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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 2546th MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 10 July 2008, at 10 a.m.

Chairperson: Mr. RIVAS POSADA

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 40 OF THE COVENANT (continued)

Fourth periodic report of France (continued) (CCPR/C/FRA/4)

1. At the invitation of the Chairperson, the members of the French delegation resumed their places at the Committee table.
2. The CHAIRPERSON invited the delegation to respond to the supplementary questions raised by the Committee at the previous meeting.
3. Ms. BELLARD (France), referring to the request for more information on specific cases in which the Covenant had been invoked, said that it was frequently invoked before, and its effects recognized by, administrative tribunals and the courts. The principle of non-retroactivity of criminal law under article 15 of the Covenant was often invoked in customs matters in particular. She also cited cases invoking articles 7, 9, 12 and 26 referred to in the written replies to the list of issues (CCPR/C/FRA/Q/4/Add.1, paras. 9 and 10). Her delegation could if necessary provide many more examples of cases in which other provisions had been invoked.
4. Mr. PETRAZ (France), referring to the question asked about police violence, emphasized the considerable efforts made to provide human rights training to police officers. He referred the Committee to paragraphs 71 to 75 of the written replies. In 2005, the General Inspectorate of the National Police had dealt with 663 allegations of violence, 565 of them involving minor assault. In 2006, of the 639 allegations, 548 had involved minor assault. In 2007, of the 682 allegations, 604 had involved minor assault. Those figures reflected a positive trend, since they pointed to a significant decrease in the severity of alleged acts of violence while the number of prosecutions and persons on remand had increased substantially.
5. Concerning the monitoring of allegations of violence during deportations, the annual reports of the National Committee on Security Ethics between 2001 and 2007 mentioned only 14 cases involving alleged breaches of ethics or inappropriate actions by law enforcement officials during removal operations. The instruction of 17 June 2003 of the Director-General of the National Police on the removal of illegal aliens by air set out very precise conditions in which force could be used. Officers authorized to conduct removal operations were specially trained to take into consideration such factors as proportionality and the state of health of the person concerned and were frequently reminded of their obligations.
6. The number of disciplinary measures imposed on law enforcement officials for breaches of the law and ethics had increased in recent years; the breaches had included: 96 cases of unlawful use of force in 2005, 114 in 2006 and 153 in 2007. In 2005, 16 cases had resulted in the dismissal of the officer in question, 8 in 2006 and 15 in 2007. Thus, the number of penalties against such acts had risen significantly, whereas the number of allegations of such abuse had increased only slightly, which showed heightened vigilance concerning police violence.

7. Ms. DOUBLET (France) said that French law prohibited the removal of a person to a country where there were substantial grounds for believing that he or she would be in danger of being subjected to torture, in accordance with the Convention against Torture. There was no derogation of the law, regardless of the accusation against the person, including involvement in terrorist activities, or whether the person's application for asylum had been rejected. Once a person alleged the risk of such treatment, an administrative tribunal conducted an in-depth investigation which took into account the human rights situation of the country concerned. The background of the individual or group and their relationship with the relevant authorities of the country in question were also taken into account. They could be removed only when there were no grounds for believing that there was a risk of ill-treatment upon return. Furthermore, the administrative tribunal exercised extensive oversight over any deportation measure. When the tribunal set aside such a measure the person subject to removal was assigned a place of residence for as long as the threat persisted.

8. Mr. de CROONE (France), recalling that every person living legally in France must have a valid residence permit, said that those who did not meet the criteria for a permit remained in the country at their own risk. Nevertheless, the conditions for granting residence permits were comparatively generous and took into careful consideration the family situation of applicants. While the number of persons escorted to the border between 2005 and 2007 had increased from approximately 10,000 to 25,000, it was estimated that some 300,000 to 500,000 foreign nationals were living illegally in France.

