

FRANCE

Follow-up - State Reporting Action by Treaty Bodies

CAT, A/61/44 (2006)

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CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

38. In Chapter IV of its annual report for 2004-2005 (A/60/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2005. This chapter updates the Committee's experience to 19 May 2006, the end of its thirty-sixth session.

39. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2006 on the results of the procedure.

40. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment," as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

41. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow-up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow-up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' report under article 19.

42. Since the procedure was established at the thirtieth session in May 2003 through the end of the thirty-sixth session in May 2006, the Committee has reviewed 39 States for which it has identified follow-up recommendations. Of the 19 States parties that were due to have submitted their follow-up reports to the Committee by 1 May 2006, 12 had completed this requirement (Argentina, Azerbaijan, Czech Republic, Colombia, Germany, Greece, Latvia, Lithuania,

Morocco, New Zealand, United Kingdom, and Yemen). As of May, seven States had failed to supply follow-up information that had fallen due (Bulgaria, Cambodia, Cameroon, Chile, Croatia, Moldova, Monaco), and each was sent a reminder of the items still outstanding and requesting them to submit information to the Committee.

43. With this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

44. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all of the items designated by the Committee for follow-up (normally between three to six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she writes to solicit the outstanding information.

45. Each letter responds specifically and in detail to the information presented by the State party, which is given a formal United Nations document symbol number.

46. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues not addressed but which are deemed essential in the Committee's ongoing work in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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48. The chart below details, as of 19 May 2006, the end of the Committee's thirty-sixth session, the state of the replies with respect to follow-up.

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B. Follow-up reply due May 2006 and November 2006

State party	Date due	Date reply received	Document symbol number	Further action taken/required
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France	November 2006			
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CAT, A/62/44 (2007)

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IV. FOLLOW UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

46. In Chapter IV of its annual report for 2005 2006 (A/61/44), the Committee described the framework that it had developed to provide for follow up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2006. This chapter updates the Committee's experience to 18 May 2007, the end of its thirty eighth session.

47. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2007 on the results of the procedure.

48. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

49. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

50. Since the procedure was established at the thirtieth session in May 2003, through the end of the thirty eighth session in May 2007 the Committee has reviewed 53 States for which it has identified follow up recommendations. Of the 39 States parties that were due to have submitted their follow up reports to the Committee by 18 May 2007, 25 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Germany, Greece, Latvia, Lithuania, Monaco, Morocco, New Zealand, Qatar, Sri Lanka, Switzerland, United Kingdom and Yemen). As of 18 May, 14 States had not yet supplied follow up information that had fallen due (Bulgaria, Bosnia and Herzegovina, Cambodia, Cameroon, Democratic Republic of the Congo, Georgia, Guatemala,

Republic of Korea, Moldova, Nepal, Peru, Togo, Uganda and United States of America). In March 2007, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow up information was due in November 2006, but had not yet been submitted, and who had not previously been sent a reminder.

51. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report (A/61/44). However, only 4 (Austria, Ecuador, Qatar and Sri Lanka) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. While comparatively few States had replied precisely on time, 19 of the 25 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

52. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

53. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she writes to solicit the outstanding information.

54. At its thirty eighth session in May, the Committee decided to make public the Rapporteur's letters to the States parties. These would be assigned a United Nations document symbol number and placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies (these symbol numbers are under consideration) to the follow up and also place them on its website.

55. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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57. The chart below details, as of 18 May 2007, the end of the Committee's thirty eighth session, the state of the replies with respect to follow up.

Follow up procedure to conclusions and recommendations from May 2003 to May 2007

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Thirty fifth session (November 2005)

State party	Information due in	Information received	Action taken
...			
France	November 2006	15 February 2007 CAT/C/FRA/CO/3/Add.1	Response under review
...			

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CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

46. In this chapter, the Committee updates its findings and activities that follow-up on the conclusions and recommendations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on Follow-Up to Country conclusions. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated to through May 2008, following the Committee's fortieth session.

47. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2008.

48. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2008 on the results of the procedure.

49. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

50. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

51. Since the procedure was established at the thirtieth session in May 2003, through the end of the fortieth session in May 2008, the Committee has reviewed 67 States for which it has identified follow-up recommendations. Of the 53 States parties that were due to have submitted

their follow-up reports to the Committee by 16 May 2008, 33 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Bosnia and Herzegovina, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Republic of Korea, Latvia, Lithuania, Monaco, Morocco, Nepal, New Zealand, Qatar, Russian Federation, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen). As of 16 May, 20 States had not yet supplied follow-up information that had fallen due (Bulgaria, Burundi, Cambodia, Cameroon, Democratic Republic of the Congo, Denmark, Guyana, Italy, Japan, Luxembourg, Mexico, Moldova, the Netherlands, Peru, Poland, South Africa, Tajikistan, Togo, Uganda and Ukraine). In March 2008, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow-up information was due in November 2007, but had not yet been submitted, and who had not previously been sent a reminder.

52. The Rapporteur noted that 14 follow-up reports had fallen due since the previous annual report.³ However, only 2 (Hungary and the Russian Federation) of these 14 States had submitted the follow-up information in a timely manner. Despite this, she expressed the view that the follow-up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow-up to the review of the periodic reports. While comparatively few States had replied precisely on time, 25 of the 33 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non-governmental organizations, many of whom had also encouraged States parties to submit follow-up information in a timely way.

53. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

54. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

55. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

56. Since the recommendations to each State party are crafted to reflect the specific situation

in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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58. The chart below details, as of 16 May 2008, the end of the Committee's fortieth session, the state of the replies with respect to follow-up.

3/ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44).*

**Follow-up procedure to conclusions and recommendations
from May 2003 to May 2008**

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Thirty-fifth session (November 2005)

State party	Information due in	Information received	Action taken
...			
France	November 2006	13 February 2007 CAT/C/FRA/CO/3/Add.1	Response under review
...			

...

CAT, A/64/44 (2009)

IV. FOLLOW UP ON CONCLUDING OBSERVATIONS ON STATES PARTIES REPORTS

53. In this chapter, the Committee updates its findings and activities that follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on follow-up to concluding observations. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated through 15 May 2009, following the Committee's forty-second session.

54. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2009.

55. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2009 on the results of the procedure.

56. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and ill-treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

57. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

58. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-second session in May 2009, the Committee has reviewed 81 States for which it has identified follow up recommendations. Of the 67 States parties that were due to have submitted their follow up reports to the Committee by 15 May 2009, 44 had completed this requirement. As of 15 May 2009, 23 States had not yet supplied follow up information that had fallen due. The

Rapporteur sends reminders requesting the outstanding information to each of the States whose follow up information was due, but had not yet been submitted, and who had not previously been sent a reminder. The status of the follow-up to concluding observations may be found in the web pages of the Committee (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

59. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report. However, only 4 (Algeria, Estonia, Portugal and Uzbekistan) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. One State party (Montenegro) had already submitted information which was due only in November 2009. While comparatively few States had replied precisely on time, 34 of the 44 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

60. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

61. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she requests the outstanding information.

62. At its thirty eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

63. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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65. The chart below details, as of 15 May 2009, the end of the Committee's forty-second session, the state of the replies with respect to follow up.

Follow-up procedure to conclusions and recommendations from May 2003 to May 2009

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Thirty-fifth session (November 2005)

State party	Information due in	Information received	Action taken
...			
France	November 2006	13 February 2007 CAT/C/FRA/CO/3/Add.1	Response under review
...			

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Chapter IV. Follow-up to concluding observations on States parties' reports

65. In this chapter, the Committee updates its findings and activities that constitute follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the procedure established on follow-up to concluding observations. The follow-up responses by States parties, and the activities of the Rapporteur for follow-up to concluding observations under article 19 of the Convention, including the Rapporteur's views on the results of this procedure, are presented below. This information is updated through 14 May 2010, the end of the Committee's forty-fourth session.

66. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. In that report and each year thereafter, the Committee has presented information on its experience in receiving information on follow-up measures taken by States parties since the initiation of the procedure in May 2003.

67. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. In November 2009 and May 2010, the Rapporteur presented a progress report to the Committee on the results of the procedure.

68. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific measures to prevent acts of torture and ill-treatment. Thereby, the Committee assists States parties in identifying effective legislative, judicial, administrative and other measures to bring their laws and practice into full compliance with the obligations set forth in the Convention.

69. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information within one year. Such follow-up recommendations are identified because they are serious, protective and are considered able to be accomplished within one year. The States parties are asked to provide information within one year on the measures taken to give effect to the follow-up recommendations. In the concluding observations on each State party report, the recommendations requiring follow-up within one year are specifically identified in a paragraph at the end of the concluding observations.

70. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-fourth session in May 2010, the Committee has reviewed 95 reports from States parties for which it has identified follow-up recommendations. It must be noted that periodic reports of Chile, Latvia, Lithuania and New Zealand have been examined twice by the Committee since the establishment of the follow-up procedure. Of the 81 States parties that were due to have submitted their follow-up reports to the Committee by 14 May 2010, 57 had completed this

requirement. As of 14 May 2010, 24 States had not yet supplied follow-up information that had fallen due: Republic of Moldova, Cambodia, Cameroon, Bulgaria, Uganda, Democratic Republic of the Congo, Peru, Togo, Burundi, South Africa, Tajikistan, Luxembourg, Benin, Costa Rica, Indonesia, Zambia, Lithuania (to the 2009 concluding observations), Chad, Chile, Honduras, Israel, New Zealand, Nicaragua and the Philippines.

71. The Rapporteur sends reminders requesting the outstanding information to each of the States for which follow-up information is due, but not yet submitted. The status of the follow-up to concluding observations may be found in the web pages of the Committee at each of the respective sessions. As of 2010, the Committee has established a separate web page for follow-up (<http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>).

72. Of the 24 States parties that did not submit any information under the follow-up procedure as of 14 May 2010, non-respondents came from all world regions. While about one-third had reported for the first time, two-thirds were reporting for a second, third or even fourth time.

73. The Rapporteur expresses appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

74. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties which are posted on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website.

75. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

76. Among the Rapporteur's activities in the past year, have been the following: attending the inter-committee meetings in Geneva where follow-up procedures were discussed with members from other treaty bodies, and it was decided to establish a working group on follow-up; addressing the Committee on the Elimination of Discrimination against Women at its August 2009 meeting in New York concerning aspects of the follow-up procedure; assessing responses

from States parties and preparing follow-up letters to countries as warranted and updating the information collected from the follow-up procedure.

