

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.

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 is due 31 December 2000.

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

Optional Protocol: Acceded: 17 February 1984.

Reservations and Declarations: Article 1; paragraph 2 (a) of article 5; article 7.

Racial Discrimination

Acceded: 28 July 1971.

France's 12th, 13th and 14th periodic reports were due 27 August 1994, 1996 and 1998 respectively.

Reservations and Declarations: Articles 4, 6 and 15.

Discrimination against Women

Signed: 17 July 1980; ratified: 14 December 1983.

France's third periodic report was due 13 January 1993; the fourth periodic report was due 13 January 1997.

Reservations and Declarations: Paragraph 11 of the Preamble; article 9; paragraph (b) of article 5; article 17; paragraph 1 (d) of article 16; paragraph 2 (c) and (h) of article 14; paragraph 1 (g) of article 16; paragraph 1 of article 29.

Torture

Signed: 4 February 1985; ratified: 18 February 1986.

France's second periodic report (CAT/C/17/Add.18) was considered at the Committee's May 1998 session; the third periodic report was due 25 June 1996.

Reservations and Declarations: Article 30; declaration under articles 21 and 22.

Rights of the Child

Signed: 26 January 1990; ratified: 7 August 1990.

France's second periodic report was due 5 September 1997.

Reservations and Declarations: Articles 6 and 30; paragraph 2 (b) (v) of article 40.

REPORTS TO TREATY BODIES

Committee against Torture

France's second periodic report (CAT/C/17/Add.18, December 1996) was considered by the Committee at its May 1998 session. The report prepared by the govern-

ment contains information on, *inter alia*: the general legal framework for the protection of human rights; the definition of torture; the 1994 Code of Criminal Procedure, relevant provisions in the 1994 Criminal Code; Act No. 82-261 (1982) reorganizing the military system of justice, the Code of Military Justice and states of emergency; the 1986 Code of Ethics of the National Police Force; refolement, deportation and expulsion procedures, extradition; the Code of Medical Ethics as amended in 1995; rights related to custody and imprisonment, medical and judicial supervision; conditions in holding areas and detention facilities for persons seeking admission to France, the right to asylum; administrative detention, judicial confinement, committal to a psychiatric service; investigations and judicial inquiries into allegations of torture and ill treatment; remedy and compensation; protection against acts of torture, violence, subornation; relevant provisions in the Civil Code; and the probative force of evidence.

The Committee's concluding observations and comments (CAT/C/FR) welcomed, *inter alia*, changes to the Criminal Code, creation of professional codes of ethics; elaboration of guidelines on use of force; and improvements in procedures related to the rights of those detained and limits on pre-trial detention.

The principal subjects of concern identified by the Committee included, *inter alia*: the absence of a definition in law of the act of torture; provisions by which prosecutors may decide not to investigate allegations of torture or prosecute those identified as responsible; that evidence acquired through torture may still be used before the courts; the failure to prohibit refolement or extradition to a country where there are grounds to believe torture may occur; and sporadic allegations of violence by police during arrest and/or interrogation.

The Committee recommended that the government, *inter alia*:

- ♦ incorporate into domestic legislation a definition of torture that is consistent with the Convention;
- ♦ take steps to improve procedures related to expulsion and refolement to ensure consistency with article 3 of the Convention; and
- ♦ ensure impartial investigation into allegations of police violence, torture or ill treatment and appropriate sanctions against any member of the police found to be responsible.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on:

(E/CN.4/1998/44, para. 8; E/CN.4/1998/44/Add.1, Opinion No. 8/1997)

Opinion No. 8/1997, adopted by the Working Group (WG) in May 1997, referred to a case involving one