9. The newly established Ministry of Immigration, Integration, National Identity and Mutually-Supportive Development had proposed a policy of opening up the labour market, which had been closed to foreign workers since 1974, in areas in which there was insufficient supply. It was not correct to say that foreigners were doing work which French people were unwilling to do. Citizens of the new States members of the European Union greatly benefited from the opening of the French market, as did countries with which the Government had concluded bilateral agreements, notably Benin.

10. There had been cases of couples who had been separated because a spouse residing unlawfully in France had been removed. The family members of such persons were given financial assistance, if necessary, to accompany them. The decision to escort a person to the border was made on a case-by-case basis. An administrative tribunal could rescind such a decision in view of a family's situation, including length of time spent in France and the children's welfare and school enrolment.

11. Ms. BELLIARD (France) said that such matters were also monitored by the European Court of Human Rights, which was currently reviewing a number of cases.

12. Ms. TISSIER (France) said that police custody in matters relating to terrorism and organized crime must not exceed four days. The accused person was immediately informed of the charges against him and of the right of access to a doctor, lawyer and family members. The lawyer of a person in police custody was not present with his client during the first 72 hours of the initial police investigation of the case. The lawyer's presence involved contacting his client during the first hour in ordinary cases or later in cases of terrorism or drug-trafficking to

ensure that the detainee was informed of his rights and the police custody was taking place correctly. The lawyer intervened only after 72 hours in cases of terrorism and organized crime, as that was the period when suspects faced the greatest threat of intimidation. Police violence had not been reported in cases of terrorism, drug-trafficking and other serious offences, which involved investigators with extensive experience.

13. Concerning pretrial detention, when it followed police custody the public prosecutor referred the case to an investigating judge, who interviewed the accused in the company of his lawyer. The lawyer would then be present at every stage of the proceedings and have access to the case file. The judge informed the accused of the facts of the case as submitted to him and decided whether to prefer charges only after hearing the accused and the lawyer. If charges were preferred, the accused was informed of the grounds therefor. The judge could then decide to release the accused, to place him under judicial supervision, which might involve the surrender of his passport or an order not to meet with a specific person, such as the victim, or to place him in pretrial detention. In that event, the investigating judge submitted a substantiated request to the judge responsible for decisions on release or detention (juge de la liberté et de la détention). After a hearing, which was often public, involving the prosecutor's office, the accused and the lawyer, the court decided whether to place the accused in pretrial detention. The accused was entitled to appeal the decision and could file as many appeals for release during detention as he wished. Those appeals were referred back to the investigating judge. If they were refused, they were submitted to the juge de la liberté et de la détention, who ultimately decided whether to detain the accused. Any decision by the latter judge could be appealed to a division of the Court of Appeal. Even if the detainee did not request release, his situation was reviewed every 6 to 12 months according to the seriousness of the offence and he was given a full hearing.

14. She acknowledged that the pretrial detention process could be long, especially when the case involved extensive criminal networks. In such cases, efforts were made to dismantle the networks rather than simply prosecute the person who had been caught. However, each case was considered very carefully and very lengthy pretrial proceedings were rare. Statistics showed that proceedings were becoming shorter. France had a commission which awarded compensation to persons who were wrongly detained.

15. She noted with surprise the question raised concerning persons blindfolded under interrogation. The delegation had replied hypothetically that a person might be blindfolded to protect his or her privacy at the time of arrest, especially in cases which received wide media coverage. There were no known cases of any person being interrogated blindfolded, which would constitute ethically and professionally incorrect behaviour. She would be grateful if the Committee would inform the French judicial authorities immediately if it learned of any such cases.

16. With respect to the issue of secure detention (rétenion de sûreté), which enabled persons such as paedophile sex offenders to be placed in a secure medical centre after serving their sentence, society no longer tolerated subsequent offences of that nature. It was not a penalty but a security measure, which the Constitutional Council recognized as exceptional, as it could entail deprivation of freedom. The measure reflected the decision by the assize court which had handed down the original minimum sentence of 15 years' imprisonment. That decision provided for a review of the sentence at the end of the term if necessary. The process involved a psychological

examination and a multidisciplinary review, which assessed the threat posed by the person concerned. Following those examinations, a commission proposed the security measures to be taken. A court composed of appellate judges handed down a decision, which was also subject to appeal. That decision was reviewed every two years. The prisoner was entitled to request the lifting of the security measure at any time.