77. Additionally, the Rapporteur initiated a study of the Committee's follow-up procedure, beginning with an examination of the number and nature of topics identified by the Committee in its requests to States parties for follow-up information. She reported to the Committee on some preliminary findings, in November 2009 and later in May 2010, and specifically presented charts showing that the number of topics designated for follow-up has substantially increased since the thirty-fifth session. Of the 87 countries examined as of the forty-third session (November 2009), one to three paragraphs were designated for follow-up for 14 States parties, four or five such topics were designated for 38 States parties, and six or more paragraphs were designated for 35 States parties. The Rapporteur drew this trend to the attention of the members of the Committee and it was agreed in May 2010 that, whenever possible, efforts would henceforth be made to limit the number of follow-up items to a maximum of five paragraphs.

78. The Rapporteur also found that certain topics were more commonly raised as a part of the follow up procedure than others. Specifically, for all State parties reviewed since the follow-up procedure began, the following topics were most frequently designated:

Ensure prompt, impartial and effective investigation(s)	76 per cent
Prosecute and sanction persons responsible for abuses	61 per cent
Guarantee legal safeguards	57 per cent
Enable right to complain and have cases examined	43 per cent
Conduct training, awareness-raising	43 per cent
Ensure interrogation techniques in line with the Convention	39 per cent
Provide redress and rehabilitation	38 per cent
End gender-based violence, ensure protection of women	34 per cent
Ensure monitoring of detention facilities/visit by independent body	32 per cent
Carry out data collection on torture and ill-treatment	30 per cent
Improve condition of detention, including overcrowding	28 per cent

79. In the correspondence with States parties, the Rapporteur has noted recurring concerns which are not fully addressed in the follow-up replies and her concerns (illustrative, not comprehensive) have been included in prior annual reports. To summarize them, she finds there is considerable value in having more precise information being provided, e.g. lists of prisoners, details on deaths in detention and forensic investigations.

80. As a result of numerous exchanges with States parties, the Rapporteur has observed that there is need for more vigorous fact-finding and monitoring in many States parties. In addition, there is often inadequate gathering and analysing of police and criminal justice statistics. When the Committee requests such information, States parties frequently do not provide it. The Rapporteur further considers that conducting prompt, thorough and impartial investigations into allegations of abuse is of great protective value. This is often best undertaken through unannounced inspections by independent bodies. The Committee has received documents, information and complaints about the absence of such monitoring bodies, the failure of such bodies to exercise independence in carrying out their work or to implement recommendations for

improvement.

81. The Rapporteur has also pointed to the importance of States parties providing clear-cut instructions on the absolute prohibition of torture as part of the training of law-enforcement and other relevant personnel. States parties need to provide information on the results of medical examinations and autopsies, and to document signs of torture, especially including sexual violence. States parties also need to instruct personnel on the need to secure and preserve evidence. The Rapporteur has found many lacunae in national statistics, including on penal and disciplinary action against law-enforcement personnel. Accurate record keeping, covering the registration of all procedural steps of detained persons, is essential and requires greater attention. All such measures contribute to safeguard the individual against torture or other forms of ill-treatment, as set forth in the Convention.

82. The chart below details, as of 14 May 2010, the end of the Committee's forty-fourth session, the replies with respect to follow-up. This chart also includes States parties' comments to concluding observations, if any.

Follow-up procedure to concluding observations from May 2003 to May 2010

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Thirty-fifth session (November 2005)

State party	Information due in	Information received	Action taken
...			
France	November 2006	13 February 2007 CAT/C/FRA/CO/3/Add.1	Information under review
...			

...

Forty-fourth session (May 2010)

<i>State party</i>	<i>Information</i>	<i>Information received (including</i>	<i>Action taken</i>
...			
France	May 2011	-	
...			

Follow-up - State Reporting
ii) Action by State Party

CAT, CAT/C/FRA/CO/3/Add.1 (2007)

Comments by the Government of France on the conclusions and recommendations of the Committee against Torture (CAT/C/FRA/CO/3)*

[13 February 2007]

Paragraph 10

“While noting the restraint shown by the police during the wave of unrest in many French cities which necessitated police mobilization to control the riots, the Committee is deeply concerned about the statements by the Minister of the Interior calling on prefects to order the immediate expulsion of persons convicted during the riots, regardless of their administrative status. The Committee fears that action taken in response to this statement could have a discriminatory effect by the very fact that it would target not only foreign nationals without proper papers but also naturalized French citizens stripped of their nationality by a court decision and foreigners who had hitherto been lawfully resident in France. Moreover, the Committee is concerned that individuals thus convicted of an offence might be returned to States where they would be in danger of being subjected to torture (art. 3).

The Committee recommends that the State party should take all necessary measures to guarantee that no person is expelled who is in danger of being subjected to torture if returned to a third State. The Committee also recommends that the State party ensure that the persons concerned have the right to a fair trial where the measure taken is in conformity with the law. The Committee also emphasizes that expulsion should not be used as a punitive measure.

