

A number of offices and institutions have jurisdiction in matters related to human rights and include the Constitutional Council, ordinary courts (civil, district, major jurisdiction, commercial, labour, social security tribunals, joint agricultural tenancy tribunals), juvenile courts, military courts, courts of appeal, the Court of Assizes, the Court of Cassation, appeal courts and the Council of State. Remedies for violations may be claimed in the courts as well as through non-judicial procedures such as the office of the Ombudsman. The Ombudsman is independent and appointed by Cabinet decree for one term of six years. Under the Constitution, treaties ratified by France and published take precedence over law and the provisions of international conventions are incorporated directly into French law.

Among the national institutions related to human rights is the National Consultative Commission on Human Rights which advises the office of the Prime Minister, the Government and Parliament on all human rights questions, both domestic and international. Membership on the Commission includes representatives of the Prime Minister's office and nine ministries, a deputy and a senator who are appointed by the respective houses of Parliament, members of the bench, the Ombudsman, 28 national associations representing civil society, six of the main confederations of trade unions, 21 individuals representing religious interests and experts who are members of international human rights bodies. The Commission is free to decide which international and national issues it will examine and has, in the past, considered issues such as poverty, the right to asylum, social rehabilitation of drug addicts, AIDS screening, bioethics, reform of the Code of Criminal Procedure, human rights education, wiretapping, police files, and bills on the nationality law and immigration controls. All advice given by the Commission to the government is made public and it publishes an annual report on efforts to combat racism and xenophobia.

#### **Economic, Social and Cultural Rights**

Acceded: 4 November 1980.

France's second periodic report was due 30 June 1992; the third periodic report was due 30 June 1997.

*Reservations and Declarations:* Articles 6, 8, 9, 11 and 13.

#### **Civil and Political Rights**

Acceded: 4 November 1980.

France's fourth periodic report was due 3 February 1997.

*Reservations and Declarations:* Paragraph 1 of article 4; articles 9, 13 14, 19, 20, 21, 22 and 27.

France's third periodic report (CCPR/C/76/Add.7) was considered by the Human Rights Committee at its July/August 1997 session. The report prepared by the government details constitutional, legal and administrative provisions related to the rights set out in articles 1 through 27. The information provided touches on such areas as: overseas departments and territories; measures to improve relations between the public and the authorities; emergency regulations and laws; due process, prisons and detention and the administration of justice related to both adults and juveniles; marriage and family; nationality and expulsion procedures; and the freedoms of thought, conscience, religion, expression, opinion, assembly and association. Commentary on women's human rights and equality of women and men includes information on, for example, political rights and nationality, civil

rights, matrimonial regimes, occupation and employment, and women in the public service and the army.

The Committee's concluding observations and comments (CPR/C/60/FRA/4) noted that the submission of France's report had been delayed considerably and that nearly ten years had passed since the Committee last considered France's compliance with the Covenant. The Committee further noted that the reservations and declarations made by France when ratifying the Covenant, and consequent non-reporting on many issues related to those reservations and declarations, made it difficult to assess fully and comprehensively the situation of human rights in France.

The Committee expressed satisfaction that membership on the Consultative Commission on Human Rights includes non-governmental organizations and that the Commission serves as an independent consultative body. The Committee also welcomed: measures taken by France to promote equality of women and men; law reform aimed at preventing and combatting sexual harassment by employers; the increase in the proportion of women in public service posts; the July 1997 decision to stop the deportation of groups of illegal immigrants by chartered flights to their home countries; and, the direct applicability and primacy of the ICCPR in relation to domestic law and extension of this principle to administrative jurisdictions.

Note was taken of the fact that a referendum is scheduled to be held in the Overseas Territory of New Caledonia in 1998 so that New Caledonians can decide on their future political status. The Committee also noted the establishment of a Liaison Committee within the framework of the UN Decade on Human Rights Education.

The Committee expressed concern in a number of areas, including: the absence of a specific mechanism to ensure compliance with the Committee's views on individual communications under the Optional Protocol; the practice in overseas territories such as Mayotte and New Caledonia, of determining personal status on the basis of religious or customary law, which might in some situations lead to discriminatory attitudes and decisions, especially against women; the prevailing malaise in the magistracy and the legal profession concerning the independence of the judiciary and prosecutors; the incompatibility of New Caledonia's Amnesty Acts of November 1988 and January 1990 with France's obligation to investigate alleged violations of human rights; the low proportion of appointments of women to senior positions in the public administration at both local and central levels; problems concerning procedures for investigating allegations of human rights abuses by the police, the inertia of prosecutors on this issue, and delays and unreasonably lengthy proceedings concerning the investigation and prosecution of law enforcement officers for alleged abuses; the number and serious nature of the allegations received by the Committee related to ill-treatment of detainees by law enforcement officials; the unnecessary use of firearms by police which has resulted in deaths and increased the risk of ill-treatment for foreigners and immigrants; the reported increase in the rate of suicides in detention centres; the failure of the internal administration of the police (IGPN and IGS) and the Gendarmerie Nationale to investigate complaints of such ill-treatment, resulting in virtual impunity; and the