



Voices of the Overseas Territories of France

**Alternative Report of *Kaz Human Rights* -
Sixth Periodical Review of France on the
International Covenant on Civil and
Political Rights**

Meyeti PAYET

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Foreword

[Kaz Human Rights](#), from the Reunionese Creole for house, "Kaz", has been developed as a human rights house specialised in advocating for the rights of persons from French overseas territories, notably La Réunion. It aims to offer expert advice to international organisations, research centres, institutions and NGOs on international human rights law, with a special focus on minority language promotion, minority rights protection, and the empowerment of women and girls.

This report is to be read in conjunction with the report prepared by our coalition partner, **Kimbé Rèd F.W.I., as part of our joint effort to present a complementary understanding of the realities in French Overseas Territories (FOTs). We encourage readers to consider both documents as part of a unified voice, as FOTs often face similar challenges and often are forgotten.**



Part I/ Constitutional and legal framework within which the Covenant is implemented (art. 2)

Point 2: Recognition of minorities and statistics

Previous Concluding Observations of Human Rights Committee on the Fifth Periodic Report of France on the ICCPR, CCPR/C/FRA/CO/5, 21 July 2015.

“The State party should reconsider its position on the official recognition of ethnic, religious and linguistic minorities. It should continue considering the development of tools to allow it to assess and ensure the effective enjoyment by indigenous peoples and minorities of all human rights and fundamental freedoms. It should also make use of such data for planning and evaluation purposes.”

Facts: Since 2015, France has not reconsidered its position on the official recognition of ethnic, religious and linguistic minorities. It acknowledged the presence of Indigenous Peoples and minorities inhabiting its territory, notably its overseas territories, in submission to international human rights bodies (as stated in State Report for the CERD Periodical Review, [CERD/C/FRA/20-21](#), 2013). France does not recognise any legal status or specific rights for these communities. For the adoption of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, France conditioned its vote to an interpretative declaration whereby the national scope of the Declaration is limited ‘to the indigenous peoples of the overseas territorial communities’. France continues to refuse the ratification of ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), despite numerous calls from Indigenous Peoples NGOs and CNDCH to do so (CNCDDH, [Avis sur la place des Peuples Autochtones dans les territoires d’Outre-Mer de France](#), 2017, Recommendation n°7).

Effect: The French overseas territories are therefore the territories in which the presence of Indigenous Peoples and/or ethnic, religious and linguistic minorities is established. In all overseas territories, the effect of French colonisation, by settling in territories already inhabited or by organising the migration of persons from its various colonies, resulted in a high heterogeneity of population with some groups self-identifying as Indigenous Peoples or minorities. The lack of systematic data collection to measure the implementation of policies and legislative changes on minorities and Indigenous Peoples in French overseas territories hinders the development of targeted policies and tools to ensure the equal enjoyment of these groups of their human rights and fundamental freedoms.

Example: For instance, when national campaigns of data collection are conducted by the French National Institute for Statistics and Economic Studies, it does not systematically collect data or integrate results from overseas territories. This is particularly the case regarding data on



gender equality, gender-based violence where some overseas territories have benefitted from statistical data such as La Réunion, Guadeloupe and Martinique, others, including those with Indigenous Peoples inhabiting the territory, do not have data on these phenomena (Guyane, New Caledonia, French Polynesia, Mayotte) (in [Enquête Virage](#), 2018, INED). Data collection on violence against women and intra-family violence first took place in mainland France in 2015, before being collected in some overseas territories, 3 years later. Similarly, in France's reporting to international organisations, there is often no or little mention of the situation in overseas territories. This is illustrated in France's State Report for the sixth periodical review of the ICCPR, where there is no mention of the overseas territories or of the human rights situation for people inhabiting these territories (See [CCPR/C/FRA/6](#)).

Questions:

- How does France plan to remedy existing informational gaps between mainland France and the French overseas territories, in statistics and data collected, including in a gender-sensitive manner?

