

person that had been transmitted to the government in 1996. The government informed the WG that the individual had since been released. On that basis, and without comment on the nature of the detention, the WG filed the case. No details were provided.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 16, 17; E/CN.4/1998/68/Add.1, paras. 172–177)

The report notes replies from the government to cases that were transmitted in 1995 and 1996. These cases related to, *inter alia*: (a) a 17 year old Zairian who died while being interrogated at a police station in Paris; the Paris Court of Assize sentenced the police inspector to eight years' imprisonment for inflicting fatal injuries with use or threatened use of a weapon on the person; relatives received compensation of 165,000 francs; (b) an Iranian opposition publisher who was allegedly killed in his apartment in the Paris; information had been laid before the court against an unknown person for assassination related to a terrorist organization and the inquiry had been placed in the hands of the first Vice President in charge of investigation at the Paris Court of Major Jurisdiction; (c) two other cases remained under investigation; and (d) an investigation was carried out in another case to establish whether or not the action of the gendarmerie had been in compliance with the legal provisions regarding the use of weapons; subsequent to completion of the investigation the authorities rejected the allegation of an extrajudicial, summary or arbitrary execution.

Independence of judges and lawyers, Special Rapporteur on the: (E/CN.4/1998/39, paras. 17, 68–69)

The Special Rapporteur (SR) sent a communication to the government regarding a strike on 6 November 1997 in which 33,000 French lawyers participated. The strike was held to draw the government's attention to the lack of human and financial resources of the French justice system which had resulted in a large backlog of cases in the courts. In addition, the SR requested the government to provide information on the latest developments relating to the draft reform of the judicial system in France. As of the date the report was prepared, the government had not responded.

Racism and racial discrimination, Special Rapporteur on: (E/CN.4/1998/79, paras. 53, 72, 108, 118–120)

The Special Rapporteur (SR) recalled comments in the report to the 1997 session of the General Assembly (A/51/301) related to the increased severity of the Pasqua/Debré laws governing foreign residents, and the determination of the French authorities to adopt measures designed to strengthen control over immigration by non-Europeans. The report notes that the measures envisaged included: making the issuance of short-stay visas more systematically subject to proof of health insurance, a formality which would be required of nationals of countries where the "migratory risk" was high; improving

the identification of visa applicants from those countries; reforming the procedure for the issuance of the "*certificat d'hébergement*" by requiring, *inter alia*, the provider of accommodation to give notice of the visitor's departure; restricting hospital care for illegal immigrants to "emergencies" or to diseases likely to be contagious; and extending the period of detention for persons who entered France illegally to 40 days. These measures were considered by the SR to be discriminatory.

The SR welcomed new measures envisaged by the new government reflecting a trend markedly different from the approach evident in the Pasqua/Debré laws. The measures would address such points as regularization of the status of certain categories of undocumented aliens and the drafting of a preliminary bill on the entry and stay of foreign nationals in France. The bill would contain provisions designed to facilitate the stay of foreign nationals and the granting of visas, the latter with particular reference to researchers, students and persons with strong ties to France (parents, descendants, spouses, etc.). The report notes that another bill, related to nationality, was under discussion in the French Parliament and aimed at reversion to the *jus soli* system.

The Special Rapporteur's (SR) interim report to the 1998 General Assembly (A/53/269, paras. 31–32) notes that Charles Pasqua, former Minister of the Interior, during whose term of office immigration control laws were adopted, proposed in July 1998 in the wake of France's World Cup victory that the status of all undocumented aliens should be regularized. Fifty-three per cent of those polled for a survey conducted by the French Public Opinion Institute (Institut français d'opinion publique), the *Journal du Dimanche* and *Le Monde* endorsed the proposal. The SR cited another poll, taken by the French National Commission on Human Rights (Commission nationale consultative française des droits de l'homme) which showed that 38 per cent of all French men and women say that they are openly racist, 27 per cent feel that there are too many Blacks in France, while 56 per cent feel that there are too many Arabs.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1998/101, paras. 23, 74)

The report refers to the fact that France undertook one of the most complete investigations against a paedophile ring in recent years. Some 2,500 policemen were fielded to search about 800 homes throughout the country after the beginning of a trial in Paris of 71 French men accused of organizing or subscribing to a paedophile video network involving young boys. Within a week there were 323 persons under investigation. The report noted that five of these men committed suicide rather than face investigation and trial. The Special Rapporteur notes that there was criticism of the intense media coverage of the widespread investigations into paedophilia, and reiterated that it is of paramount importance to ensure that any such trial is fair, and that it is so perceived by the defendant.