The Committee further recommends that the State party should provide it with information on allegations it has received concerning the collective arrest of persons with a view to placing them in administrative holding centres pending their return to a third State.”

Reply by the Government

1. As pointed out by the French delegation at the meetings of the Committee against Torture on 17 and 18 November 2005, the aim of these instructions was to remind prefects of the possibility, in compliance with current legislation, of ordering aliens implicated in the riots to be escorted to the border, if it transpired that they were without proper papers, or expelled if their behaviour presented a serious threat to public order.

2. It should be noted that an expulsion order is a compulsory measure designed to prevent any further breach of law and order or offence against public safety, and can only be issued on the basis of a review of the personal behaviour of the alien in question. Compliance with this

requirement is monitored by the administrative judge.

3. An expulsion order can thus in no way be considered as a punitive measure designed to sanction an offence, something the judiciary alone has the power to do.

4. Naturally, all the requirements provided for by law concerning expulsion and escort to the border were met in the cases in question.

5. In particular, the measures for protection from removal provided for by law to protect minors and certain categories of aliens on the grounds of their length of stay in France or family connections in France (arts. L 511.4, L 521.2, L 521.3 and L 521.4 of the Code governing the Entry and Stay of Aliens and the Right to Asylum) were implemented.

6. The procedural guarantees provided for by law were also fully complied with, as was the right to lodge a suspensive appeal with the administrative judge in the event of an order to escort an alien to the border (arts. L 521.1 et seq. of the Code governing the Entry and Stay of Aliens and the Right to Asylum). The requirement to consult an expulsion committee before ordering an alien's expulsion was also complied with. Such expulsion committees consist of two judicial officers and a judge of the administrative court hearing the case against the alien, who may be assisted by counsel of his or her choosing (arts. L 522.1 et seq.).

7. The following measures were ordered against aliens involved in the urban violence of autumn 2005:

(a) Two orders to escort the alien to the border on the grounds of unlawful residence: one was enforced on 24 February 2006; an appeal was lodged against the other;

(b) One order banning the alien from French territory, issued by the Bobigny court of first instance and enforced on 2 February 2006;

(c) Three sets of expulsion proceedings are currently under way and have been submitted to the expulsion committee. No expulsion order has to date been enforced;

(d) No measure has been ordered that is designed to strip persons participating in this violence of their French nationality.

8. These removal orders, like all removal orders against aliens issued by French authorities or courts, comply with the provisions of article L 513.2 of the Code governing the Entry and Stay of Aliens and the Right to Asylum, which states that "no alien may be sent to a country if he/she proves that his/her life or freedom would be in danger there or that he/she would be at risk there of treatment contrary to article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms", thus encompassing the same ideas as article 3 of the United Nations Convention against Torture.

9. As explained by the French delegation at the meetings in November 2005, as soon as an alien reports that he or she will be at risk if returned, the administrative authority checks whether

there are “substantial grounds” for believing that the person in question would be exposed to a real risk of ill-treatment if he or she were to be returned, in line with the recommendations of the European Court of Human Rights.

10. The study carried out takes into account the general situation prevailing in the country to which the person is to be returned, the effectiveness of guarantees of respect for human rights, and the situation of groups of people in a similar situation to the alien in question. Furthermore, a thorough individual study of the situation of each alien concerned is carried out, taking into account his or her activities and relations with his or her home county authorities.

11. The French authorities base this study on various sources of information: reports from diplomatic missions, expert missions, international human rights bodies and non-governmental organizations.

12. The decision on which country an alien is to be sent to is vetted by the administrative judge if an appeal is lodged. As the Committee stated in its decision of 7 May 2003 concerning communication No. 219/2002, “it is for the courts of the States parties to the Convention, and not for the Committee, to evaluate the facts and evidence in a particular case, unless it can be ascertained that the manner in which such facts and evidence were evaluated was clearly arbitrary or amounted to a denial of justice”.

13. Lastly, during certain law enforcement operations it may happen that several aliens without proper papers are arrested simultaneously and placed in holding centres. This does not alter the fact that in each case an individual assessment is carried out of each alien’s situation, and that all removal measures are taken on a case-by-case basis in the light of the personal situation of each of the aliens concerned, in line with the requirements of article 4 of Protocol No. 4 to the European Convention on Human Rights, which prohibits collective expulsions.

Paragraph 15

“The Committee takes note of the updating of the ethics manual for the national police and of the information provided by the State party on the steps being taken to extend and improve the training given to police officers on the subject of respect for the physical and mental integrity of arrested, detained or imprisoned persons. However, the Committee remains concerned about the number and seriousness of the allegations it has received regarding the ill-treatment by law enforcement officers of detainees and other persons with whom they come in contact (art. 10).

The Committee recommends that the State party should take the necessary measures to ensure that the current reform aimed at extending and improving the training of police officers is implemented quickly and extended to all law enforcement officers.”