17. Ms. BELLIARD (France), referring to the question raised concerning burglary, said that a prison investigation was immediately launched whenever such a complaint was filed. The Government was making every effort to improve prison conditions and modify penalties, including the introduction of electronic tagging and other parole measures. The prison reform bill submitted in June 2008 would help to bring about such reduced sentencing. She referred members to paragraphs 189 to 204 of the report (CCPR/C/FRA/4).

18. Mr. LALLAH noted with satisfaction the replies to his question whether persons in secure detention enjoyed the right to a hearing and an appeal. Reverting to his question relating to the repeated burglary of a detainee, he said it was reasonable to assume, given that nothing had been done in the three burglary cases to date, that the person in question might be a victim again. Many countries, including France, had special protection measures for high-profile persons. He therefore enquired whether any such measures were envisaged.

19. Sir Nigel RODLEY asked what measures were in place to rehabilitate defendants declared to be “dangerous” in order to avert the need to detain them indefinitely. He wished to know what bodies had received complaints about police violence, and by what means. He was particularly concerned that the National Committee on Security Ethics (CNDS) was difficult to access in order to file complaints. It had been reported that those wishing to file complaints against the police were often threatened with the counter-deposition of criminal defamation complaints. He wished to know whether that was the case and, if so, whether it deterred people from filing complaints.

20. Turning to the issue of deportation, he welcomed the fact that French law encompassed the principle of non-refoulement but was concerned that, in some cases, persons were being returned to countries where torture occurred systematically. He asked whether post-deportation monitoring measures were taken to ensure the safety of deportees in the countries to which they had been returned.

21. On the question of the possibility of 72 hours’ detention without access to a lawyer, he understood the risk of suspects being subjected to external influences, but the Committee was concerned that suspects could also be vulnerable to internal threats during that time. He therefore wished to know whether there was some other means, external to the detaining authority, which had been established to ensure that the 72-hour isolation period was not abused in any way.

22. As to prolonged provisional detention, the Government’s reasoning that provisional detention could last up to four years if a suspect was part of a criminal group or network (since there was a need not only to bring the individual to justice but also to deal with the rest of the network) suggested that suspects could be kept in prolonged pretrial detention for reasons separate from the case against them. He requested further clarification from the delegation on that point.

23. Ms. WEDGWOOD, speaking on the question of prolonged provisional detention, asked whether reinforced suspicion, which was the basis for such detention, constituted not a prima facie case against the suspect, but rather a probable cause that was not sufficient for a judge to make a conviction. She wished to know whether a lawyer had to be present during any encounter between a detainee and an investigating judge, and whether the detainee could have a lawyer appointed at no cost in the event that he was unable to pay legal fees. Could prolonged provisional detention for reasons of reinforced suspicion be considered compatible with article 9 of the Covenant? On the issue of post-sentence security detention, she asked whether the possible continuation of detention beyond 15 years had to be ordered by the judge in the original sentence.

24. On the return of illegal immigrants, she expressed concern about the use of annual return quotas, and about the use of accelerated return procedures to safe countries, whereby returnees did not have time to appeal the decision to deport them until after they had returned to their country of origin. The countries considered safe for accelerated procedures included Algeria, Mali, Senegal and Niger, where there had been problems of forced marriage, torture, states of emergency and official corruption. She would appreciate further comments from the Government on that question. In some overseas territories, including Mayotte, Guyana and Guadeloupe, there was no recourse to appeal for returnees, and people could be expelled summarily. The Committee had been informed about children being expelled without their parents; she wished to know what measures were being taken in that regard.

25. Ms. TISSIER (France) said that the continued detention of dangerous persons after they had served their sentences reflected a failure to rehabilitate them. If prisoners were kept in detention after the sentence, they would be moved to a specialized institution for rehabilitation, in the hope that they could subsequently be reintegrated into society.

