‘Sanctionner les mères isolées : « Nous ne sommes pas coupables de la colère de nos enfants »’, 17 July 2023, available at:

<<https://www.bondyblog.fr/societe/sanctionner-les-meres-isolees-cest-plus-confortable-de-rejeter-la-faute-sur-les-autres/>>.

²² Open Society Justice Initiative, ‘Equality Betrayed: The Impact of Ethnic Profiling in France’, September 2013, available at: <<https://www.justiceinitiative.org/publications/equality-betrayed-impact-ethnic-profiling-france>>.

²³ Amnesty International, Public statement, 13 July 2023, EUR 21/6999/2023, ‘France: Authorities must deliver justice for unlawful killing of 17-year-old Nahel. M’, pages 8 and 9, available at: <<https://www.amnesty.org/en/documents/eur21/6999/2023/en/>>.

²⁴ Observatoire des Inégalités, ‘Les immigrés et leurs descendants, surexposés au chômage’, 25 April 2023, available at: <<https://www.inegalites.fr/Les-immigres-et-leurs-descendants-surexposes-au-chomage>>; Observatoire des Inégalités, ‘Classe, âge, origine : quand les inégalités se cumulent’, 14 April 2023, available at: <<https://www.inegalites.fr/Classe-age-origine-quand-les-inegalites-se-cumulent>>; Observatoire des Inégalités, ‘Les immigrés frappés par la pauvreté et les bas revenus’, 31 December 2022, available at: <https://www.inegalites.fr/Les-immigres-frappes-par-la-pauvrete-et-les-bas-revenus>.

²⁵ WILPF, submission for the Universal Periodic Review (UPR) of France, 43rd session of the UPR Working Group, available at: <https://www.wilpf.org/advocacy_documents/submission-for-the-upr-of-france/>.