Reply by the Government

Members of the police force

14. To begin with, it should be stressed that in 2005 the Inspectorate-General of the National Police and the Inspectorate-General of Services examined 663 complaints of violence as compared with 724 in 2004 (down by 8.43 per cent). Of these complaints, 565 (85.22 per cent) concerned minor assaults, whereas in 2004 the 599 cases of minor assaults accounted for 82.73 per cent of the 724 complaints. These 663 complaints should be considered in relation to the total of 750,473 persons against whom proceedings were brought by the national police in 2005 (a rate of 0.088 per cent: down by more than one eighth compared to the 2004 rate of 0.101 per cent) and the 404,085 persons taken into police custody (a rate of 0.164 per cent: also down by more than one eighth compared to the 2004 rate of 0.188 per cent).

15. These figures indicate a positive trend, since they show a significant drop in the number of complaints of violence, as well as the lesser gravity of the alleged violence (an increased proportion of minor assaults), despite proceedings being brought against a significantly higher number of people and more people being placed in police custody (up by 4.57 per cent and 5.15 per cent, respectively).

16. This improvement can in all likelihood be attributed to a large extent to the special efforts made by the national police over the last few years to train police officers to respect the physical and mental integrity of arrested, detained or imprisoned persons, in order to guarantee the effective protection of individuals and fully comply with the police code of ethics. This training has been renewed, with the aim of further raising officials' awareness of the need to comply strictly with their professional code of ethics at all times, even when they are confronted with difficult situations.

17. The new initial training curricula focus on the need to increase awareness of professional ethics at all three entry levels: trainee *gardien de la paix* (constable), trainee *lieutenant* (inspector) and trainee *commissaire* (superintendent), which correspond to the three corps of the national police force. The curricula are designed to ensure maximum professionalism on the part of future police officers, in strict compliance with the values of the French Republic and the police code of ethics. A number of provisions of the 2003-2007 master training plan for the national police emphasize the need for police work to be carried out within a framework of professional ethics.

18. The new training for constables and inspectors uses teaching methods based on the acquisition of specific skills, with a gradual overlap between training in general subjects and training in physical activities and vocational subjects. The training covers real-life situations, adopting a cross-cutting approach. Role-playing exercises, in which the trainees are placed in situations similar to those they will face at work, allow aspects of conduct to be worked on, and corrected as necessary.

19. During the various assessments of their progress, trainees are asked questions about compliance with ethical rules, not only during the simulated real-life work situations but also during written tests.

20. In addition, the three-month "on the job" internships organized again since 2005 provide an opportunity to assess how these skills are used.

21. The reform of police training aims to improve the harnessing of skills, technical abilities and know-how of young officers in order to prepare them to respond to any situation professionally, while constantly taking care to comply with professional ethics and safety rules.

22. Thus, the provisions of the code of ethics contained in Decree No. 86-532 of 18 March 1986, which are covered in a specific module at the start of the training, are referred to repeatedly throughout police officers' training. The provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are included in the training on professional ethics. Particular attention is paid to the Code of Conduct for Law Enforcement Officials, established by General Assembly resolution 34/169 of 17 December 1979, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held from 27 August to 7 September 1990. The training also systematically incorporates a presentation of the Declaration of the Rights of Man and of the Citizen.

23. The course for trainee police officers also involves a number of civil society actors. In particular, their initial training course includes contributions from victim support associations. The directors of initial training institutions also have the possibility of inviting speakers from outside the police force. For example, associations working to combat different types of discrimination, such as women's or anti-homophobic organizations, recently came to speak at several police schools. Also, the president of the National Security Ethics Committee and the president of the High Authority against Discrimination and for Equality come to speak personally to trainee superintendents at the National Police Academy (Ecole nationale supérieure de la police) and to trainee inspectors at the National Police Officers Academy (Ecole nationale supérieure des officiers de police), and address trainee constables via a film shown during their training.

24. The course for trainee constables includes the study of acts of torture or barbaric acts as both an offence (aggravated if committed by a member of the police force) and as an aggravating circumstance under criminal law. This subject is covered in the section on assessment of unethical police behaviour, which covers assaults by police officers; the section on the different categories of homicide, which covers attempted murder, and aggravating circumstances for murder; and the section on arrest of an individual who has committed robbery with violence, covered in the part of the course dealing with police custody.

25. In addition, special training has been introduced for trainee constables (given by the instructors responsible for the physical activities and vocational subjects covered in the initial training course) to teach them how to avoid losing, wholly or partially, their faculty of analysis or judgement - something which often happens in difficult and particularly stressful operations. Police constables, particularly young constables, often have to intervene, by day or night, in problem areas. The national police training department realizes that the hostile climate and the potential dangers posed by some of the individuals with whom constables will be confronted could sometimes cause them to lose the faculty of judgement that is essential for the successful conduct of any police operation, and has adapted the initial training course accordingly. The

course teaches constables how to think on their feet in situations that could rapidly degenerate and to adopt the best possible strategy (for example, attempt to maintain dialogue, arrest, withdrawal, use of means of defence if necessary). This part of the course was designed jointly by active police officers and the training department's psychologists, and is complementary to other classes or subjects such as the factors involved in decision-making, operational techniques and general operational safety principles.

26. The course for trainee inspectors includes a detailed commentary on the various circulars and instructions regarding the protection of the dignity of individuals in police custody. Professional ethics are explained repeatedly and in detail, in a cross-cutting manner, throughout the training, but in particular in a lecture given by the president of the National Security Ethics Committee, in a lecture on "complying with the fundamental rules of the national police in one's work", and in case studies on the code of ethics and the general rules and regulations of the national police, including real-life cases presented by the Inspectorate-General of the National Police.