Recommendations:

- ➔ **The State Party should ensure that national data collection and statistic bodies, collect and provide data, including in its gender dimension, on the situation of each overseas territories, notably when such exercises are carried out to inform national legislation, policies and strategies.**
- ➔ **The State Party should systematically ensure to collect and include data, disaggregated by gender, on the human rights situation in the French overseas territories when reporting to international human rights mechanisms.**

Point 12 & 25: Protests and violence in New Caledonia - (Article 3, 7, 9,10, and 14)

Right to self-determination

Facts: As a draft law on New Caledonia's electoral rules was being considered by the National Assembly in Paris, peaceful protests against the electoral reform turned violent in Nouméa, New Caledonia in May 2024. Due to its specific status, New Caledonia benefits from a local parliamentary assembly, the "Congrès de Nouvelle Calédonie", which votes on the laws affecting the territory. On 13 May 2024, the Congress voted for the repeal of the draft bill on electoral reform (Source, [Nouvelle Calédonie La Première](#), 13 May 2024). According to the [BBC](#), "the bill would change New Caledonia's voting rules to allow French residents who have lived in the territory for 10 years to vote in provincial elections - a move local leaders fear will dilute the vote of the indigenous Kanak population". The issue of voting rights and the weight



given to indigenous voices is central to the process of decolonisation currently underway in New Caledonia.

Effect: After several weeks of unrest and riots, which led to the intervention of the military and the deaths of 9 civilians (many of them Kanaks) and 2 members of the police (gendarmes), the protests in New Caledonia are progressively receding (Source, [BBC](#), Katy Watson, 30 August 2024). Instances of violence perpetrated by civilian armed militia have been documented, with violent murders of Kanak (Source, Mediapart, [Pascale Pascariello](#), 29 Mai 2024 and [Berenice Gabriel et al](#), 19 Mai 2024). However, the transfer to mainland France, 17,000 km from New Caledonia, of 7 independentist activists suspected of having been involved in the organisation of the protest, before their trial, continues to fuel unrest in the archipelago. (Source, [Mediapart](#), Gilles Caprais, 25 June 2024). This decision has prevented these persons from having access to family or support from their loved ones, putting at risk their mental health, while also hindering access to legal representation (Source, [Mediapart](#), Ellen Salvi, 22 June 2024).

Several UN experts, including the **UN Special Rapporteurs on the Rights of Indigenous Peoples, on the Freedom of peaceful assembly and of association**, report on arbitrary arrests and detention of demonstrators. They raise the alarm about **the disproportionate use of force against demonstrators, as well as draft legislations endangering previous decolonisation efforts (Accords de Nouméa, 1998) and posing threats to the rule of law.** (Source, [Statement of the United Nations experts on the rights of Kanak Indigenous People in the Non-Self-Governing Territory of New Caledonia and the Nouméa Accord](#), 20 August 2024).

Question:

- How is France addressing reports of violence by law enforcement and civilian armed militia, as well as suspected (racist) hate crimes against Kanak persons to rebuild trust in the decolonisation process? Is a “truth and reconciliation” (or similar) process considered, and how?
- How will France’s new government, integrate the lessons from the May 2024 events, and offer an alternative solution to the rejected electoral reform in New Caledonia to ensure the decolonisation process can take place democratically and peacefully?

Recommendations

- ➔ **The State Party should repeal the bill modifying the composition of the electoral body in New Caledonia, respect the right to self-determination of Indigenous Peoples in this territory and engage with the Special Committee on Decolonization and the Kanak customary institutions to find a peaceful solution to the conflict.**
- ➔ **The State Party should launch an independent review of the events started in May 2024, to shed light on violent actions perpetrated by law enforcement and civilian armed groups, and with a view to building back trust in the decolonisation process currently underway.**



Part II/ Non-discrimination (arts. 2–3, 6, 19–20 and 26)

Point 4: Violence against women, including gender-based violence and intra-family violence and hate crime against LGBTQAI+ persons (art.2, 3, 6, 7 et 26).

Despite national policies and legislation in place to tackle such violence, domestic and sexual violence remains a major issue affecting women in France. According to the latest statistical data (2022 and 2024) collected by the French National Institute for Statistics and Economic Studies (INSEE), **women from overseas territories are being disproportionately affected by gender-based violence**, particularly domestic and sexual violence. In 2022, **femicides happening in overseas territories represented 11% of all femicides in France for a population equal to 4% of the French population** (Source, CESE, [Combattre les violences faites aux femmes dans les Outre-mer](#), 2017). Two overseas departments, Guyane and La Réunion, are among the five departments most affected by this type of violence. In La Réunion, out of every 1,000 women living in the territory, 13% of them report to the police an incident of intra-family violence perpetrated by an intimate partner. In mainland France, only 10% of 1000 women report such violence (Source, [INSEE](#), 2024). Data collected suggests that, in La Réunion, the majority of perpetrators of sexual violence against minors under the age of 18 are male family members and close friends (Source, [INED](#), 2021). INSEE correlates the higher poverty rate in La Réunion with the prevalence of intra-family violence, which is exacerbated by economic dependence on the partner. In those overseas territories, the prominence of patriarchal structures contributes to portraying women and girls in a stereotypical manner and entrapping them in gendered roles. In turn, those stereotypes turn harmful as they feed into sexist behaviours, leading, according to data, to higher rates of gender-based violence against women ([femicide](#), honour-related crimes, sexual, physical and psychological violence, etc) (Source, [CNDCH](#), 2017). For these reasons, NGOs are calling for more action from the French authorities to tackle violence against women, including sexist behaviours, intra-familial and sexual violence, in overseas territories. For instance, culturally sensitive support for women victims of violence (access to resources, including a phone line, available in regional languages), is needed. **The lack of specific policies addressing the unique challenges women face in overseas territories, also due to their intersectional identities (ethnic and religious diversity, use of regional languages) hinders efforts to combat and reduce gender-based violence against women in those territories. In turn, this affects the equal enjoyment of women civil and political rights.**