26. Complaints of police violence were filed with the police or the procurator's office, rather than with the CNDS. Complaints against the police could be filed in the same way as complaints against any other individual. Access to the CNDS was limited by a filter system whereby that body only received complaints of a very serious nature. She did not believe that there was a risk of criminal defamation threats when filing complaints about police behaviour.

27. Prolonged provisional detention of an individual during investigation of the criminal network to which he allegedly belonged was necessary in order to establish the context of his offences and level of responsibility. The entire network must therefore be uncovered before the individual could be brought to justice. Reinforced suspicion was not merely a feeling that a person was guilty of having committed an offence, but rather a suspicion substantiated by facts collected by the investigating judge, which would be submitted to the court as evidence. The presence of a lawyer during questioning was obligatory from the outset of a judicial investigation. If the suspect could not afford to pay for counsel, a lawyer would be officially assigned. Adult suspects had the right to refuse the assistance of a lawyer.

28. Two judicial decisions were required in order to detain a prisoner beyond the end of sentence; the first was included in the original sentence, and ensured the possibility of detention after the sentence; the second was made by a group of three judges at the end of the sentence and was subject to appeal.

29. Ms. BELLIARD (France), referring to an earlier question, said that all asylum applications were considered on a case-by-case basis.

30. Ms. DOUBLET (France) said that quotas formed part of targeted management programmes that were used in a number of sectors. Care was taken to ensure that regulations were complied with when fulfilling quotas. The 25,000 deportations that had taken place in 2007 included assisted returns. In the overseas territories, including Guyana and Guadeloupe, where the possibility of deferring a deportation order was not systematic, aliens had the right to request such a deferral. On the question of children being expelled without their parents, the deportation of children was absolutely prohibited under French law. While it was possible that minors arriving in France unaccompanied could be refused entry, border police were obliged to check that someone was available to meet the returned minor on arrival in the country of origin.

31. Mr. de CROONE (France) said that while the overseas territories were able to derogate from certain provisions of French law, which meant that in some territories there was no systematic deferral procedure for deportation, those derogations were monitored closely. Mayotte, Guyana and Guadeloupe were severely affected by immigration. As many as 50 per cent of the population of Mayotte were illegal immigrants. Up to 400 illegals arrived in Mayotte every day in small boats from the Comoros. A radar detection system had been established to intercept those boats before their arrival and force them to return. For the return journey to the Comoros, minors aboard those boats remained under the care of those who had been responsible for them during the outward journey.

32. Ms. BELLIARD (France) drew attention to her Government's written replies to questions 15-28 of the Committee's list of issues, as contained in document CCPR/C/FRA/Q/4/Add.1.

33. Ms. MOTOC requested further information on reports that immigrant DNA test data were exchanged with other databases, including offender databases. She wished to know how the DNA test was used to reunite families, how it was used in other domains and how the right of immigrants to family reintegration was being respected.

34. Although the delegation had replied to general questions on racism and anti-Semitism, it had not addressed the specific issue of "elitist racism", which was tolerated in that it was not prosecuted or punished in France. She wished to know how statements that were in fact racist could go unpunished and wondered whether the delegation considered the issue to fall within a broader interpretation of the right to freedom of expression.

35. She requested further information on the legislation adopted in 2003 increasing penalties for racist motivation as an aggravating circumstance, and asked whether the delegation considered that the legislation had produced a change of attitude or had a tangible impact on preventing racially motivated incidents of police violence.

36. With regard to articles 26 and 27 of the Covenant, she wished to learn more about the measures taken under the Espoir banlieue plan to end discrimination against immigrants and how that plan would be brought into line with measures taken at the European level.

37. Sir Nigel RODLEY requested the delegation to respond to his earlier question on the treatment of fatal police shootings, in view of the alleged reluctance to prosecute, convict or sentence appropriately in such cases.