27. Regardless of how well trainee constables or trainee inspectors perform in the competitive entrance examination for admission to their training schools and in their final examinations, if the school's training monitoring committee consider their performance in the area of professional ethics to be unsatisfactory (though not so bad as to warrant referring their case to the disciplinary council), the trainees can be required by the school's vocational aptitude panel to repeat their training or, depending on whether they were recruited externally or internally, to be dismissed or to return to their original corps.

28. From the very start of their training, trainee superintendents are made aware of the involvement of, and role played by, the head of service in improving professional ethics, which is one of the priority areas of the curriculum and one in which the school's director is personally involved. The subject of professional ethics and their implications is addressed at every available opportunity throughout the training. The course also includes a lecture by the president of the National Security Ethics Committee and a module on the application of civil liberties to police work. This module highlights the risks of violating the law, fundamental freedoms and professional ethics, and addresses the issues of respect for personal freedom and the right to arrest and respect for the physical integrity of persons and the use of violence.

29. Furthermore, throughout their career, police officers undergo in-service training, particularly when they change grade or when they become judicial police officers. During this training attention is drawn once more to the need to respect professional ethics, with particular focus on the role played by one's superiors in passing on the values of the institution and guaranteeing that these rules are respected.

30. The training of constables in the skills required for the work of judicial police officers is based on real-life working situations, with the aim of increasing the professionalism of the officers.

31. The training for promotion to *brigadier de police* (sergeant) focuses on building up the candidates knowledge about respect for individuals and anti-discrimination laws. In addition to

professional ethics, the main part of the course covers the guarantees and obligations arising from the general rules and regulations applicable to public officials and from the specific and exceptional regulations of the national police, focusing on the concepts of ethics and loyalty of public officials to the institutions of the French Republic, for example through studies of the issue of the dignity of persons held in police custody. The importance attached by the French authorities to the training of sergeants is shown by the high number of officials (4,226) trained in 2006.

32. The training for promotion to *brigadier-chef de police* (a senior category of sergeant) includes a component on professional ethics and a recap of what constitutes suitable conduct.

33. The training for promotion to *commandant de police* (chief inspector) expands on the themes of the exercise of power and authority and professional ethics. It focuses on the role of the chief inspector in guaranteeing ethical values and the application of rules and regulations within his department.

34. In addition, a training course designed to improve the behaviour and judgement of police officers in their dealings with citizens is shortly to be introduced. It will be structured around the following elements: a film made by the National Police Training Institute; a training module designed by the Institute; and a day devoted to this subject in February 2007 at the National Study and Training Centre. Teachers were trained in December 2006 and multiple actions to improve training and supervision at the local level will begin in February, through the regional delegations for recruitment and training and the training centres of operational departments.

35. To facilitate the communication of values via the different courses, trainers and supervisory staff were all sent a copy of the ethics manual published by the National Police Training Institute, which was also disseminated to all training institutions.

36. The training module on operating in problem areas, which was recently designed by the national police training department for operational departments and services of the national police and is used for the in-service training of police officers, deals with the particularly sensitive aspect of conflict management in terms of appropriate police responses that comply with the principles of the French Republic. This training addresses factors related to decision-making, displays of aggression, conflict-resolution methods, the psychological consequences of difficult operations and the development of techniques to give the police, both individually and collectively, maximum control of a situation, in order to help them cope with job-related stress. In addition, instruction in how to conduct technical debriefings enables mistakes to be identified, while improving the effectiveness and safety of operational teams on the one hand and respect for human dignity on the other.

37. The content of this module is based on three main themes:

- (a) Knowledge of the operational context;
- (b) Appropriate intervention techniques; and

(c) The legal framework for operations and established procedure.

38. This training was incorporated into the curriculum for the initial and in-service training of superintendents and inspectors. From February 2007 part of the content of this module will be taught to trainee constables as part of their initial training, when they study two operational situations using a skills-based approach (“Operating in problem areas: the trap” in option A and “Operating in a situation of urban violence: fundamental principles of maintaining order in this context” in option C).

39. As part of in-service training, this module is taught to constables and sergeants at the initiative of local chiefs requesting it for those members of their staff most often confronted with this type of situation.

40. All police officers must follow a minimum of three training sessions a year in professional techniques; the training is based on situational analysis and a wide range of possible technical responses.

41. Thus, particular attention is paid to the use of force, in both initial and in-service training courses. Each training session on professional techniques starts with a systematic recap of police ethics, the laws on self-defence in relation to police operations and the requirement, in the event of use of force, to respect the physical integrity of persons through strict compliance with the rules of proportionality. In order to match the technique used to the specific operational context, a wide range of methods have been developed that involve different levels of force - a matter to which much attention is paid in the teaching of professional techniques. In order to ensure that, during a police operation, police officers constantly bear in mind the principles of judgement and proportionality in the use of force, trainers of physical and vocational activities are reminded of the relevant instructions during their compulsory refresher courses. These instructions are supplemented by teaching aids consisting of data sheets describing typical arrest situations during police operations, together with the accompanying legal requirements.

