

Women's International League for Peace and Freedom

Ligue Internationale de Femmes pour la Paix et la Liberté

Liga Internacional de Mujeres por la Paz y la Libertad

Consultative Status with UN ECOSOC, UNCTAD and UNESCO; Special Consultative Relations with FAO, ILO, and UNICEF



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Statement UPR Adoption of the Universal Periodic Review (UPR) of France

UN Human Rights Council 38th session (18 June to 6 July 2018)

Item 6: Universal Periodic Review

Arms transfers

WILPF welcomes France's acceptance of recommendation 145.31 to: "Refrain from transfer of conventional weapons when these can be used to violate human rights or international humanitarian law, in line with its obligations under the Arms Trade Treaty and Target 16.4 of the 2030 agenda on sustainable development (Panama)".

Such acceptance is consistent with France's obligations as a state party to the Arms Trade Treaty (ATT), particularly under articles 6 and 7, and as a state party to human rights treaties. It is also consistent with France's obligations under the EU Common Position on Arms Exports. France's stated commitment to undertake a careful assessment before authorising arms transfers is however at odds with its continued arms transfers to several countries involved in the coalition that has been engaged since March 2015 in the bombardment of Yemen, foremost among which is Saudi Arabia.¹

Public outcry is mounting in France - 75% of French people want France to stop selling arms to countries involved in the coalition in Yemen - and the French government is facing a legal challenge over the legality of its export license authorisations to Saudi Arabia.² The European Parliament has also repeatedly called for an EU-level arms embargo to Saudi Arabia and countries such as, Norway and

¹ V. « Rafale : le contrat avec le Qatar pour la vente de 24 chasseurs est effectif », Le Parisien, 17 décembre 2015, <http://www.leparisien.fr/international/rafale-le-contrat-avec-le-qatar-pour-la-vente-de-24-chasseurs-est-effectif-17-12-2015-5381257.php>; C. ALTEMEYER, E. JARRY, « Le Qatar achète 24 Rafale et des missiles pour 6,3 mds », Les Échos investir, 30 avril 2015, <https://investir.lesechos.fr/actions/actualites/le-qatar-achete-24-rafale-et-des-missiles-pour-6-3-milliards-1047898.php>; V. LAMIGEON, « Rafale, blindés VBCI: le Qatar, le nouveau paradis des vendeurs d'armes français », Challenges, 7 décembre 2017, https://www.challenges.fr/entreprise/defense/rafale-blindes-vbci-le-qatar-nouveau-paradis-des-vendeurs-d-armes-francais_518447; « L'Égypte a réceptionné la totalité de ses Rafale EM », Defens Aero, 1^{er} décembre 2017, <http://www.defens-aero.com/2017/11/egypte-receptionne-totalite-rafale-em.html>; Rapport au Parlement 2017 sur les exportations d'armement de la France, Ministère des Armées, Annexe 13

² http://www.liberation.fr/politiques/2018/03/20/la-france-rattrapee-par-ses-ventes-d-armes-a-l-arabie-saoudite_1637596; <https://www.amnesty.fr/controle-des-armes/actualites/yemen-3-francais-sur-4-pour-la-suspension-des-ventes-darmes>

Germany recently decided to suspend arms transfers to Saudi Arabia in view of the risks of breach of international law.³

Yet, France's arms transfers to Saudi Arabia continue unabated, despite significant risk of the Saudi-led Coalition using French weapons in acts that may constitute violations of international humanitarian law and international human rights law in Yemen.⁴ Coalition airstrikes continue to be the leading cause of civilian casualties. Between 26 March 2015 and 10 May 2018, the OHCHR has documented a total of 16,432 civilian casualties. The vast majority of these – 10,185 civilian casualties were as a result of airstrikes carried out by the Saudi-led Coalition.⁵

In April this year, President Macron stated at a news conference with the Saudi Crown Prince that: “all sales of military equipment are analysed on a case-by-case basis and on the basis of reinforced criteria that reflect respect for international humanitarian law and the risk of harm to civilian populations.”⁶ How many more civilian deaths in Yemen due to Coalition strikes need to be documented before the French government identifies a risk?

We hence urge the French government to meaningfully implement the above-mentioned UPR recommendation and to:

- immediately stop arms transfers to Saudi Arabia and other countries where there is a substantial risk that they will be used to violate international human rights law and/or international humanitarian law;
- ensure systematic ex-post reviews of arms exports licenses to all countries where there is evidence of human rights violations and violations of international humanitarian law;
- duly take into account the recommendations in the OHCHR's report on the “Impact of arms transfers on the enjoyment of human rights” as well as by

³ Résolution du Parlement européen du 13 septembre 2017 sur les exportations d'armements : mise en oeuvre de la Position commune 2008/944/PESC (2017/2029(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0344+0+DOC+XML+V0//FR>; « Yémen : les députés réitèrent leur appel à un embargo européen sur les armes à l'encontre de l'Arabie saoudite », Actualité Parlement européen, Communiqué de presse, 30 novembre 2017, <http://www.europarl.europa.eu/news/fr/press-room/20171127IPR88940/yemen-nouvel-appel-pour-un-embargo-sur-les-armes-contre-l-arabie-saoudite>; « La Norvège suspend ses ventes d'armes aux Émirats arabes unis », Le Figaro, 3 janvier 2018, <http://www.lefigaro.fr/flash-actu/2018/01/03/97001-20180103FILWWW00060-la-norvege-suspend-ses-ventes-d-armes-aux-emirats-arabes-unis.php> ; v. aussi <http://www.opex360.com/2018/01/03/yemen-norvege-suspend-ventes-dequipements-militaires-aux-emirats-arabes-unis/#j20meEGeZJfK7GL99>; « Germany Halts Further Arms Exports to Parties in Yemen War », U. S. News, 19 janvier 2018, <https://www.usnews.com/news/business/articles/2018-01-19/germany-halts-further-arms-exports-to-parties-in-yemen-war>;

⁴ With respect to the Arms Trade Treaty, it is important to underscore that risk assessments assess just that – the risk that the arms in question will be used in any of the ways prohibited by the Treaty. It is not necessary to establish the direct presence of a transferred item as having been used in a specific act in order to prevent future transfers of the same item. If the risk alone is high enough, the transfer must be denied.

⁵ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23071&LangID=E>

⁶ <https://www.reuters.com/article/us-france-saudi-yemen/frances-macron-defends-saudi-arms-sales-to-hold-yemen-conference-idUSKBN1HH30P>

- other UN human rights bodies, to ensure effective, transparent, and gender-sensitive human rights impact assessments of arms exports⁷;
- ensure that companies active in the arms industry implement effectively the recently adopted French due diligence law 2017-399 by undertaking robust and transparent human rights risk assessments⁸.

Nuclear testing

WILPF also welcomes the acceptance of recommendation 145.97 to “Ensure compensation to all victims of nuclear tests in the French Polynesia, in line with the observations of CEDAW and the Human Rights Committee (Panama)”. WILPF calls on the French government to ensure that the Committee for the compensation of victims of nuclear testing (CIVEN) take into account the specific impacts of nuclear testing on Women in French Polynesia and accelerate the processing of claims for the compensation of victims, adequately provide age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. The government should also ensure that necessary and appropriate measures towards the environmental remediation of contaminated areas be taken without delay.⁹

⁷ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/8

⁸ <https://www.legifrance.gouv.fr/eli/loi/2017/3/27/2017-399/jo/texte>

⁹ See article 6 Victim assistance and environmental remediation of the Treaty on the prohibition of nuclear weapons