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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

FRANCE

Addendum

**Response of France to the recommendations made during the
Universal Periodic Review on 14 May 2008***

* The present document was not edited before being sent to the United Nations translation services.

**RESPONSE OF FRANCE TO THE RECOMMENDATIONS MADE DURING
THE UNIVERSAL PERIODIC REVIEW ON 14 MAY 2008**

1. To complete the domestic process in order to ratify the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible (Albania)

1. The French Government is committed to completing the ratification of the aforementioned Convention as soon as possible. A bill authorizing the ratification of the Convention is currently under consideration by the French Parliament and will be considered by the Senate on 13 June.

2. *Comments:* French legislation will be amended to bring it into full conformity with France's obligations under the Convention, with a view in particular to: creating specific provisions criminalizing enforced disappearance during peacetime; criminalizing passive complicity in order to hold hierarchical superiors criminally liable; establishing a term of limitation which is "of long duration and is proportionate to the extreme seriousness of this offence" and extending the jurisdiction of the French courts (through the introduction of a near-universal jurisdiction clause).

2. To accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Egypt)

3. At present, France does not plan to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

4. *Comments:* A discussion involving all the relevant government departments was initiated in 2007 and will therefore continue. To date, two types of difficulty have been noted, namely, provisions that raise problems under French law, and major legal obstacles posed by Community jurisdiction with regard to migrant workers, arising from the fact that the Council of the European Union and, consequently, all member States, are competent to adopt measures on immigration and on the protection of the rights of third country nationals, in particular with regard to conditions of stay. Consequently, no State member of the European Union has signed the Convention to date.

5. Generally speaking, the Convention brings together principles already contained in other treaties, in particular the human rights covenants and conventions and those of the International Labour Organization (ILO) and the Council of Europe, which France has ratified and is currently implementing. These fundamental rights are therefore guaranteed in France, even though it has not ratified the Convention. This is the case, for instance, with regard to the right to emergency medical care, the right to education and enrolment in school, the right to equal remuneration and the right of review and to individual decisions in the event of expulsion. In this respect, it is worth mentioning the State medical aid system, which, combined with the practice of admitting any person in distress to the emergency wards of public hospitals, sets France above the minimum standard called for by the Convention. The same is true of the unconditional admission of all children to French schools and of compliance with the principle of "equal pay for equal work". Lastly, it should be noted that France has acceded to the Council of Europe's European Social Charter, the European Migrant Workers Convention and the ILO Migration for Employment Convention (Revised), 1949 (No. 97).

6. Nevertheless, France intends to participate actively in the international community's discussions on the issue of migrants, in particular in the context of the work of the forthcoming Manila forum.

3. To remove reservations and interpretative statements to the International Covenant on Civil and Political Rights (Russian Federation)

7. The French Government is in the process of amending its interpretative statement on article 14 (5) of the International Covenant on Civil and Political Rights.

8. *Comments:* Although the interpretative statement on article 14 (5) cannot be removed at this stage, the French Government intends to reduce its scope. This article provides that everyone convicted of a crime shall have the right of review by a higher tribunal. The statement on article 14 (5) of the Convention will be curtailed since decisions of assize courts in criminal matters may henceforth be appealed. The interpretative statement would thus be maintained only with regard to the reference to certain minor offences that are dealt with by police courts, although it should be recalled that the final decisions handed down by these courts can be brought for appeal before the Court of Cassation, on the one hand, and on the other that police courts have jurisdiction only over minor offences. The French Government is in the process of amending the interpretative statement.

9. France made an interpretative statement with reference to article 27 of the International Covenant on Civil and Political Rights because France does not recognize the concept of "ethnic, religious or linguistic minorities". Although the constitutional principles of equality among citizens and of the uniqueness of the "French people" do not confer collective rights upon any particular group on a community basis, the provisions of article 27 of the Covenant, including those on religious, linguistic and cultural freedom, are guaranteed to all citizens, without discrimination.

