

## **Delegation from The French Republic Position Paper for the Human Rights Council**

The issues before the Human Rights Council are: Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance, and Business and Human Rights. The French Republic is committed to the safeguarding of the human rights of all people globally. In the immortal words of Jean-Jacques Rousseau: “It is precisely because the force of circumstances tends continually to destroy equality that the force of legislation should always tend to its maintenance.”

### **I. Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance**

The French Republic is moved to address with great urgency and priority, the issue of racial profiling by police enforcement, as highlighted in the *General Recommendations No. 36* by the Committee on the Elimination of Racial Discrimination (CERD) in November 2020. The international community is experiencing a profound crisis in systemic discrimination in policing, and calls to action have come from civil society actors such as Amnesty International, Human Rights Watch and Open Society Justice Initiative for States to combat this crisis. Harrowing cases of racially motivated police abuse have brought the urgency of an international strategy to combat police racial profiling into sharp focus. French law prohibits discrimination against anyone based on race, and in 2020 President Macron announced the creation of a new reporting platform for police abuse. President Macron also stated that police body cameras would become standard practice in France. To foster greater transparency in policing, a new body composed of lawmakers will be in charge of assessing police action and all international investigations into misconduct will be made public. President Macron said “Where there are misconducts, they must lead to sanctions. Where there are problems, they must get a response.” The international community must collaborate to create more transparent policing practices for all Member States.

Both the *Charter of the United Nations* and the 1948 *Universal Declaration of Human Rights (UDHR)* emphasize the untenable nature of human rights in international law. France also recalls the *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*. However, these agreements lack actionable steps towards eliminating police brutality. Therefore, France celebrates the adoption of *General Recommendations No. 36 by the Committee on the Elimination of Racial Discrimination (CERD)* in November 2020, where guidelines were presented to support states in combating racial profiling by police, encompassing recommendations regarding amending legislation and policy, human rights education and training and recruitment measures. It is vital that the Human Rights Council (HRC) takes decisive action in response to these recommendations. In 2001, in the *Durban Declaration and Programme of Action*, States were encouraged to take effective measures to eliminate racial profiling. However, encouragement is not decisive action. In 2007, the *Special Rapporteur on the promotion and protection of human rights and fundamental freedoms* noted that the use of profiling on the basis of a person’s race, ethnicity, national origin or religion had increasingly been adopted since the 11 September 2001 terrorist attacks, and that such profiling measures were incompatible with international human rights standards. Although working groups exist which focus on combating racial discrimination, such as the *Working Group on the effective Implementation of the Durban Declaration and Programme of Action*, France insists the issue of police racial profiling is unique and requires special attention.

France recommends that the Human Rights Council (HRC) assigns a Working Group on the specific issue of racial bias in law enforcement. The Working Group for International Cooperation to Eliminate Police Profiling and Brutality (ICEPPB) shall consist of both representation from national and international human rights watchdogs, NGOs and other organizations working in the area of racial discrimination, and representatives of law enforcement agencies. The goal of the Working Group is to recommend a plan of action to the HRC for addressing police racial discrimination on an international level. Member States will be able to nominate appropriate candidates for the Working Group and these candidates will then be elected by the HRC. The Working Group will consist of five experts in total and will deliver annual reports to the HRC. The purpose of the reports shall be to inform the HRC of developments globally regarding police profiling and brutality, and to make recommendations to the Council for how the issue can be combatted on a global scale.

## II. Business and Human Rights

The French republic is devoted to the development of a globalized world where business development is sustainable for all human rights and responsible to society and its needs. France is concerned that the pace of action to make the international business environment compatible with the protection of human rights is too slow. The dangers of ignoring human rights in business are becoming ever more obvious as we witness harrowing disasters such as the 2013 Dhaka garment factory collapse in Bangladesh, which claimed the lives of over 1,100 workers. Most concerning, the International Labor Organization (ILO) and UNICEF have reported that child labor rates have risen by nine million additional at-risk children during the COVID-19 pandemic, breaking the previous two-decade downward trend. The French government has taken its responsibility to protect human rights in business extremely seriously requesting advice from the National Consultative Commission on Human Rights (CNCDH) in 2013 which informed the government's National Action Plan for the Implementation of the UNGP's, and in 2008 an ambassador was appointed for bioethics and corporate social responsibility to promote the importance of these issues on an international level. Most recently, France has passed the Corporate Duty of Vigilance law, which expects large companies in France to create and implement publicly available Corporate Social Responsibility plans to ensure the protecting human rights both in their own business dealings, and those of any subsidiaries or subcontractors. It is vital that the onus is on multinational corporations to conduct business in a way that is compliant with international human rights commitments.

France reiterates its commitment to the *Universal Declaration of Human Rights (UDHR)* 1948, the *International Covenant on Economic, Social and Cultural Rights (ICESCR)* and the *International Covenant on Civil and Political Rights*, which form the international legal basis for human rights standards in business. France also remains dedicated to the *ILO Declaration on Fundamental Principles and Rights at Work* 1998, and the *Organization for Economic Co-operation and Development (OECD) Declaration on International Investment and Multinational Enterprises* 1979. However, these agreements have not placed enough pressure on corporations to take responsibility for human rights abuses. Following the appointment of a Special Representative of the Secretary-General on human rights and transnational corporations, the Protect, Respect and Remedy Framework was welcomed by *resolution A/HRC/RES/8/7* in 2008, upon which the Guiding Principles on Business and Human Rights (UNGPHR) (*A/HRC/RES/17/4*) were based. France has incorporated the three pillars of the guiding principles into its National Action Plan, and furthermore welcomes the *UNGPs 10+ Roadmap for the Next Decade of Business and Human Rights* presented by the Working Group on Business and Human Rights. France particularly welcomes Goal 3.2 "Embed human rights due diligence in corporate governance and business models." France introduced its *Loi de Vigilance* in 2017 introduced landmark corporate duty of vigilance expectations, which it believes should be reflected in all national legislatures to properly implement the UNGPHR. The role of governments in corporate responsibility was also highlighted in *General Assembly resolution A/HRC/44/56* in a report by the Working Group on the issue of human rights and transnational corporations and other business enterprises. There is a need for an actionable method of holding businesses responsible by States, to protect human rights, on an international level.

France implores the Human Rights Council (HRC) to recommend that governments pay particular attention to goal 3.2 of the UNGPs 10+ Roadmap in Area 3: Business Responsibility to Respect. France suggests that the HRC recommends the creation of a UN database of corporations and their social responsibility plans. This database shall be called the Business Transparency Database and must be publicly available to consumers and employees, as well as international and national law makers. Therefore, it should be available on the UN website, for average people to access at any time. The object of the database would be to create visibility of trends in corporate compliance with human rights standards in business. Consumers and workers shall be able to expect businesses to respect human rights and prove that their business practices are compliant with international human rights law. The database shall also offer consumers information regarding the source of products sold by international corporations and the source of the labor required to produce said products. Independent experts shall be assigned to the creation of the database, and the project for the Business Transparency Database shall be funded through the HRC. It is imperative that is that the database is easily accessible to the general public, and easy to operate. Only then can businesses be held responsible for complying with international human rights standards.