

**HIV/AIDS, Report of the Secretary-General to the CHR:**  
(E/CN.4/1997/37, Appendix)

The report of the Secretary-General on the Second International Consultation on HIV/AIDS and Human Rights (Geneva, September 1996) refers to law reform programmes focussing on human rights and notes that, in France, the Penal Code defines disability broadly and sensitively enough to explicitly include HIV/AIDS under non-discrimination provisions.

**International Peace and Security, Report of the S-G to the Sub-Commission:** (E/CN.4/Sub.2/1997/27, para. 45)

The report of the Secretary-General refers to information provided by the International Indian Treaty Council (IITC), a non-governmental organization related to contamination of indigenous peoples and communities arising from nuclear bomb explosions; uranium mining and milling operations; nuclear reactors; storage of nuclear waste; dumping of nuclear waste; and radioactive human experimentation and testing. The IITC cited Tahiti, Polynesia, in particular, as an indigenous community poisoned by nuclear testing, with long-term health problems including cancers, miscarriages, premature births, neurological diseases in newborn babies, deformed children, deaths of babies and children, and leukaemia. The information also stated that there are relocation-related and poverty-related illnesses and illnesses of the Earth, such as the sinking and cracking of atolls, tidal waves and other environmental changes.

**National institutions, Report of the S-G:**  
(E/CN.4/1997/41, para. 19)

The report of the Secretary-General notes that the French National Consultative Commission on Human Rights referred to successive resolutions of the Commission on Human Rights and the UN General Assembly which recognized the role and functions of national institutions for the promotion and protection of human rights. The French Commission also recalled that national institutions had been accorded a special place at the World Conference on Human Rights. In the light of this, the French Commission believes that there is a case for permitting such bodies to participate, with observer status, in the work of the UN Commission on Human Rights and its subsidiary bodies. The report notes that France is a member of the Coordinating Committee on national institutions which has been meeting under the auspices of the UN Centre for Human Rights.

**Racial Discrimination:** (E/CN.4/1997/68/Add.1, paras. 77, 83, 90-91, 95, 103, 104, 108, 112, 115)

The report of the UN seminar on racism notes that France has entered a reservation on article 4 of the Convention on the Elimination of All Forms of Racial Discrimination (as above). The report refers to new measures introduced in France to combat racial discrimination and xenophobia, including a wide range of laws that: provide penal sanctions for public expressions of incitement to discrimination, hatred or violence on grounds of racial or religious origin; establish penalties for defamation or insult and non-public racial provocation (e.g., in a letter); sanction questioning the existence of crimes against humanity; prohibit distribution of racist publications to minors; ban the manufacture and distribution of racist and xenophobic propaganda material such as

uniforms, insignias or emblems (except for a film, play or historical exhibition); increase the penalties for racially motivated desecration of bodies and graves (up to five years' imprisonment); provide for the dissolution by presidential decree of organizations, associations or groups inciting to racial discrimination, hatred or violence or disseminating such ideas; establish a penalty of up to seven years' imprisonment for the leaders of such dissolved organizations who reconstitute a banned group, or in the case of armed combat groups; and, establish new rights for associations fighting against racism.

**UN Decade for Human Rights Education:**  
(E/CN.4/1997/46, para. 23)

The report notes that France has established, jointly with the National Commission for UNESCO, the National Committee for Human Rights Education. The Committee includes representatives from 11 ministries, including Justice, Education, Defence, Foreign Affairs, Social Affairs, Interior, Culture, Youth, and Humanitarian Action and is mandated to: conduct a survey on past/current activities in the area of human rights education; assess needs; and, elaborate a plan of action. Assessment of the state of human rights education is being carried out in primary and secondary schools, universities and institutions of higher education, adult education (including several professional groups such as police, the armed forces, judges, teachers and social workers) and activities undertaken by NGOs, associations and trade unions. The report also notes that a national centre for information and training on human rights, which is publicly accessible and has a broad range of human rights documentation, was inaugurated in November 1996.

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## 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 AND REPORTS TO TREATY BODIES

**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.