10. While the concept of specific rights for indigenous peoples is not recognized in French law, the State has long been able to integrate the local practices, customs and knowledge of overseas collectivities¹ in its policy of recognizing and protecting indigenous peoples. France's position does not exclude the right of indigenous peoples overseas to share their own culture with the other members of their group, to profess and practise their own religion or to use their own language. Specific actions and rules benefiting indigenous communities have gradually been introduced in order to take account of the geographical and customary realities of the French overseas collectivities. The particular constitutional framework of the overseas territories guarantees that specific local characteristics are taken into account.

11. The French authorities also refer to the response made to recommendations Nos. 6 and 11.

¹ The indigenous populations of the overseas collectivities are the Amerindians (French Guiana), the Polynesians (French Polynesia), the Melanesians (New Caledonia), the Mahorais (Mayotte), the Wallisians and Futunians (Wallis and Futuna).

12. Similarly, the general reservation with regard to the United Nations Charter and the statement on articles 19, 20 and 21 referring to the European Convention for the Protection of Human Rights and Fundamental Freedoms help to ensure that France's human rights treaty commitments are consistent.

13. Moreover, following a thorough review conducted by the services concerned, it does not appear possible to retract the statement on article 13 concerning expulsion. This particular statement is justified by the law applied in some overseas territorial collectivities. Nevertheless, it may be recalled that expulsion is always subject to numerous substantive and procedural guarantees consistent with human rights.

14. It also appears necessary to maintain France's reservation to articles 9 and 14 of the Covenant, in view of the rules governing the armed forces' disciplinary regime. Disciplinary measures against military personnel are restrictively listed and include short terms of imprisonment for minor offences. Because of the specific nature of the tasks carried out by the armed forces, a supervisor has the right and the duty to require that a military subordinate be punished for any unlawful acts or omissions.

4. To consider the possibility of withdrawing its reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (Cuba)

15. The Government agrees to review its interpretative statement concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

16. *Comments:* This statement will be reviewed in the context of the current preparation of France's seventeenth and nineteenth periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination, due in October 2008.

5. To include information on the implementation of the treaties in its overseas territories in its national reports to treaty bodies on a regular basis (Russian Federation)

17. France is committed to including information on treaty implementation in its overseas territories systematically in its reports to the treaty committees.

6. To make efforts to enforce existing anti-discrimination legislation more effectively, and consider compiling statistics on ethnic minority groups in order to assess the extent and causes of inequality and evaluate the effectiveness of measures in place to address it (United Kingdom)

18. The Government is working to improve implementation of anti-discrimination legislation.

19. *Comments:* Combating discrimination is a Government priority. On 27 May 2008 the French Parliament adopted the Act introducing various provisions to bring domestic legislation into line with Community anti-discrimination legislation. The objective of this Act is to promote equality between women and men and equal treatment of persons irrespective of racial or ethnic origin. In civil cases, it allows victims to establish evidence of discriminatory acts by

establishing an exception to the ordinary law with regard to the burden of proof. Organizations will be able to initiate legal action on behalf of individuals claiming to be victims of discrimination.

20. On average, 80 per cent of reported acts of discrimination were dealt with by the justice system in 2007. This figure reflects a significant increase. Training and awareness activities have been conducted, such as the development and dissemination of a methodological handbook for the use of all National Gendarmerie units. The Minister of Justice has requested all courts to create an anti-discrimination focal point in close contact with various organizations in order to encourage victims to come forward and voice their complaints. A specialized delegate of the prosecutor has been appointed in consultation with anti-discrimination organizations. While the Government must play a leading role in combating discrimination, it must do so in partnership. Two agreements have been signed with SOS Racisme and the International League against Racism and Anti-Semitism (LICRA) and an agreement on combating discrimination was signed between the directors-general of the National Gendarmerie and National Police and the High Authority to Combat Discrimination and Promote Equality (HALDE) in December 2007.

21. The Government recalls the Constitutional Council's decision of 15 November 2007 that "studies on the extent of diversity of origins, discrimination and integration may refer to objective data, but cannot be based [...] on ethnic origin or race [...]". In May 2007, the National Commission for Information Technology and Individual Liberties (CNIL) issued 10 recommendations in order to allow supervised research and studies on this subject. Ministry of Justice statistics on perpetrators, disaggregated by age, sex and nationality, are derived from the final judgements entered in the judicial record.