42. In general, training in respect for the physical and mental integrity of arrested, detained or imprisoned persons has been considerably stepped up in recent years for all police officers, in all three corps of the national police force. This seems to have resulted in a drop in the numbers of complaints of police violence, as can be seen in the figures quoted above.

Members of the national gendarmerie

43. Respect for the physical and mental integrity of arrested, detained or imprisoned persons is at the core of the professional ethics training provided at the national gendarmerie training colleges, in addition to respect for fundamental human rights and freedoms, which is the *raison d’être* of law enforcement agencies.

44. Particular attention is paid to this precept in the training provided at the college for national gendarmerie officers in Melun, which prepares future senior officers of the gendarmerie.

Training of national gendarmerie officers

45. During a two-year course, professional ethics are taught at the college for officers to students selected for their knowledge of law, in the following three ways.

46. Experienced police officers acting as mentors instruct trainee officers in the behaviour expected of them and give them individual guidance throughout their training. They know them, assess them and also provide advice and guidance to prepare them for their command and supervisory responsibilities, on the basis of compliance with the law and an analysis of work-related stress and the consequences of their actions or decisions.

47. This instruction is followed up by cross-cutting training. Ethical conduct is addressed by each teaching department. The principle is to develop a culture of accountability and service in each of the subjects taught.

48. Legal training focuses on international and European conventions and on French laws relating to human rights and fundamental freedoms. Classes in legal practice and law enforcement and training in operational techniques ensure these principles are reflected in a professional approach. Management classes highlight the need to promote ethical behaviour within one's unit, through a command structure based on close supervision.

49. The school of officers has a special department for training in professional ethics which uses teaching methods based on personal analysis and real-life situations. After reviewing the basic texts and the principles of the ethics of accountability, the officer's behaviour and the requirements of his unit are examined in the light of his day-to-day work as a law enforcement officer in command of a unit that is subject to the demands of society.

50. The training is based on group work, in which students analyse specific cases. The aim is not to promote a given reaction to a given stimulus, but primarily to lay the foundations for conduct adapted to the requirements of a modern police force, particularly in terms of its relationship with the public. Confronting students with real-life situations goes beyond the analysis of specific cases, and thus facilitates more general discussion on emotion, personal and collective values, peer pressure, and the legitimacy of certain actions.

51. Once these basic principles have been acquired, it is necessary to familiarize the officer with the context of his work. To this end, a number of different speakers make presentations on their view of ethics and what they consider to be appropriate behaviour in a law enforcement officer.

52. Speakers at the school for officers have included the head of a unit of the secretariat of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the president of the National Security Ethics Committee, the French representative of Eurojust, a former military investigating officer and the vice-president of the Paris Administrative Court.

53. Throughout the different stages of their career, national gendarmerie officers are given in-service training courses to update their knowledge in the areas of human rights and professional ethics (e.g. the diploma course leading to promotion to staff-officer level or courses at the Military Training Academy).

Training of national gendarmerie non-commissioned officers

54. The training of non-commissioned officers also includes a 12-hour professional-ethics component which includes a specific class on respect for the individual (witnesses, victims and persons involved in investigations, whether held in police custody or not).

55. This training is built upon throughout the non-commissioned officer's career.

56. New gendarmes undergo additional in-service training leading to the award of the diploma required for acceptance into the corps of regular non-commissioned officers. This training is designed to consolidate the new responsibilities of non-commissioned officers and includes a 25-hour theoretical module on military professional ethics.

57. A recap of professional ethics is also systematically provided in the different short courses for non-commissioned officers who are called upon to take on greater responsibilities in the criminal investigation department, (e.g. as lead investigators) or in posts of authority (e.g. as squad commanders, including commanders of investigation squads). Professional ethics are not covered in a separate theoretical class but as an integral part of the subjects covered and case studies analysed.

Prison staff

58. The European Prison Rules were adopted by France and all member States of the Council of Europe on 11 January 2006, superseding those adopted in 1987.

59. These rules constitute both an ethical charter and an action charter for prison staff, who have incorporated them into their work and drawn up new measures based on this new frame of reference.

60. Applying the European Prison Rules, particularly in the initial and in-service training of prison staff, will give greater meaning to the work of all staff and will facilitate the modernization of the public prison service, ensuring greater professionalism among prison workers.

61. The work begun in 2006 involves three aspects:

(a) Building up a reference system of national rules that are compatible with the European Prison Rules;

(b) Testing key measures and including them in the national reference system;

(c) Updating the reference system on an ongoing basis beyond 2007.

62. At the same time, the European Prison Rules will be incorporated into staff training courses and into professional practice.

63. Several of the European Prison Rules give specific indications of the required quality of treatment of detainees, laying down guidelines on the following aspects:

- (a) Admission procedures for incoming prisoners;
- (b) Identification of and guidance to prisoners;
- (c) Establishing the manner in which a sentence is to be enforced;
- (d) Processing prisoners' requests;
- (e) Respecting an ethical framework for staff;
- (f) Informing the public where necessary.

64. There are two types of staff training: initial training, which is carried out by the National Prison Administration School, and in-service training, which is carried out mostly by regional training services, but also by the school in the case of specific groups or specific actions related to the implementation of national policies. The National Prison Administration School's contribution to the training system will be formalized in 2007 by the signing of a contract between the State and the school, specifying objectives and resources.

