

United Nations High Commissioner for Refugees

France

We would like to bring your attention to the following excerpts, taken directly from Treaty Body Concluding Observations and Special Procedure reports, relating to issues of interest and concern to UNHCR with regards to France.

Treaty Body Concluding Observations

**CRC/C/OPAC/FRA/CO/1 46th Session
15 October 2007**

12. The Committee recommends, in the light of article 6, paragraph 2, of the Optional Protocol, that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated to the general public and State officials. The Committee also recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with children (asylum-seeking, refugee and migrant children that may have been recruited or used in hostilities), notably teachers, journalists, medical professionals, social workers, police officers, lawyers and judges. The State party is invited to provide information in that respect in its next report.

17. While noting that the State party is a country of destination of asylum-seeking and migrant children and that some of them may be arriving from countries affected by armed conflict, the Committee regrets that the information provided by the State party in its written replies does not contain any specific data concerning refugee, asylum-seeking or migrant children entering France who may have been involved in armed conflict abroad. In this regard the Committee also regrets the lack of information regarding measures adopted for the identification and measures concerning the physical and psychological recovery and the social reintegration of unaccompanied asylum-seeking, refugee and migrant children coming to France who were involved in hostilities abroad.

18. The Committee recommends that the State party provide protection to asylum-seeking, refugee and migrant children arriving to France who may have been recruited or used in hostilities abroad by taking, inter alia, the following measures:

(a) Systematically collect data on refugee, asylum-seeking and migrant children entering France and identify at the earliest possible stage those who may have been recruited or used in hostilities;

(b) Carefully assess the situation of these children and provide them with

immediate, culturally and child sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6, paragraph 3, of the Optional Protocol;

(c) Take all necessary measures to ensure that the best interest of the child is taken into consideration if he/she has to be removed from the host country. In this regard, the Committee recommends that the State party take note of its general comment No. 6 (CRC/GC/2005/6) on the treatment of unaccompanied and separated children outside their country of origin;

(d) Include information on measures adopted in this regard in its next report.

CRC/C/OPSC/FRA/CO/1 46th Session
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6. The Committee is concerned that the general principles of the Convention on the Rights of the Child have not sufficiently been taken into account in the measures of implementation adopted by the State party under the Optional Protocol. The Committee is particularly concerned over methods to deal with asylum seekers and unaccompanied children in the waiting zones of airports.

CAT/C/FRA/CO/3 35th Session
3 April 2006

Non-refoulement

6. The Committee is concerned about the asylum procedures in place in the State party, as they do not at present distinguish between asylum applications based on article 3 of the Convention and other applications, thereby increasing the risk that some persons will be returned to a State where they might be tortured. The Committee is also concerned about the summary nature of the so-called priority procedure for consideration of applications filed in administrative holding centres or at borders, which does not enable the risks covered by article 3 of the Convention to be assessed (art. 3).

The Committee recommends that the State party should consider introducing a procedure that distinguishes between asylum applications based on article 3 of the Convention and other applications, with a view to ensuring absolute protection for anyone at risk of being tortured if he or she is returned to a third State. In this regard, the Committee also recommends that the situations covered by article 3 of the Convention should be the subject of a more thorough risk assessment in accordance with the provisions of article 3, including by systematically holding individual interviews to better assess the personal risk to the applicant, and by providing free interpretation services.

9. *The Committee is also concerned about the new provisions in the Act of 10 December 2003 that introduce the concepts of “internal asylum” and “safe country of origin”, which do not guarantee a person absolute protection against the risk of being returned to a State where he or she might be tortured. The Committee wonders why the State party, in incorporating into its domestic legislation the Framework Decision of the Council of the European Union on the European arrest warrant and the surrender procedures between member States (No. 2002/584/JHA of 13 June 2002), failed to incorporate the thirteenth preambular paragraph, which stipulates that “[n]o person should be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment” (art. 3).*

The Committee recommends that the State party should take appropriate measures to ensure that applications for asylum by persons from States to which the concepts of “internal asylum” or “safe country of origin” apply are examined with due consideration for the applicant’s personal situation and in full conformity with articles 3 and 22 of the Convention. The Committee also recommends that the State party should take the necessary legislative measures to incorporate in the Act of 9 March 2004, on adapting the justice system to developments in the field of crime, a provision stipulating that no person can be returned, expelled or extradited to a State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