22. The French authorities also refer to the response made to recommendations Nos. 3 and 11.

7. To finalize all outstanding cases of discrimination that have occurred since 2006 (Indonesia)

23. France is committed to continuing to combat all forms of discrimination, through further efforts in all relevant areas (see recommendations Nos. 6 and 11).

8. To implement the recommendation of the Committee on the Elimination of Racial Discrimination to take all preventive measures to put an end to racist incidents involving members of security forces or other public officials (Guatemala)

24. The Government will increase its efforts to prevent all racist acts, including those which might be committed by the security forces or public officials.

25. *Comments:* Various measures are in place to prevent and suppress racist acts by members of the national security forces, police or gendarmerie. Such acts are not only prohibited by the applicable security forces regulations but are also severely punished under criminal law when enforcement of those rules is not effective. For example, the Directorate General of the National Gendarmerie (DGGN) consists of a general inspectorate which includes a technical inspectorate responsible for investigating any racist act that might be committed by military personnel. In addition, the prosecutor at the Military Court of Paris (TAP) is also responsible for prosecuting such acts if committed by military personnel operating outside the national territory.

26. The French authorities also refer to the response to recommendation No. 19.

9. To withdraw the declaration under article 124 of the Rome Statute of the International Criminal Court (Mexico)

27. The French Government has decided to withdraw the declaration on exemption provided for under article 124 of the Rome Statute.

10. To adopt a law banning incitement to religious and racial hatred (Egypt)

28. Article 24 of the Act of 29 July 1881 (amended by the Act of 1 July 1972) criminalizes all acts of incitement to discrimination, hatred or violence against an individual or group of individuals based on their membership or non-membership of a race or religion, committed through the press or any other public means of communication. Such acts are punishable by one year's imprisonment and a fine of €45,000.

11. To intensify its struggle against racism (Haiti)

29. The Government is committed to continuing its efforts to combat racism.

30. *Comments:* As stated previously, combating racism is a Government priority. Under French criminal law, harsher penalties are applicable to acts perpetrated with a racist, anti-Semitic or xenophobic motive. Prosecutors have been instructed to deal swiftly and severely with cases of anti-Semitism and racism, through various communications and circulars on the required judicial response to acts causing damage to, violating or desecrating graves or monuments in memory of the dead because of the ethnicity, nationality, race or religion of the deceased.

31. In 2007, 3,642 new cases of racism and anti-Semitism were registered with the courts. The response rate to reported racist and anti-Semitic offences increased to 77 per cent in 2007. French courts handed down a total of 264 judgements in 2007.

32. Training is given to judges through courses, talks and awareness-raising measures (handbook). In December 2006, the National School for the Judiciary in Paris organized a conference on contemporary manifestations of racism and anti-Semitism in France.

12. To consider its commitment in line with paragraph 101 of the Durban Declaration when addressing questions with respect to legislation and studies on colonialism and the slave trade, in particular with respect to overseas territories (Egypt)

33. France has undertaken to respect the Durban Declaration adopted at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa in August 2001, in particular paragraph 101 thereof on recognition of the suffering caused by colonialism and the slave trade, and has taken steps in order to do so.

34. *Comments:* Recent statutory changes have contributed to France's continuing efforts to ensure that the memory of the slave trade and slavery and the abolition thereof is not lost and to give slavery its proper place in education, in order to preserve and develop the heritage of the slave trade and slavery and bring it to the attention of the public.

35. In accordance with the Act of 21 May 2001, the French Republic recognizes that the transatlantic slave trade, the slave trade in the Indian Ocean and slavery perpetrated since the fifteenth century, especially against African peoples, constitute a crime against humanity. Under the same Act, school curriculums and research programmes in history and the humanities are required to give the slave trade and slavery due attention.

