



**International covenant  
on civil and  
political rights**

Distr.  
GENERAL

CCPR/C/FRA/Q/4/  
2 June 2008

Original: ENGLISH

HUMAN RIGHTS COMMITTEE  
Ninety-second session  
New York, 17 March - 4 April 2008

**ADVANCE UNEDITED VERSION**

**List of issues to be taken up in connection with the consideration  
of the fourth periodic report of FRANCE (CCPR/C/FRA/4)**

**Constitutional and legal framework within which the Covenant  
is implemented (art. 2)**

1. Does the State party envisage withdrawing its reservations to articles 4, paragraph 1, 9 and 14 of the Covenant, and its general reservation concerning interpretation of the Covenant? What is the status of the State party's review of possible modification of its declarations concerning articles 13 and 14(5)? Has the State party also considered modifying its declarations concerning articles 19, 21, 22, and 27 of the Covenant (State party report, CCPR/C/FRA/4, paras. 6-12)?
2. Please cite examples of cases in which the provisions of the Covenant have been invoked before and by the courts, and to what effect.
3. What mechanisms exist in the State party to implement and give effect to the Committee's Views in individual communications under the Optional Protocol?

**Counter-terrorism measures and respect for rights guaranteed in the Covenant**

4. Please explain whether the State party's anti-terrorism legislation is compatible with the rights guaranteed by the Covenant (see State party report, paras. 338-360), in particular insofar as suspects

can be held in investigative custody for up to six days, and have the right to consult a lawyer only after 72 hours in custody. Also comment on whether article 145-2 of the Code of Criminal Procedure is consistent with the Covenant insofar as it permits a remand of a terrorism suspect for up to four years during the criminal investigation by a *juge d'instruction*, with two additional extensions of four months each, and three years for a crime of terrorist conspiracy. Please indicate whether suspects who have limited financial means enjoy access to legal aid from the time they are arrested, and address the breadth of the definition of terrorism and terrorist acts.

**Equality between men and women, and principle of non-discrimination  
(arts. 3 and 26)**

5. What are the results of the multi-year plans to improve women's access to executive posts in the private sector and senior-level posts in the State civil service?. Please provide disaggregated data for the last five years, indicating the percentage of private sector executive jobs and senior-level posts in the civil service held by women. What other positive measures has the State party taken to ensure the equitable representation of women in senior positions in the civil service? Does France have a law forbidding sexual harassment in employment and educational settings, and how is it enforced?

6. Please provide detailed information on the phenomenon of violence against women, including domestic violence. Please provide statistics covering the last five years, disaggregated by gender, age, type of violence and relationship between aggressor and victim, concerning the number of complaints recorded, civil or criminal investigations conducted, penalties imposed, and compensation granted to the victims or their families. Please provide information on positive measures taken to address violence against women.

**Right to life, prohibition of torture and cruel, inhuman or degrading treatment,  
treatment of prisoners and other detainees, principle of non-discrimination  
(arts. 6, 7, 10 and 26)**

7. Please comment on allegations of ill-treatment against foreign citizens (including asylum-seekers), as well as against French citizens of foreign origin, by members of the police, gendarmerie and prison staff. Please describe steps taken to investigate individual complaints, with the results, as

well as preventive measures taken to prevent the ill-treatment of all persons during identity checks by the police and while individuals are in custody. Have any police, gendarmerie or prison staff been prosecuted and punished for such offenses? Please comment on the compatibility of the practice of blindfolding detainees, in particular during interrogation, with article 7 of the Covenant.

8. Reportedly, most prisons are overcrowded, resulting in the deterioration of conditions of detention, and an increase in prison violence and suicides.. Has there been an investigation of the prisons, and if so, with what results? What is the status of the draft Prisons Bill and has an inspector of prisons been appointed?

9. What has been the effect of the National Committee on Security Ethics (CNDS, **Commission nationale de déontologie de la sécurité**) in improving prison monitoring? What measures have been taken or are planned to guarantee a fully effective and independent monitoring mechanism?

#### **Prohibition of slavery (art. 8)**

10. Please provide detailed information on measures to combat the illicit trafficking of adults and children, including the problem of trafficking for sexual exploitation and child pornography, as well as for domestic and industrial work. What measures have been targeted against persons who use the services of trafficked persons, as well as those who conduct trafficking? What measures have been taken to rehabilitate victims and to guarantee respect for the fundamental rights of all victims of trafficking.

11. In French Polynesia, prisoners are reportedly hired out to private enterprises. Is compensation paid to the prisoners, and how is it assured that the prisoners are working voluntarily? Do such practices exist in any other French Overseas Territories?