24. *The Committee also recommends that the State party should include in its next report data, disaggregated by age, sex and ethnicity, on:*

- (a) The number of asylum applications registered;*
- (b) The number of applications accepted;*
- (c) The number of applicants whose application for asylum was accepted on the grounds that they had been tortured or might be tortured if returned to their country of origin;*
- (d) The number of cases of refoulement or expulsion;*
- (e) The number of recorded complaints containing allegations of torture or cruel, inhuman or degrading treatment.*

**CERD/C/FRA/CO/16 66th Session
18 April 2005**

14. *Despite the State party’s efforts, the Committee remains concerned at the situation of non-citizens and asylum-seekers in holding centres and areas and delays in processing applications from refugees for family reunification.*

The Committee recommends to the State party that it should strengthen the supervision of police personnel responsible for the reception and day-to-day monitoring of holding centres for non-citizens and asylum-seekers; improve the conditions in which such persons are held; operationalize the national committee to monitor holding centres and premises and holding areas; and process applications from refugees for family reunification as speedily as possible.

15. *The Committee remains concerned at the fact that only French may be used in applications for asylum.*

In order to allow asylum-seekers to exercise their rights fully, the Committee invites the State party to lay down that asylum-seekers may be assisted by translators/interpreters whenever necessary, and/or to agree that applications for asylum may be written in the most common foreign languages.

**CRC/C/15/Add.240 36th Session
30 June 2004**

31. *The Committee is concerned at the length of family reunification procedures for recognized refugees, which may often take over a year.*

32. *The Committee recommends that the State party take all necessary measures to ensure family reunification procedures are dealt with in a positive, humane and expeditious manner.*

Special Procedure Reports

REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, JUAN MIGUEL PETIT, ON HIS MISSION TO FRANCE (25-29 NOVEMBER 2002)

11. *Women and girls trafficked from West Africa for prostitution are instructed by their traffickers to tell the authorities that they are from conflict zones, in order to be able to claim asylum. If they admit that they are from certain countries, for example Nigeria, they are usually expelled immediately.*

26. *The Special Rapporteur was given information about the particular concerns of young unaccompanied victims of trafficking, economic migrants, and those demanding asylum in France. Studies indicate that approximately 35 per cent of such children arrive by aeroplane, 30 per cent by train, 20 per cent by boat and 15 per cent on foot. Many of these children travel to France having agreed to pay to their traffickers a price that could amount to more than 10 years of work in Europe, but if they are sent back and have to repay their debt in their country of origin, the result might be a lifetime of slavery. Of particular concern is the situation in which some of these children find themselves when they first arrive in France and are held in “waiting areas” in French airports. In these “waiting areas”, which are not considered to be on French territory, the children are reportedly in a legal vacuum and are “maintained” rather than “detained”, and subject to the same law as is applied to adults. Many children without proper papers are immediately sent back to the countries from which it is believed they came, whereas others can be “maintained” in the “waiting areas” for up to four days before being taken before a court.*

42. *On 31 July 2002, the Special Rapporteur addressed an urgent appeal to the Government of France concerning the situation of a woman who had travelled to Switzerland with her child P, born in 1997. The woman had made a complaint against her ex-partner, the child's father, for sexual abuse of the child. This complaint was dismissed despite the reported confirmation of a doctor that the child had been sexually abused. Rather than continue to hand over her child to her ex-partner in compliance with his visitation rights, the woman went to Switzerland to request political asylum. Shortly after her departure from France, she was sentenced by the Criminal Court (tribunal correctionnel) of Paris to one year in prison for failing to make the child available to its father. An international arrest warrant was issued and she was arrested in Switzerland in June 2002. Her child was placed in a home for children of her age. The mother then reportedly began a hunger strike. In his letter, the Special Rapporteur appealed to the Government to take all measures to protect the child from sexual abuse and to assure the mother that such measures were being taken.*

**Protection Operation and Legal Advice Section
Division of International Protection Services
UNHCR
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