36. The abolition of slavery is commemorated in metropolitan France annually on 10 May. The Slavery Memorial Committee, which is responsible for the implementation of the 2001 Act, is tasked with proposing educational and awareness-raising programmes in schools and research programmes in history and the humanities to the Minister of National Education and the Minister of Higher Education and Research on the subject of the slave trade and slavery. The Committee also submits an annual report, which is published, to the Prime Minister on actions taken to commemorate and raise awareness of slavery.

13. To take effective measures to eliminate all forms of discrimination against immigrant women in accessing basic social services (South Africa)

37. France has implemented a mechanism to protect women's rights, to combat discrimination and, in particular, to ensure that immigrant women can exercise their rights. To this end, legislation containing various anti-discrimination provisions in compliance with Community law was enacted on 27 May.

38. *Comments:* France has developed a fully comprehensive legal framework to protect women from discriminatory attitudes and practices. Moreover, HALDE, which is an independent administrative authority, was created specifically in order to strengthen implementation of anti-discrimination legislation. The above-mentioned Act of 27 May prohibits discrimination with regard to social security, health, welfare benefits, education, and access to or the provision of goods and services.

39. The Government also takes affirmative action in favour of immigrant women and women from immigrant backgrounds on French territory in three main areas, namely, improving their access to justice, combating violence against them and affirmative action in their favour with regard to education and employment (by training State employment officials to combat double discrimination, and by raising employers' awareness).

14. To systematically and continuously integrate a gender perspective in the follow-up to the universal periodic review (Slovenia)

40. France will incorporate a gender perspective in the follow-up to the universal periodic review.

15. To adopt further measures, with reference to the principle of non-refoulement, to ensure granting possible requests of the Committee against Torture for interim measures in individual cases aimed at preventing the breach of provisions of the Convention against Torture (Czech Republic)

41. The French authorities refer to the response made to recommendation No. 16.

16. To make effective efforts to respect its international obligations not to forcibly return any individual to a country where he or she may be at risk of serious human rights violations, including torture or other ill-treatment (Netherlands)

42. The French authorities are aware of the stakes involved in this issue and consider the risks of return with great care. They raised the issue in the national report in order to deepen the continuing dialogue between the Ministry of Foreign and European Affairs, the Ministry of the Interior, Overseas France and Local Authorities and the Ministry of Immigration, Integration, Citizenship and Co-Development regarding case-by-case consideration of expulsions of individuals to their countries in the event that such expulsions could be described as “dangerous” for them, in accordance with France’s obligations in that regard, particularly in connection with requests from the treaty committees for interim measures.

43. *Comments:* Under the supervision of a judge, the administrative authority makes a thorough review of the situation in cases where risk has been alleged. The review takes into account the general human rights situation in the receiving country, the situation of particular vulnerable groups if the alien claims membership of those groups and, also, the alien’s personal situation. In any case, the French authorities do not resort to “diplomatic assurances” and have not sent an alien to a country where it was ascertained that the individual concerned would have been subjected to prohibited treatment. In addition, an administrative judge, to whom a case may be referred in the event of an appeal with suspensive effect, has full control over the allegations and may reverse the decision concerning the destination country if it appears to be contrary to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

17. To avoid experiments on detainees with electric impulsion weapons provoking acute pain, which can constitute a form of torture, in penitentiaries (Côte d’Ivoire)

44. The Government recalls that no experiments are carried out on detainees. In the course of two years, no electroshock weapons have been used by prison staff on detainees. The Government will continue, however, to train qualified prison staff in the use of such weapons in order to prevent their possible misuse.

45. *Comments:* France authorized the use of electroshock weapons in two prisons and then in two overseas prisons for an initial period of six months, which was subsequently extended. These weapons are also available to regional intervention and security teams (ERIS), which, since April 2006, may be brought in to intervene in serious crises such as riots. The use of electroshock weapons is strictly regulated and prison staff are trained and authorized to use them. The initial six-month trial period was subsequently extended.

46. In general, including outside the prison context, a number of regularly-updated instructions recall that this type of weapon may be used only against violent and dangerous individuals in the context of apprehending offenders in flagrante delicto. These instructions also specify that electroshock weapons are on the European list of equipment which, if misused or abused, may lead to cases of cruel, inhuman or degrading treatment. The use of these weapons, which have the advantage of avoiding the use of lethal weapons, is monitored and tracked on a regular basis in order to avoid irregularities.