65. During the initial training, vocational skills are acquired by alternating between theoretical courses at the National Prison Administration School and work placements in prisons, where the trainee is in contact with prisoners. This training lasts two years for prison social workers and probation officers, 8 months for warders, 12 months for prison officers and 2 years for prison directors. Warders' training focuses on professional techniques. Since 2005 the National Prison Administration School has incorporated simulation-based training into its curriculum, through the use of a new "prison school" building. Also, a series of guides on reference operational practices was prepared in 2005 and disseminated in 2006, to supplement the reference system covering the jobs and skills of prison administrators. The guides help increase the professionalism of staff by providing them with information throughout their career on basic techniques and required conduct for each job category.

66. In particular, those categories of staff working in the area of security, as listed in the inter-ministerial inventory of State-sector jobs, who have a difficult job that entails both responsibility and authority, are trained to anticipate and respond to situations of conflict while respecting the rights of prisoners.

67. In this regard, the prison administration ensures that its staff receive instruction throughout their careers in the social sciences, human rights in general and the rights of prisoners

in particular.

68. To this end, during their initial training at the National Prison Administration School, trainee prison warders receive instruction in the following areas: introduction to social sciences (2 hours); suicide prevention (7 hours); the construction and development of the personality and mental disorders (16 hours); stress management (8 hours); high-risk behaviours (2 hours); observation (9 hours); communication (7 hours); tools for understanding people (6 hours); European and international human rights instruments (4 hours); and rights of prisoners (4 hours).

69. Subjects taught to new warders include: rights of prisoners (6 hours); suicide prevention (12 hours); stress management (3 hours); expert assessment (6 hours); and prison violence (3 hours).

70. Subjects taught to trainee prison officers include: introduction to law (6 hours); human rights and comparative prison law (3 hours); rights of prisoners (7 hours); criminal psychiatry (3 hours); expert assessment (6 hours); suicide prevention (9 hours); prison violence (4 hours); and stress management (4 hours).

71. Subjects taught to trainee prison directors include: stress management (12 hours); human rights and international standards (8 hours); mental disorders (12 hours); suicide prevention (9 hours); violence (6 hours); and rights of prisoners (3 hours).

72. In addition to these themes, professional ethics are included in a cross-cutting manner in all subjects, both theoretical and practical, since the development of people skills and appropriate conduct is essential if staff are to deal properly with inmates.

73. The same approach is adopted in the in-service training provided by the National Prison Administration School and the regional prison departments.

74. The National Prison Administration School offers courses each year on human rights and social sciences; a European approach to prison law; criminology; support groups; criminal psychiatry; suicide prevention; and risk management/crisis management.

75. The regional departments provide additional, decentralized training on a wide range of subjects, taking into account psychological aspects and the protection of human rights. Subjects to be covered in 2007 include: dealing with difficult sectors of the population; working in multidisciplinary teams; and an introduction to crisis management.

Paragraph 18

“The Committee notes the measures taken by the State party to improve living conditions in holding areas, particularly at Roissy-Charles de Gaulle airport, and to facilitate access to them by non-governmental organizations. However, it remains concerned about information it has received concerning incidents of police violence, including cruel, inhuman and degrading treatment, inside the holding areas, particularly against people of non-Western origin (arts. 11 and 16).”

The Committee recommends that the State party should take the necessary measures to enable the National Commission for the Monitoring of Holding Centres and Facilities and Waiting Areas to begin its work soon and to ensure that these recommendations are effectively implemented.”

Reply by the Government

76. The Act of 26 November 2003 established the National Commission for the Monitoring of Holding Centres and Facilities and Waiting Areas to ensure respect for the rights of foreigners held there and respect for the rules governing hygiene, sanitation, amenities and equipment in such holding centres. The commission's operating procedures are set out in Decree No. 2005-616 of 30 May 2005.

77. The nine-member commission (consisting of two representatives of parliament, one member of the Council of State, one member of the Court of Cassation, one person with knowledge of the prison system, two representatives of humanitarian associations and two representatives of the administrations concerned) carries out on-site inspections.

78. It makes recommendations to the Government on how to improve material and humane conditions in the holding centres and waiting areas, and can be consulted by the minister on any project relating to these issues.

79. The commission will hear any person able to provide information and may hear any complaint of lack of compliance with the regulations of the centres or of human rights violations there. It refers cases to the relevant authorities if it finds that a criminal offence has been committed or that there has been a breach of professional ethics.

80. The date of the commission's effective establishment was 22 March 2006, and it started its inspections in April 2006. To date, it has inspected six administrative holding centres (Paris, Coquelles, Le Mesnil Amelot, Palaiseau, Plaisir and Lyon), one administrative holding facility (Nanterre) and the Roissy waiting area.

81. In accordance with the above-mentioned decree, the commission will draw up an annual report, with recommendations where appropriate. This report will be submitted together with the public report on the main thrust of the immigration policy submitted by the Government each year to parliament.

82. The Government will take the commissions recommendations carefully into account and stresses that this commission will act where appropriate in addition to, and consistently with, the national preventive mechanism provided for under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

* In accordance with the information transmitted to States parties regarding the processing of

their reports, the present document was not formally edited before being sent to the United Nations translation services.