

held; lack of information for the interested parties on their rights and on the procedure which they are undergoing; serious procedural irregularities; violations of the right to the assistance of an interpreter or a doctor, to communicate freely, to defence and asylum.

The report refers to the UN seminar on immigration, racism and racial discrimination (Geneva, May 1997) during which representations on the restrictive, discriminatory policies of the industrialized countries of the North towards foreign workers from the South were made. The seminar heard comments on practices by EU members and, related to France, that: migrants from the former colonies were always admitted more easily; preference then began to be given to migrants from countries where political regimes seemed more favourable; and, migrants from the overseas departments and territories were not included in the statistics on aliens.

The SR recalled points in his report to the 1996 General Assembly, including: the intention of the then French legislature to increase the severity of laws governing foreign residents by adopting measures to improve control over immigration by non-Europeans through measures such as making the issuance of short-stay visas more systematically subject to proof of health insurance, reforming the procedure for the issuance of the "certificat d'hébergement", *inter alia*, by requiring the person offering accommodation to give notice of the visitor's departure; restricting hospital care for illegal aliens to "emergencies" or to diseases likely to be contagious; and extending to 40 days the period of administrative detention for persons who entered France illegally. The report recalls the SR's criticism of the discriminatory nature of the proposed measures. The new government provided information on measures recently envisaged, including regularizing the status of certain categories of undocumented aliens and drafting a preliminary bill on the entry and stay of foreign nationals. The information provided notes that the preliminary bill includes provisions designed to make it easier for foreigners to stay in France and for foreign scientists, students and persons "with strong ties to France", in particular, to obtain visas. Another bill on nationality currently being drafted by the Ministry of Justice would seek to revert to the *jus soli* system. The SR welcomed the positive development and expressed the hope that improvements will be made to these measures and given material form in laws and regulations.

**Torture, Special Rapporteur on:** (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 157-167)

The report recounts information related to ill-treatment by mobile police in Tahiti of several members of the Executive Secretariat of the Trade Union Confederation A Ti'a I Mua as they were preparing a press conference. The authorities took the action because they held the union responsible for a riot which had occurred on the island on 6 September 1995, after the resumption of nuclear tests. A second case transmitted to the government involved the arrest of a French and Algerian national by three members of the Unité de surveillance des transports en commun (USTC) who was severely beaten with truncheons. The report notes that the three men responsible were said to have been arrested in the course of the inquiry that followed the incident.

The report summarizes information received from the government related to cases that were previously transmitted by the Special Rapporteur. All of the cases involved police violence in various forms. A number of them were still under investigation or judicial inquiry. In two cases the officers involved had either been suspended from duty and/or sentenced to pay compensation.

**Toxic wastes and products, Special Rapporteur on:** (E/CN.4/1997/19, paras. 46-47)

The report comments on the 1993 order to close the Rhône Poulenc's plant in Cubatao, Brazil. A judge ordered the closure to protect plant workers from further exposure at the facility to chemicals which had led to soil contamination, far exceeding legal limits, from the use of hexachlorobenzene and pentachlorophenol. The report also comments on Total, a French oil company, engaged in building a pipeline in Myanmar (Burma) as part of a joint venture with Unocal. It notes that, to facilitate the construction of the pipeline through the rain forest, the army has declared "free-fire zones" in which soldiers are authorized to shoot civilians, including members of the Karen tribe who live near the Thai border. The report further states that some indigenous people have been forced to work on clearing forest areas to prepare them for oil and gas exploration and transportation; and that, because of the pipeline, some indigenous people have been evicted from their homes and relocated to areas where means of earning a living are scarce. (For further information, see section on Myanmar.)

### Other Reports

**Children and juveniles in detention, Report of the S-G:** (E/CN.4/1997/26, paras. 2, Section II)

The report of the Secretary-General contains information provided by the government which notes that: France has laid down the principle of special treatment for juvenile delinquents, combining penal sanctions with educational measures and giving priority to the latter; minors in conflict with the law are subject to special rules, applied by specialized magistrates and courts (i.e., juvenile magistrates each assisted by two co-magistrates, juvenile courts and juvenile assize courts); an "urban recovery pact" has been launched to deal with juvenile delinquency which includes a set of new judicial measures coordinated around three basic aims-speeding up the course of penal justice for minors, diversifying educational measures, and improving the consistency of prevention measures; added protections have been introduced for minors in police custody or under temporary detention measures; children between the ages of 10 and 13 cannot be held in police custody unless there is strong evidence that they have committed, or attempted to commit, a crime punishable with at least seven years' imprisonment; the temporary detention of minors may not exceed 10 hours, the minor must see a lawyer, and the Procurator of the Republic must report the detention to the Ministry of Justice; children under 13 may not be held in pre-trial detention; pre-trial detention for children over the age of 13 is strictly limited according to the crime or offence committed; and, minors may be imprisoned in special and suitable quarters during the course of the investigation, subject to an order for pre-trial detention, or as a form of penalty once they have been sentenced.