In addition, in overseas territories' societies where violence against women is widespread, the situation for LGBTQAI+ is alarming. Sexist discourses, based on gender stereotypes on which social norms and roles are constructed, render LGBTQAI+ identities subversive which in turn is used to legitimise violence against those communities (Source, [CNDCH](#), 2017). In La



Réunion, this LGBTQAI+ phobia translated to violence against a centre dedicated to welcoming this community (Source, [Réunion lère](#), 2023) or suspected homophobic hate crime (Source, [ImazPress](#), 2023). Despite a national action plan to combat hate speech and hate crimes against LGBTQAI+ communities, actions remain insufficient in overseas territories to tackle these acts of violence. The lack of statistical data on instance of hate crime and hate speech against LGBTQAI+ persons further hinders any progress in this area.

Questions:

- How is France combating harmful stereotypes against women and girls, in a culturally sensitive manner, in overseas territories, notably for persons belonging to minorities or Indigenous Peoples?
- How is France ensuring the implementation of policies to combat violence against women, including intra-family violence and feminicides, in overseas territories?
- What is France's approach to collecting data and tackling instances of hate speech and hate crimes against LGBTQAI+ communities in overseas territories?

Recommendations:

- ➔ **The State Party should adopt, based on previous studies carried out, a strategy, with a corresponding set of actionable measures, to urgently combat gender-based violence against women, including intra-family violence and sexism, in overseas territories. Particular attention should be paid to combatting gender-based violence against indigenous and minority women, by integrating an intersectional perspective, and ensuring their consultation and involvement in the design and implementation of such a Strategy.**
- ➔ **The State Party should conduct, in a culturally sensitive manner and in close collaboration with communities concerned, awareness-raising campaigns and activities on gender-based violence against women and sexist stereotypes against women from overseas territories, with a view to ensure the equal enjoyment of their human rights.**
- ➔ **The State Party should, in close collaboration with communities concerned, design, develop and implement a strategy to combat hate crimes and hate speech against LGBTQAI+ persons in overseas territories.**

Point 4. Gender, Non-Discrimination and Participation in public affairs and elections in overseas territories (Art. 2, 25, 27).

Since 1999, a set of law and constitutional amendments has been put in place to promote the equal participation of men and women in civil and political affairs, known as the so-called "parity laws". Nonetheless, in elected functions, especially at the local level, the rate of women elected remains low, with 19,8% of women elected mayor in 2020. In overseas territories, where sexist attitudes and behaviours remain prevalent (see above), in political and decision-



making functions in private companies or public administrations, women are even less represented. Indeed, in La Réunion, despite legislation making it mandatory to present an equal number of men and women on electoral lists, there has been 3 women head of commune (elected mayors) out of 24. Women represented on electoral lists often end up holding positions of lesser importance. With 13% of women elected mayor, La Réunion is well behind the parity target set by law and the national average (20%). Only the departments of Corsica (12%) and Mayotte (no women mayors) have elected fewer women mayors. (Source, INSEE, [In Reunion island, despite a few exceptions, women have limited access to positions of power](#), 08/03/2022). This reality is shared by other overseas territories, though the situation is heterogeneous.

Questions:

- What is France's strategy to ensure that women from overseas territories benefit from the same opportunities as those living in mainland France, to be elected or appointed to decision-making positions in public administration, the private sector and in political life?

Recommendations:

- ➔ **The State Party should reinforce awareness-raising campaigns to promote the participation of women in civil and political affairs in overseas territories, in close collaboration with civil society organisations and while combatting sexist behaviours.**

Point 4: The situation of persons from overseas territories and access to education, including in minority or regional languages, (Art 2, 12, 25, 27)

Concluding observations of the Committee on Economic, Social and Cultural Rights on the fifth periodic report of France, E/C.12/FRA/CO/5, 13 October 2023.