#### **Liberty of the person and guarantees against retroactivity (arts. 9 and 15)**

12. A new statute, dated 25 February 2008, reportedly authorizes the indefinite detention of criminal defendants after they have finished serving their penal sentences, when they are declared to

be “dangerous”. The Conseil Constitutionnel has stated that this statute can have a retroactive effect. How is this consistent with articles 9 and 15 of the Covenant?

**Expulsion of aliens (art. 13)**

13. Please comment on reports that France has undertaken mass expulsions and deportations of undocumented aliens and asylum-seekers, preventing individual consideration of each case and claims for non-refoulement. Please provide detailed statistics on the number of expulsions over the last five years, the grounds for those expulsions and the procedural guarantees followed.

14. Please comment on reports that acts of violence have been committed by the border police (PAF) and by mobile anti-riot units during attempts to remove foreigners from French territory, and that alleged ill-treatment is often not followed up by the authorities. Please detailed information on the number of complaints and how they have been followed up over the last five years.

**Right to a fair trial (art. 14)**

15. Please provide detailed and updated information on the Judicial Review Commission and its examination of the independence of the prosecution service (State party report, paras. 45 and 46). Please comment on recent developments in judicial reform, in particular on the management of courts and access to justice, for both litigants and lawyers.

**Right to privacy, right to freedom of religion, opinion and expression,  
protection of the family (arts. 17, 18, 19 and 23)**

16. Please comment on restrictions impeding family reunification, including the immediate families of immigrants and others, as well as current and proposed methods of enforcement, including proposals for DNA testing. How are these measures compatible with articles 17 and 23 of the Covenant?

17. How does the State party assure that methods of monitoring alleged abuse of human rights by religious sects does not itself interfere with the freedom of religion? In this regard, please comment on the work of the Inter-ministerial Mission (MIVILUDES).

18. Please comment on the noticeable increase in anti-Semitic violence in France. What steps has the State party taken to curb anti-Semitism and prosecute acts of violence, as well as teaching tolerance in the public schools?

19. The Act of 15 March 2004 prohibits the wearing of “conspicuous” religious symbols and clothing in public schools and reportedly this exclusion has adversely affected students belonging to the Muslim, Jewish, and Sikh faiths. How is this law compatible with article 18 of the Covenant? Has the prohibition resulted in the loss of attendance by affected students, and if so, what other provision is made for their education?

#### **Protection of children (art. 24)**

20. Please provide information on measures taken to reduce the length of pretrial detention of juveniles, and to ensure legal aid to juveniles in all legal proceedings (see previous concluding observations, para.). Please provide statistics, from 2005 to the present, disaggregated by sex and age, on the number of juveniles in pretrial detention and the length of their detention.

#### **Right to take part in public affairs, non-discrimination, protection of minorities (arts. 25, 26 and 27)**

21. Please provide information on the situation and legal status of traditional minorities in France, including bilingual education and instruction.

22. Please comment on any circumstances in which persons born on French territory are reportedly not accorded French citizenship, including persons of North African origin. Does this lead to any cases of statelessness?

23. Please comment on difficulties in obtaining employment reportedly faced by persons with North African or Arabic names, including at a professional level. What remedies are available in cases of alleged discrimination?

24. Have any French citizens of the Muslim faith or of North African heritage been elected to the French National Assembly? If not, have there been any steps taken to diversify the membership of the legislative branch?

25. Please comment on the reported social phenomenon of “elite racism” – including the trivialization and legitimization of racist attitudes in political discourse and the press. What measures, if any, have been taken or are envisaged to counter these attitudes?

26. Recent legislation has increased penalties for racist, anti-Semitic and xenophobic violence (see Act No. 2003-88 of 3 February 2003) but reportedly this has had little impact on incidents of police violence that are alleged to be racially motivated. Please indicate the number of cases in which a charge of aggravating circumstances has been accepted in police violence cases since the Act entered into force.

27. Please provide detailed information on the “Espoir banlieue” plan and its modalities for reducing the inequalities and discrimination affecting French citizens of foreign origin and foreigners, who are allegedly subjected to de facto residential segregation in the suburbs of many cities.

**Dissemination of information relating to the Covenant and  
the Optional Protocol (art. 27)**

28. Please describe the measures taken to make the Covenant known to the public and government agencies. What steps were taken to involve the public and non-governmental organizations in the collection of information for the current report, and in its review by the Committee. Has the right of persons to utilize the complaint procedure of the first Optional Protocol also been publicized?

-----