18. To set up an independent commission to monitor and identify cases of torture and ill-treatment perpetrated by law enforcement officials (Indonesia)

47. France has established independent monitoring bodies responsible for identifying cases of torture and ill-treatment by the security forces.

48. *Comments:* Because the internal security forces are responsible for law enforcement and are authorized to use legitimate force, they are one of the most closely monitored public services, subject to both external and internal controls. Numerous external control mechanisms have been established. First, it should be noted that police officers who have committed criminal offences are prosecuted. In addition, France has established independent administrative authorities tasked specifically with protecting human rights. These include the National Commission on Security Ethics (CNDS), which is authorized to refer cases to the authorities and may propose amendments to the legislation or regulations within its jurisdiction to the Government. Other cases of unlawful police violence of which the Government is aware are also referred to CNDS. Furthermore, a Comptroller General of places of deprivation of liberty was also established in implementation of the Optional Protocol to the Convention against Torture. This authority, whose task is “to monitor the conditions of admission and transfer of persons deprived of liberty in order to ensure that their fundamental rights are respected”, may receive referrals from “any natural or legal person seeking to ensure respect for fundamental rights”.

49. It should be added that respect for human rights in France can be monitored by a number of international mechanisms, whether by a court such as the European Court of Human Rights, by independent committees, such as the Committee against Torture, which conduct regular inspections in France, or by the European Commissioner for Human Rights.

50. Lastly, respect for fundamental rights is monitored internally through the hierarchical structure and through specific bodies, such as the Office of the Inspector General of the National Police (IGPN) and the Office of the Inspector General of the National Gendarmerie (IGGN).

19. To increase human rights training for law enforcement officials in response to reports of excessive use of force, notably in detention centres and holding areas for migrants (United Kingdom)

51. The French authorities are fully aware of the way in which individuals who are arrested, held in police custody or otherwise deprived of liberty must be treated and of the conditions that apply when an alien is expelled, and they are committed to strengthening their efforts in this respect.

52. *Comments:* Considerable attention is paid to three main principles set out in the law enforcement services’ code of ethics and practical guide to ethics, namely: absolute respect for persons, irrespective of their nationality or origin; the use of strictly necessary and proportionate force; and the protection and respect for the dignity of detainees. Respect for these principles was recently re-emphasized in a circular from the Minister of the Interior in 2003, the new general regulations applying to the National Police (2006) and the National Police Master Plan 2008-2012.

53. With this in mind, the French authorities are organizing a specialized training course that will ensure close supervision and will impose strict penalties in all cases of proven misconduct. The ethical component of training has been strengthened since 1999, with particular emphasis on the principle of respect for the dignity of all persons and the prohibition of ill-treatment. CNDS and HALDE take part in joint training courses. Special attention is also given to training in professional methods of intervention incorporating the principles mentioned above, in particular with regard to procedures for the expulsion of aliens. Specific courses can also be arranged, such as the course that was held on the theme "Police officers and diversity". Alongside training, emphasis is placed on the supervision of staff by their superiors and, in particular, by the inspection unit responsible for monitoring conditions of arrest and detention. Training for officers and non-commissioned officers in the French Armed Forces and the National Gendarmerie includes an ethics and professional conduct component. The same applies to the military personnel of the Gendarmerie. Any police officer who breaks the law or departs from ethical rules is subject to both criminal and disciplinary penalties. Of the 3,228 disciplinary sanctions imposed on police officers in 2006, 114 (3.5 per cent) were related to proven assaults. Of those 114 cases, 8 led to dismissal or the equivalent.

54. With regard to the treatment of foreigners in administrative detention centres (CRAs), which are the responsibility of the National Gendarmerie, apart from the fact that close supervision and military discipline are likely to deter unlawful acts, it may be pointed out that a representative of the non-governmental organization Ecumenical Assistance Group (CIMADE) is in attendance at each centre and may report any violation affecting foreign detainees. The presence of CIMADE representatives in the centres is provided for under the 1984 Convention.