59. The Committee reiterates the recommendations made in its previous concluding observations and requests the State party to consider reviewing its position with regard to minorities and **to officially recognize the need to protect the cultural and linguistic rights of all minority groups, including those of Indigenous Peoples in the overseas territories.** The Committee also recommends that the State party recognize and **promote the right of persons belonging to regional or minority linguistic groups, including Indigenous Peoples, to practise their own language** as part of their right to participate in cultural life, not only in their private lives but also in public life, in regions where regional languages are traditionally spoken.

54. (b) **Ensure that all children, especially those living in the overseas territories, are enrolled in school, and continue to reduce the early school dropout rate, with particular attention being paid to children from less privileged groups;**

Right to use one's minority language and access to education:



Considering that La Réunion is an overseas territory of France, with a population composed, due to colonisation, of various ethnic and religious groups, which share a recognised regional language, the “créole réunionnais”, rights of Reunionnais to enjoy their own culture and use their language has been hindered by long-lasting policies put in place by the French government, notably for persons working in public administration. This has been illustrated by the recent campaign led by local parliamentarians to ensure that new teacher graduates can have the possibility to stay on the island to teach. Indeed, the rules regulating the appointment of teachers, after qualifying through a national competition of the “Education Nationale”, oblige newly qualified teachers to move to mainland France. Despite the existence of a scheme to allow teachers from overseas territories to be posted to their territory of origin, a lack of transparency in the procedures coupled with failures to take into consideration specific conditions poses serious obstacles for teachers to be posted in their territory of origin. In a context where teacher positions remain vacant in schools in La Réunion, new teacher graduates are made to take up positions in mainland France, exposing them to higher risks of social isolation, discrimination on the grounds of colour, “race” or ethnic origin, and preventing them for enjoying access to their families, close ones, to speak their regional language or enjoy their own culture (Source, Imazpress, [Article of 4 August 2023](#) and [17 July 2024](#)). Additionally, this phenomenon contributes to creating barriers to implementing the French policy for Regional Languages, with insufficient numbers of teachers fluent in Creole able to teach in and about it. The regional policy to increase the offer in teaching in and about Créole language was reinforced in 2024, nonetheless, teachers of Creole are faced with the lack of teaching materials available in the language (Source, [Réunion La Première](#), Laurent Figon, 7 September 2023). **The fact that 81% of the population in La Réunion speaks Créole (INSEE)**, but with a decline in the use of the language amongst the youth (73% of 15-24 years old declare speaking Créole compared to 83% of the 60 years old), highlights that **current policies to develop the use of the language, including at school are important to maintain and promote its continued use. It is reported that this issue is a structural problem also present in other overseas territories.**

Questions:

- How is France ensuring access and availability of quality education in and about minority or regional languages in overseas territories, including through the appointment and training of qualified teachers in this field?
- How is France ensuring that teachers from overseas territories can be appointed and posted in their territories of origin, which in turn contributes to the enjoyment of minority rights, including language rights, in overseas territories?

Recommendations

- ➔ **The State Party should review the rules on teacher appointments or posting, to allow those from overseas territories, especially when qualified to teach in and**



about minority languages, can serve in their territories of origin, and contribute to strengthening the offer of minority or regional language education.

- ➔ **The State Party should provide the necessary means for local administrations and institutions to carry out their minority or regional linguistic policies in overseas territories.**

Point 5: Impact of Covid-19 in overseas territories.

Concluding observations of the Committee on Economic, Social and Cultural Rights on the fifth periodic report of France, E/C.12/FRA/CO/5, 13 October 2023.

49. (a) **Allocate sufficient resources to the health sector, and continue its efforts to guarantee the accessibility, availability and quality of health care in all regions, in particular in rural areas and disadvantaged suburbs;**

(b) Ensure that hospitals have sufficient numbers of health professionals and other qualified medical staff, as well as sufficient infrastructure, medical equipment and medicines;

Concluding observations of the Committee on Convention on the Elimination of Violence Against Women (CEDAW) on the ninth periodic report of France, CEDAW/C/FRA/CO/9, 17 October 2023.

