

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1998/10, para. 62; E/CN.4/1998/10/Add.1, see "France")

The report notes that France is among the OECD countries which exports wastes for "recycling" to developing countries and/or countries in Central and Eastern Europe. The addendum to the main report includes information provided by the government in response to commentary and allegations contained in the Special Rapporteur's (SR) report to the 1997 Commission (E/CN.4/1997/19). The information indicated that the authorities were investigating concerns raised with regard to Rhône Poulenc's operation in Brazil and possible soil contamination. With regard to Total, a French oil company, and the construction of a pipeline in Burma, the government stated that the concerns did not relate to illicit dumping of toxic or dangerous products and wastes and, therefore, were not within the SR's mandate.

Violence against women, Special Rapporteur on: (E/CN.4/1998/54, Section III.B)

In commentary on violence against refugee and internally displaced women and the current legal status of persecution on the grounds of gender, the report notes that in France the Commission des recours des réfugiés granted refugee status to a woman who had been raped a number of times by the military and further detained for refusing to return to the military camp for fear of sexual violence. Refugee status was granted because of the woman's fear of persecution.

Mechanisms and Reports of the Sub-Commission

Systematic rape, sexual slavery and slavery-like practices during armed conflict, Special Rapporteur on: (E/CN.4/Sub.2/1998/13, para. 83)

The report refers to legal responsibility for individuals, and notes that such responsibility applies to persons who are complicitous in international crimes by carrying out certain acts or functions in the bureaucracy or political process through which slavery, crimes against humanity, genocide, torture and war crimes are made a practical possibility. The Special Rapporteur (SR) notes that these offenders are often civilians, are often outside any given chain of command, their actual knowledge of wrongdoing may be incomplete, and holding them to a standard of reasonable inquiry is appropriate. The SR cited the case of a high-level fonctionnaire in the Vichy Government of France during the Second World War, who was recently convicted by a French court for complicity in crimes against humanity. The defendant was sentenced to 10 years' imprisonment and assessed damages of 4.6 million francs (US\$748,000) for his part in the Holocaust, specifically in administering the paperwork for thousands of Jews deported to concentration camps. The punishment for complicity was not as severe as the punishment would have been for an actual perpetrator; however, the SR noted that his unquestioning performance of questionable acts did in fact contribute to crimes against humanity and he was rightly held liable for complicity.

Traditional practices affecting the health of women and girls, Special Rapporteur on: (E/CN.4/Sub.2/1998/11, paras. 105–107)

The report refers to a case in France in which a couple from Mali were found guilty of complicity in the carrying out of an excision operation on their daughter. The couple received a suspended sentence of three and a half years' imprisonment from the Assize Court of Val-de-Marne, at Creteil, outside of Paris.

At another trial held in March 1993 in the Paris area — in which a Malian and his two wives were accused of having had excisions performed on their daughters in 1993 — the Procurator challenged the defendants' plea of isolation, lack of premeditation and ignorance, and asserted that "subduing the sexual desire of females and preserving their virginity are useful for polygamists". The Special Rapporteur (SR) expressed reservations concerning such assertions on the basis that they show arrogance and contempt. The SR recalled that one of the fundamental principles of efforts to combat traditional practices is the need for prudence and tact, if the desired message is to be transmitted successfully without causing hurt or offence.



GERMANY

Date of admission to UN: 18 September 1973. (With the unification of West and East Germany in 1990, the Federal Republic of Germany acts in the UN under the designation of Germany, and the date of entry of what was formerly called West Germany.)

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: The core document prepared by the government for use by the treaty bodies (HRI/CORE/1/Add.75) contains demographic and statistical data, information on the social and political systems, the judicial system, and human rights protections. According to the government, the state is based on principles derived from rule of law, including the independence of the judiciary, legal protection in court for anyone whose rights are violated by public authorities, constitutional jurisdiction, legal security and proportionality of means and ends in state acts that encroach on the rights of individuals and impartial execution of state power. The International Covenants on civil, cultural, economic, political and social rights have become an integral part of German law and each international human rights convention is taken into account in the interpretation of Germany's Basic Law (which functions as its Constitution) and ordinary statutes.

The Basic Law includes provisions on: the free development of the personality, life and physical integrity, equal treatment, equality of women and men, religion and con-