20. To introduce automatic prosecution for all acts of domestic violence, if this is not already done (Switzerland)

55. Although the Government does not plan to introduce a system of automatic prosecution for all acts of domestic violence, victims' needs can satisfactorily be met through the judicial system.

56. *Comments:* Judicial inquiries are led by the public prosecutor, who also verifies that they are legal. Once an inquiry is closed, the public prosecutor determines whether prosecution is appropriate. The status of the members of the Public Prosecutor's Office, who are judges and not civil servants, guarantees that they exercise their powers objectively. This procedure contributes to adapting judicial treatment to individual cases. This principle does not affect the right of victims to take legal action; they may lodge an appeal against a decision to discontinue proceedings with the competent chief public prosecutor. Importantly, victims can also initiate proceedings. Suing for damages gives access to a number of rights, including the right to be party to the examination proceedings (and thus to receive information but also to appeal some of the examining judge's decisions) or to criminal proceedings in order to defend their interests and obtain redress.

57. In order to ensure the defence of victims of domestic violence, including foreign nationals, they are made eligible for full legal aid without means testing in order to provide them with the means to defend themselves, on account of the circumstances in which the violence has been committed.

21. To take into account the concerns of the Special Rapporteur on violence against women regarding the absence of an agency in charge of gathering information on violence against women, particularly regarding homicides in the context of family violence (Switzerland)

58. The French authorities are continuing efforts to develop statistics on homicides resulting from domestic violence.

59. *Comments:* Ministry of Justice statistics are based on final convictions recorded in the judicial record and include domestic violence statistics. With respect to criminal cases, in 2006 there were nine convictions for violence causing the unpremeditated death of a spouse and two convictions for violence leading to permanent disability. Although it was not possible to isolate convictions for homicide resulting from domestic violence prior to 2006, this will be possible from 2008 onwards. Although statistics on perpetrators can be disaggregated by sex, at present it is not possible to do so with statistics on victims.

22. To respond to the communication by the Special Rapporteur on the protection of human rights while countering terrorism dated 26 April 2006 (Mexico)

60. The Government undertakes to respond swiftly to the Special Rapporteur's request for information.

61. *Comments:* The Special Rapporteur's request for information is being processed. A response is being prepared and will be transmitted in July 2008.

23. To report back to the Human Rights Council about further concrete measures taken with regard to the improvement of prison conditions according to international standards, and that the recommendations of the different treaty bodies in this regard be implemented as soon as possible (Netherlands)

62. The Government acknowledges the difficulties of the current situation. It has recently taken measures to amend domestic legislation in accordance with its commitments; it is continuing its efforts in accordance with international standards and will include the issue of prison conditions in the follow-up to the recommendations of the universal periodic review.

63. *Comments:* The Act of 30 October 2007 established the Comptroller General of places of deprivation of liberty, as a sole, independent authority with jurisdiction over 5,000 places of detention (administrative detention centres, holding areas, penitentiaries, closed educational centres, hospital psychiatric wings, police custody facilities, etc.). The €2.5 million budget was approved in the 2008 Finance Act. The Comptroller was appointed by a Council of Ministers decree on 12 June 2008 for a renewable mandate of six years.

64. Other measures have recently been taken:

(a) The European Prison Rules adopted by the Council of Europe Committee of Ministers in 2006 are a charter for action and provide an ethical framework for prison administration. Compliance with prison rules is a priority, as regards both modernization policy and professional practices;

(b) Warders undergo an initial training period of 22 weeks, during which they receive awareness training in ethical and human rights.

65. The French authorities also refer to the response to recommendation No. 24.

24. To take additional measures, if not already taken, to reduce the time frame for the process of improving conditions in places of detention (Sweden)

66. The Government is pursuing an active policy to improve detention conditions and will continue to do so.

67. *Comments:* A Prison Bill is currently being prepared. It should be noted that not all prisons are affected by overcrowding: there is no problem in penitentiaries and only some remand centres are affected. There is considerable overcrowding at 16 sites, affecting 3,400 detainees (5.6 per cent of the prison population). At present, there are 50,746 places for 63,645 inmates (at 1 May 2008). The average prison occupancy rate is 125.4 per cent, while in remand centres the rate rises to 142.5 per cent.