38. (b) **Ensure full geographical coverage of health services, in particular sexual and reproductive health-care services, and family planning throughout the State party, especially in rural areas and in the overseas territories, with a specific focus on disadvantaged groups of women;**

(f) **Conduct a rigorous, transparent and gender-sensitive impact assessment of nuclear testing on women's health in French Polynesia and accelerate the processing of claims for the compensation of victims.**

Overseas territories are those which present high rates of persons living in poverty, persons belonging to (ethnic) minorities, and with structural inequalities in the healthcare offer. Additionally, being territories of the margins, they are also welcoming migrants and asylum seekers, with the highest phenomenon in Mayotte where fifty per cent of the population is from foreign nationality (Source, [INSEE](#), 2019). In overseas territories, populations are particularly exposed due to socio-economic conditions, with high rates of poverty, precarious living conditions and the lack of drinkable water (see also the contribution of Kimbé Red – French West Indies). Geographical isolation and lack of knowledge of health rights contribute to exposing those populations further (See further, CNDCH, [Avis sur la protection à la santé dans les territoires ultra-marins](#), 2017). **Consequently, the COVID-19 pandemic had devastating effects in most overseas territories.** For historical reasons and lack of trust in the authorities (see further Chlordécone Scandal), populations were less vaccinated than in mainland France (Source, Sénat, [Vague Epidémique en Outre-Mer](#) (...), 2021) and communication strategies of the authorities remained inefficient. According to this same report, **“More than 30% of hospital deaths linked to covid since the start of the 4th wave (summer 2021) have occurred in the French overseas territories, which account for just 4% of the national population, and which previously accounted for just 3% of these deaths.”** In all overseas



territories, due to the scarcity of the means of healthcare infrastructures, Covid-19 patients were treated to the detriment of patients suffering from chronic or common diseases.

Looking into the specific case of La Réunion, in March 2020 public authorities put in place travel bans aiming to isolate the island and limit the proliferation of the disease. Once these bans were lifted, with the influx of tourists and returns of locals for “back to school”, La Réunion was faced with an explosion of Covid-19 cases. Mitigating measures were put in place but often too late to contain the effects of this first wave. Overall, the limitation of the influx of travellers between contaminated territories (mainland France or Mayotte) used throughout the pandemic seems to have been an effective tool to contain the proliferation of the various viruses, when adopted. For La Réunion, a study carried out by Santé Publique France collected data on the various dynamics during the Covid-19 pandemic in the overseas territories in the light of the measures taken to limit their spread. It shows that when travel bans were lifted again for Christmas 2020 (between 15/12/2020 and 17/01/2021) and no specific measures were taken for travellers (isolation or testing measures), there was an increase in the number of cases registered in the following week (Source, [Santé Publique France](#), 28/12/2021). It highlights that in insular territories, the adoption of “zero case of covid-19” policy (strict measures such as lockdown, tight border control, strict isolation of travellers etc) in New Calédonia or Saint-Pierre et Miquelon was an effective way to prevent and control the spread of the disease (Santé Publique France, p. 39). **However, in most overseas territories, including those with deficient healthcare infrastructures, high rates of non-vaccination and a population exposed to comorbidities (diabetes, obesity, cardiovascular diseases), as well as disadvantaged socio-economic conditions, this policy was not adopted. On the contrary, while mainland France was in lockdown, with ski resorts closed during Christmas 2020, overseas territories, notably La Réunion, Guadeloupe and Martinique were promoted as holiday destinations.** (Source, Réunion La Première, [“12 000 expected at the airport for this first weekend of the holidays”](#), 19/12/2020 and Europe 1, [“Covid-19 and Christmas holidays: the Overseas territories should be full of visitors”](#), 18/12/2020). **This raises questions as to the preventability of the higher rates of mortality in early 2021 in overseas territories, the role of public authorities and equal consideration for persons inhabiting those territories in French society.** Additionally, bearing in mind nuclear testing carried out by France in French Polynesia, which has resulted in higher rates of cancer in this territory, questions arise as to the long-term impact for patients of COVID-19 pandemic on their access to oncology care.

Questions:

- What is France’s strategy to address and mitigate shortcomings identified in studies and reports on the negative impact of Covid-19 pandemic on the availability of quality healthcare in overseas territories, including in its gender dimension?

Recommendations:



- ➔ **The State Party should commission a public enquiry on the long-term impact of covid-19 pandemic on healthcare infrastructures and the health of persons from overseas territories, including in its gender dimension and looking into its effect on minorities and indigenous peoples.**
- ➔ **The State Party should ensure that in overseas territories, the healthcare offer, from access to quality infrastructure to sufficient healthcare professionals, can answer the needs of the population. Building on previous studies on the response to COVID-19, a healthcare strategy for overseas territories should be designed, developed and implemented.**