38. In connection with question 17, the delegation's statement that the concept of a sect was alien to French law appeared paradoxical, as the Inter-ministerial Mission for Monitoring and Combating Cultic Deviances (Mission interministérielle de vigilance et de lutte contre les dérives sectaires) (MIVILUDES) existed precisely to counter the influence of sects. Although from a substantive point of view it was difficult to properly categorize sects, Governments faced real problems: there was a need to protect the public from abuses by some religious groups and, consequently, to monitor, observe and analyse their activities. He requested information on the operational methods used by MIVILUDES in gathering the information it needed in order to take, or encourage others to take, measures against such abuses, with particular emphasis on methods of observation.

39. With reference to the Act of 15 March 2004 on the wearing of conspicuous religious symbols, he observed that a decision adopted by the Committee in relation to another State party had found a university's prohibition of the wearing of an Islamic headcovering to be a violation of article 18. The Committee's view was that individuals should not have to deny their religion in order to obtain a proper public education. The fact that there were few expulsions from French schools might mean that people prioritized public education over religious observance, but did not mean that their religious sense was not seriously offended. Although the issue no longer appeared to attract great controversy in France, the underlying conception of human rights was anomalous and should be subject to continuing review. He proposed that a less global approach to the issue could be relevant and asked whether the delegation had any further thoughts on the matter.

40. In relation to question 21 and with respect to France's reservation to article 26, he took the view that formal equality and non-discrimination could mask actual inequality and discrimination. While he accepted France's reservation to article 27, article 26 covered important issues that could ensure that individuals belonging to minorities were guaranteed equal protection. The point had been made that data on the actual needs, wishes and practices of people from different communities were scant, as specific data were not collected. In connection with that issue, he requested confirmation that the regional languages in France formed part of the compulsory syllabus, at all levels of schooling.

41. He observed that the State party could well reflect on its traditional positions, even if to reaffirm them, in order to consider whether adaptation might be necessary, so many years after 1789.

42. Ms. WEDGWOOD asked, with regard to question 24, how the National Assembly could be diversified to include North Africans and Muslims since, until recently, there had been none. More diverse membership would create greater confidence among the communities concerned. Although the delegation had defended the French refusal to identify people by ethnicity or religion, State blindness to innate characteristics, which were hugely influential factors at the individual level, meant that no information was available on racism in practice in society. It was



necessary to count, and possible to do so, without assigning to people memberships that they eschewed: people could be self-identifying. It was necessary to take account of discrimination in order to go beyond it.

43. With respect to question 23, on problems of discrimination in employment, although civil service tests were blind and neutral, anecdotal evidence existed at the highest levels that a North African name was not considered an advantage when seeking professional employment. It was incumbent on the State to address that issue.

44. The intention of question 22 had been broader than the reply given by the delegation. She had always understood that France was committed to jus solis, rather than jus sanguinis, but had been shocked to discover that people who had lived in France all their lives were being naturalized in their mid-forties. France might reconsider whether or not the commitment of those born on its soil to French society was sufficient to allow them citizenship.

45. The issue of prohibiting the wearing of religious symbols in public schools was new. The prohibition was not neutral: it favoured Christianity over other religions. Part of the difficulty of addressing difference came from the denial and repression of difference. Excluding students from the classroom deprived them of the opportunity for sociability and group solidarity and was not the optimal response.

46. She appreciated the delegation's expressed intention of addressing anti-Semitism more seriously. However, she requested it to address the reported general reluctance of judges to recognize the nature and existence of hate crimes and to hand down adequate penalties, even in serious instances of violence. Moreover, she would like to know how the French public-school curriculum addressed the causes of group hatred and whether the relationship with people from West and North Africa was addressed in real, palpable and personal terms with pupils.

47. Mr. BHAGWATI requested additional information regarding the Supreme Council of Justice and the Organization Act No. 2001-539 of 25 June 2001 on the status of judges referred to in the State party's written reply to question 15 of the list of issues. In particular, he enquired about the composition of the Council and asked whether it had disciplinary jurisdiction. If so, how many judges had been disciplined and with what result?