68. The prison system faces difficulties because prison stock is old and sometimes dilapidated. The Government is committed to two main courses of action to combat overpopulation, namely to:

(a) Modernize and expand prison stock. In 2012, by which time 22 new establishments will be operational and 16 remand centres will have been closed, 50 per cent of inmates will be housed in facilities brought into operation since 1990;

(b) Develop alternative sentences more rapidly than the prison population is increasing (such as day parole, electronic tagging, work release and parole). Alternative sentences now concern 11.8 per cent of convicted detainees, as against 7.3 per cent in May 2005.

69. The French authorities also refer to the response to recommendation No. 23.

25. To pursue efforts to foster social integration and reinsertion of recidivist minors (Switzerland)

70. The Government is committed to continuing its efforts to promote social integration and the rehabilitation of juvenile repeat offenders.

71. *Comments:* Social integration is a major element of government policy to prevent recidivism. In that context, the day activity scheme was introduced for minors under judicial review. It aims to create or re-establish the conditions under which a minor can return to school or work, or gain access to employment. The scheme is available to those who do not fit into the general training schemes. The Ministry of Justice has also implemented a number of judicial measures to address the issue of juvenile delinquency, such as community service, citizenship training and criminal compensation measures. The Ministry of Defence has created "Defence - Second Chance" centres to rehabilitate young offenders and reintegrate them into society. These centres have been established to help young people who are being marginalized to learn how to

live as part of the community while pursuing training leading to qualifications. For its part, the National Gendarmerie has created juvenile delinquency prevention squads (BPDJ) in all departments of France in order to prevent offences committed by and against minors.

26. To remove the prohibition on wearing the hijab in public schools (Canada); review the law which prohibits the wearing of clothing denoting religious affiliation in schools (Bangladesh)

72. The Government does not at this stage plan to review Act No. 2004-228 of 15 March 2004 concerning the wearing of symbols or clothing indicating religious affiliation in State primary, middle and secondary schools, in application of the principle of secularism. However, it continues to monitor implementation of the Act closely.

73. *Comments:* The Constitutional principle of secularism recognizes the right of every person to worship and to join with others to worship. The French Republic guarantees freedom of worship but does not recognize any religion in particular. It guarantees and ensures compliance with freedom to believe or not to believe, which is one aspect of that right, and ensures that the State is neutral.

74. The Act of 15 March 2004 aims to reaffirm the principle of secularism, which guarantees freedom of religion or belief, by ensuring the freedom of all to express and peacefully live their faith and to practise their religion. It also aims to avoid any discrimination, in particular against girls, in all school activities. The Act was adopted after wide-scale public debate, led by an independent commission. Only conspicuous religious symbols, namely, symbols and clothing the wearing of which amounts to excessive religious proselytizing, are prohibited. Discreet symbols of religious affiliation are, however, permitted. Priority is given to dialogue and a pedagogical approach. In extreme cases, exclusion from school does not deprive those concerned of the right to education, as they still have the option of studying at home or enrolling in private religious or non-religious establishments.

75. The main provisions of the Act have now met with broad consensus, leading to the conclusion that they have not resulted in an increase in Islamophobia or stigmatization of the headscarf. Since the entry into force of the Act, administrative tribunals have issued 31 rulings, all of which have rejected appeals for the revocation of final decisions to exclude pupils pursuant to the Act. There are no other rulings currently pending before the administrative tribunals. The application of the Act was accompanied by a wide-scale information, discussion and mediation campaign, which explains the small number of court cases.

27. To execute the procedures for family reunification of recognized refugees be executed with utmost speed to ensure the protection of family life of the persons concerned (Czech Republic)

76. France is committed to improving its administrative procedures in order to reduce the duration of family reunification procedures.

