

absence of an independent mechanism to deal with individual complaints from detainees.

Other areas of concern addressed by the Committee included: the frequent resort to and the length of pre-trial detention; the protracted length of pre-trial detention for juveniles; the lack of access to legal counsel in certain juvenile proceedings; the fact that the powers of the Gendarmerie Nationale (basically a military corps) are wider than those of the police when operating in a civilian public order situation; the stipulation that an application for conscientious objection to military service must be made before the conscript begins military service and may not be made thereafter; the provision which stipulates that the length of alternative service is twice that of military service; the incompatibility between the treatment given to asylum seekers and the provisions of the Covenant; the refusal to permit asylum seekers to disembark from ships at French ports, denying them the opportunity to assert their individual claims (noting, however, that France is considering abolishing this practice); the restrictive definition given to the concept of "persecution" in the refugee context which does not take into account the possibility of persecution by non-state actors; and, a lack of the right of access for the UN High Commissioner for Refugees (UNHCR) to places where persons are detained when they are applying for asylum or awaiting deportation.

The Committee addressed other areas of concern, including: continued application of anti-terrorist laws which provide for a centralized court and give prosecutors special powers of arrest, search and prolonged detention in police custody for up to four days; under anti-terrorist legislation, denying the accused the rights they would have in ordinary courts, including the right to contact a lawyer during their initial period of detention (the first 72 hours in police custody); lack of an appeal procedure against the decisions of the Special Court; and, failure of the government to provide information on which authority decides whether a case will be handled under ordinary criminal law or anti-terrorist laws, and the role of the police in that decision.

Commenting on the declaration related to article 27 of the ICCPR (minority rights), the Committee noted France's stated commitment to respect and ensure equal rights to all individuals, irrespective of their origin. The Committee disagreed with the government statement that France is a country in which there are no ethnic, religious or linguistic minorities. The Committee recalled that the act of granting equal rights to all individuals and stipulating that all individuals are equal before the law does not mean that there are no minorities in the country, and does not reduce the entitlement of the minorities to enjoy their culture, practice their religion or use their language in community with other members of their group.

The Committee expressed concern that: the Civil Code establishes a different minimum age for marriage for girls (15) and for boys (18) and sets such a low age for girls; the Civil Code specifies that only the father can make a declaration of the birth of his child; in some situations children born out of wedlock might not have their right to succession fully recognized; there is no independent complaint mechanism for protection and enforcement of human rights such as a national human rights commission.

The Committee recommended that the government:

- ▶ establish a mechanism to ensure compliance with the Committee's reviews on individual complaints considered under the Optional Protocol;
- ▶ undertake a comprehensive study to review the compatibility of the personal status of women in Mayotte, New Caledonia and other overseas territories with the provisions of the Covenant and, if needed, take appropriate measures to eliminate all existing inequalities;
- ▶ pursue active measures for realization of women's rights, especially by taking measures to achieve their equal representation at all levels of the public administration and to prevent discrimination against workers with family responsibilities;
- ▶ take appropriate measures fully to guarantee that all investigations and prosecutions in cases involving police violations of human rights are undertaken in full compliance with paragraph 3, article 2 (remedy), and articles 9 (liberty and security of person) and 14 (equality before the law) of the Covenant;
- ▶ take appropriate measures to remedy conditions of detention and imprisonment and reduce the level of use of solitary confinement;
- ▶ establish an independent mechanism to monitor detention centres and to receive and deal with individual complaints of ill-treatment by law enforcement officials;
- ▶ introduce a comprehensive course in human rights into the training of law enforcement officials at all levels;
- ▶ take measures to reduce the length of pre-trial detention and ensure legal aid to juveniles in legal proceedings;
- ▶ consider repealing or modifying the decree related to the powers of the Gendarmerie when it comes to the use of firearms in public order situations, with a view to harmonizing them with those of the police;
- ▶ adopt a wider interpretation of "persecution" to include non-state actors;
- ▶ allow the UNHCR to visit places where asylum seekers and refugee claimants are held, whenever the UNHCR thinks fit, without any obstruction or hindrance;
- ▶ bring the anti-terrorist laws fully into conformity with articles 9 and 14 of the ICCPR;
- ▶ raise the minimum age of marriage for girls;
- ▶ amend the Civil Code to allow a mother to make the declaration of birth of her child;
- ▶ ensure to all children born out of wedlock the same succession rights as are given to children born in wedlock;
- ▶ establish an institutional mechanism for receiving complaints of violations of human rights, including all forms of discrimination, with power to undertake conciliation, to make determinations in such complaints, and to grant redress;
- ▶ submit on time and include in its next report a comprehensive assessment regarding the cultural, religious and linguistic rights of ethnic groups and inhabitants of the Overseas territories; and