48. According to paragraph 139 of the written replies, courts had begun to digitize criminal proceedings since 1 January 2008 in order to reduce the clerical workload of judicial staff. He asked whether the project had been achieving its goals to date.

49. According to paragraph 509 of the report, a bill to provide a legislative basis for the National Consultative Commission for Human Rights (CNCDH) and to guarantee its independence had been submitted to the Law Commission of the National Assembly in November 2006. He asked whether the bill had been enacted. The composition of the CNCDH as described in the report seemed to be somewhat unwieldy for the purpose of taking urgent remedial action. Would it have power to investigate complaints of violations of civil and political rights and, if so, would its advice to the State party on remedial action in the event of violations be binding or merely persuasive? He also wished to know whether it promoted human rights education or engaged in awareness-raising activities.

50. Mr. LALLAH drew attention to the rapid spread of databases, which might have an impact on a number of rights guaranteed by the Covenant. He enquired, in particular, about the police database known as “Edwige”, which allegedly contained data concerning persons, including children as young as 13, who were deemed to constitute a danger to society even though they might never have committed an offence. There was also a database known as STIC, which contained personal data regarding participants in criminal proceedings, including witnesses. He wished to know what purposes such databases served and whether an individual could access his or her file to ascertain the content. A potentially more serious allegation was that several such databases were interlinked. What guarantees existed to protect innocent persons from such an invasion of their privacy?

51. Ms. BELLIARD (France), replying to the Committee’s supplementary questions, said that DNA tests in the context of family reintegration were not undertaken without the consent of the persons concerned.

52. Mr. de CROONE (France) said that DNA tests, which were an effective means of preventing fraud and the usurpation of identity, were used by 12 European Union countries. They were currently being used in France, at the request of applicants for family reintegration, under a short-term pilot project. The results were not incorporated in a database and there was no linkage with DNA tests undertaken in criminal proceedings.

53. Ms. BELLIARD (France), responding to a question about “elite racism”, said that intellectuals in France had the same rights and obligations as the rest of the population. If it was felt that certain elitist groups were engaging in abusive conduct, the victims could lodge a complaint. It was still too soon to assess the full impact of Act No. 2003-88 of 3 February 2003, which increased penalties for racist, anti-Semitic and xenophobic violence, but she was convinced that it would prove highly effective.

54. Under the Espoir banlieue plan, the Ministry of Ecology, Energy, Development and Sustainable Planning had undertaken to contribute €500 million to develop transport facilities in the districts covered by the plan. Businesses and services were to be promoted. Social housing services would be improved and the policy of selling public housing to tenants would be expanded. In spring 2008, 200 neighbourhood police units had been created and later in the year squads specially trained to deal with urban violence would be set up. Educational support for more than 5,000 primary schools would be increased and 5 per cent of the most deserving pupils would be given the opportunity to attend preparatory classes for the grandes écoles. The contrat d’autonomie initiative was an individualized employment counselling and training scheme for young unemployed persons. Young entrepreneurs were to be offered support and interest-free loans, and companies were being encouraged to sign a three-year commitment to employ young people from the districts covered by the Espoir banlieue plan.

55. Mr. PETRAZ (France), referring to a question about the lethal use of firearms by the police, said that legal action was taken whenever the use of firearms by the police resulted in any kind of injury. If it was unclear whether a shot was fired in self-defence, an investigation would be initiated. The services of the Office of the Inspector General of the National Police (IGPN) were sought only in the most serious and complicated cases. In general, a police service other than the one involved in the incident conducted the investigation.