28. To adopt programmes and specific measures to ensure the protection of economic, social and cultural rights of all components of society (Egypt)

77. Government policy as a whole includes economic, social and cultural rights and aims to realize these rights more fully for all sectors of society. For this reason, it is actively committed to the International Covenant on Economic, Social and Cultural Rights.

29. To review its position on the recognition of the rights of minorities and begin collecting data on the socio-economic status of the population, disaggregated by ethnic identity, confession and gender, in order to identify social problems affecting ethnic and religious minorities (Canada); to actively consider reviewing its position on minorities by recognizing and protecting them as minority groups (India)

78. France does not plan to review its position on the legal status of minorities in France.

79. *Comments:* Since the French Constitution (in article 1) provides that “France shall be an indivisible, secular, democratic and social republic. It shall ensure the equality of all citizens before the law, without distinctions on grounds of origin, race or religion”, and that the language of the Republic is French, French law cannot grant additional rights to groups that it does not recognize as having particular status. France has always held that members of minorities should enjoy all human rights fully but that collective rights should not be granted to particular groups or communities identified on the basis of ethnic, cultural or religious criteria, particularly in view of the difficulty of defining such communities. Policies to combat poverty, exclusion and discrimination aimed at vulnerable populations are based on criteria other than ethnic, religious or racial criteria.

80. For the record, a draft bill on constitutional reform that also deals with the status of regional languages is currently under consideration and France has undertaken to accede to the European Charter for Regional and Minority Languages.

81. The French authorities also refer to the response to recommendation No. 3.

30. To actively consider undertaking more aggressive strategies to increase the number of people with immigrant heritage in the public service, particularly the police, civil service and the judiciary, in order to better reflect the broad diversity within France (India)

82. France will continue and increase its efforts to promote access by persons of foreign origin to the civil service, particularly among the most disadvantaged.

83. *Comments:* As part of its policy of restoring equality of opportunity, the Government wishes to diversify the social background of judges and officials and is gradually opening preparatory classes to allow candidates of modest means, including those of foreign origin, to prepare for entrance examinations to the *grandes écoles*. Applications are selected by a committee on the basis of particular social criteria and the motivation, geographic origin and academic results of the applicant. Preparatory classes have been and will be opened to allow candidates of modest means to prepare for the entrance examinations to Ministry of Justice schools, the National Training Centre for the Judicial Protection of Youth (CNFPJJ), the

National School of Prison Administration (ENAP), National School for Court Clerks, and the National School for the Judiciary (ENM). The Ministry of Defence also aims to make at least 10 per cent of places in military schools available to young people from disadvantaged areas. Moreover, the agreement concluded between HALDE and the National Gendarmerie and National Police in 2007 focuses on diversified recruitment.

31. To give central attention to the consideration of human rights in the elaboration of a European Pact on Migration and to ensure that in its implementation all human rights are guaranteed for migrants regardless of their status (Mexico)

84. France undertakes to consider the promotion and protection of human rights in the process of developing the European Pact on Immigration and Asylum.

85. *Comments:* The next French presidency of the European Union will propose the adoption of a European Pact on Immigration and Asylum to its partners. The text, which will be political, will set out a series of common commitments, rules and controls aimed at enhancing the coherence and effectiveness of the migration policies pursued by member States and by the European Union. France confirms that the pact will be fully compliant with the norms of international law, in particular with those relating to human rights, the dignity of the human person, and refugees.

32. To continue its efforts to protect the rights of all migrants, regardless of their situation and status (Cuba)

86. France will continue to strengthen and improve the protection of migrants' rights, in particular the fundamental rights that they enjoy irrespective of their position or status.

87. *Comments:* The French authorities also refer to the response to recommendation No. 3.

33. To consider how best the specific needs of individuals belonging to minorities could be addressed in order to ensure their equal enjoyment of all human rights, as provided for in the Constitution (Austria); to find effective ways of realizing the rights of individuals belonging to ethnic, religious and linguistic minorities (Russian Federation)

88. France is committed to continuing to develop and improve the protection of individuals belonging to minorities, in accordance with the Constitution.

89. *Comments:* The French authorities also refer to the response to recommendations Nos. 3, 6, 11 and 29.