56. Ms. BELLIARD (France), responding to a question regarding the MIVILUDES Mission, said that it did not target sects as such but sought to protect the vulnerable and to report offences under ordinary law to the public prosecutor's office. It had no powers of investigation or prosecution.
57. The Act of 15 March 2004, which prohibited the wearing of conspicuous religious symbols and clothing, was applicable only to public primary and secondary schools and not to universities, since children and adolescents were particularly vulnerable. France set great store by the neutrality of its public service, which guaranteed equality and the preservation of identity.
58. The fact that no statistical data were compiled on minorities reflected a philosophical approach. The very act of defining minority groups would be inconsistent with constitutional principles. The State guaranteed protection for individual rights. If individuals wished to exercise their rights collectively, it was for them and not for the State to take the initiative in that regard.
59. Education in regional languages was a matter of choice. Children could attend optional courses in regional languages free of charge.
60. With regard to the membership of the National Assembly, the French approach was again based on the principle of avoidance of segregation or compartmentalization based on race, ethnicity or colour.
61. Access to the public service by competitive examination was also an important principle. The written test was anonymous and therefore equitable and secure. The grades were published and could be challenged.
62. With regard to the allegation that judges were reluctant to acknowledge the nature of hate crimes, she assured the Committee that all judges undertook a careful examination of the cases that came before them, although those with a racist dimension were often highly sensitive and evidence might be difficult to obtain. High priority was being given to the fight against racism in schools and children were also taught about the period of French colonialism.
63. The Organization Act No. 2001-539 of 25 June 2001 on the status of judges was based on the findings of a think tank set up by the President in 1997. The Supreme Council of Justice could consider disciplinary matters referred to it by court presidents; the public nature of disciplinary hearings was guaranteed by statute; and the President of the Republic and the Minister of Justice did not attend disciplinary hearings concerning judges. The Council was being reformed to increase its independence. Its membership would be broadened and it would be easier for persons who considered themselves to be victims of a judge's negligence or misconduct to refer the matter to the Council.
64. She confirmed that the law on the National Consultative Commission for Human Rights had been enacted.
65. Mr. DUMAND (France), responding to the question on the protection of personal data, said that data could be gathered only for explicit and legitimate purposes and could not be retained once the desired aim had been achieved. All data were regularly updated to ensure their accuracy. The recording of sensitive data which could lead to discriminatory practices, for

instance on grounds of race, ethnicity, or political, philosophical or religious opinions, was prohibited. Exceptions were made, however, where the data were required for the defence of public safety and security. Everyone had the right of access to his or her own file. The National Information Technology and Liberties Commission (CNIL), an independent monitoring body, ensured that personal data were protected.

66. The Edwige database was used in investigations to keep a record of perpetrators, victims and witnesses. It was not a judicial database but an information tool that was used to maintain public order - for instance, to curb urban violence and the underground economy. The data that could be recorded were listed in article 2 of the decree that set up the database. Access was strictly limited but concerned citizens could obtain access through the CNIL.

67. The CHAIRPERSON thanked the State party for the wealth of information provided in its report and in the written and oral replies to the list of issues. He drew attention, however, to some of the Committee's main concerns, which would be reflected in its concluding observations.

68. The Committee was disappointed that all the State party's reservations had been maintained.

69. The extension of the period of pretrial detention, which in exceptional cases could run for up to four years, was a matter of particular concern. The Committee was not convinced by the argument that such measures were absolutely necessary for the purpose of combating terrorism. It was also concerned about so-called "security measures" which, given their discretionary nature, might in practice amount to an additional sentence imposed on convicted persons under some circumstances.

70. The State party had been unable, on legal grounds, to provide statistics regarding offences committed by police officers. It was therefore difficult for the Committee to determine the scale of the problem.

71. According to the State party, the problem of incitement to hatred and racism was covered by the Act of 29 July 1881. He submitted that such an ancient law, however august, might fail to cover all aspects of the problem in the modern world.

72. Ms. BELLIARD (France) said that the Act had been continuously amended since its enactment, most recently in 2003, when more severe penalties for racism had been introduced.

73. She thanked the Committee for an extremely constructive dialogue, which would assist her country in achieving further progress in the area of human rights. She reiterated her Government's determination to continue according top priority to the principle of equality of rights as a cornerstone of the Constitution. She further assured the Committee that the State party would endeavour to shorten the periods between submissions of its reports.

The meeting rose at 1.10 p.m.