

## FRANCE

### Follow-up - Jurisprudence Action by Treaty Bodies

CCPR A/51/40, vol. I (1996)

#### VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

...

429. A country-by-country breakdown of follow-up replies received or requested and outstanding as at 26 July 1996 provides the following picture:

...

France: One decision finding violations; satisfactory follow-up reply, dated 30 January 1996, received from the State party (see para. 459).

...

445. During the fifty-fifth (October/November 1995) session, the Special Rapporteur met with a counsellor of the Permanent Mission of France to the United Nations to discuss the status of follow-up on the views adopted by the Committee in April 1989 in case No. 196/1985 (Gueye et al. v. France). The State party representative assured the Special Rapporteur that the French Foreign Ministry was endeavouring to submit to the Committee a detailed follow-up reply, which was under consideration. On 30 January 1996, the State party transmitted its follow-up reply to the Special Rapporteur.

...

#### Overview of positive examples of follow-up cooperation/replies

...

459. On 30 January 1996, the French Government forwarded to the Committee its follow-up reply on the Committee's views and recommendations in respect of communication No. 196/1989 (Gueye et al. v. France), which had been adopted in the spring of 1989. In its submission, the State party indicated that the pensions of former Senegalese soldiers of the French Army and those of former soldiers of the French Army who are citizens of other former French colonies had been readjusted on several occasions since the adoption of the views, as follows:

(a) With effect from 1 July 1989: general readjustment of 8 per cent;

(b) With effect from 1 January 1993: readjustment of 8.2 per cent (for Senegalese citizens);

(c) With effect from 1 September 1994: general readjustment by 4.75 per cent of military invalidity pensions;

(d) With effect from 1 January 1995: general readjustment by 20 per cent of certain types of military invalidity pensions.

The State party further indicated that an association of former Senegalese soldiers of the French Army had filed a request for readjustment of military pensions before the Administrative Tribunal of Paris, which was examining the case.

...

**CCPR A/52/40, vol. I (1997)**

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

...

524. A country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1997 provides the following picture (Views in which the deadline for receipt of follow-up information had not yet expired have not been included):

...

France: One decision finding violations: 196/1985 - Gueye et al. (1989 Report);<sup>17/</sup> for State party's follow-up reply, see 1996 Report, 10/ para. 459.

---

<sup>17/</sup> [Official Records of the General Assembly], Forty-fourth Session, Supplement No. 40 (A/44/40).

<sup>10/</sup> [Official Records of the General Assembly], Fifty-first Session, Supplement No. 40 (A/51/40).

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

486. The Committee's previous report (A/52/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1997. The list that follows shows the additional cases in respect of which follow-up information has been requested from States (Views in which the deadline for receipt of follow-up information had not yet expired have not been included). It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the previous report. This is because the resources available for the Committee's work were considerably reduced in the current year, preventing it from undertaking a comprehensive systematic follow-up programme.

...

France: Two Views finding violations: 196/1985 - Gueye et al. (1989 Report (A/44/40)); for State party's follow-up reply, see 1996 Report (A/51/40), para. 459; 549/1993-Hopu (1997 Report (A/52/40)); State party's follow-up reply, dated 29 January 1998 (see para. 495 below).

...

Overview of follow-up replies received and of the Special Rapporteur's follow-up consultations during the reporting period

...

495. France. By submission of 29 January 1998, France submitted follow-up information in relation to the Committee's Views in case No. 549/1993 (Hopu). The State party provides information about recent legal measures taken to protect cultural sites and provides examples of their successful application. In respect of the site at issue in the Hopu case, the State party submits that an archaeological report of July 1996 determined the site with precision, and that, after a scientific study, it was decided to modify the original building plan to protect the graves next to the sea. A retaining wall has been built to preserve them.

**VII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL**

461. The Committee's previous report (A/53/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1998. The list that follows shows the additional cases in respect of which follow-up information has been requested from States (Views in which the deadline for receipt of follow-up information had not yet expired have not been included). It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the last report. This is because the resources available for the Committee's work have been considerably reduced preventing it from undertaking a comprehensive systematic follow-up programme.

...

France: Two Views finding violations: 196/1985 - Gueye et al. (A/44/40); for State party's follow-up reply, see A/51/40, para. 459; 549/1993 - Hopu (A/52/40); for State party's follow-up reply, see A/53/40, para. 495.

**CCPR A/55/40, vol. I (2000)**

VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

...

596. The Committee's previous report (A/54/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1999. The list that follows shows the additional cases in respect of which follow-up information has been requested from States. (Views in which the deadline for receipt of follow-up information had not yet expired have not been included.) It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the last report. This is because the limited resources available for the Committee's work prevent it from undertaking a comprehensive or systematic follow-up programme.

...

France: Three Views finding violations: 196/1985 - Gueye et al. (A/44/40); for the State party's follow-up reply, see A/51/40, para. 459; 549/1993 - Hopu (A/52/40); for the State party's follow-up reply, see A/53/40, para. 495; 666/1995 - Foin, see annex IX, sect. C, no follow-up reply required.

**CCPR A/56/40, vol. I (2001)**

Chapter IV. Follow-up Activities under the Optional Protocol

...

180. The Committee's previous annual report (A/55/40, vol. I, chap. VI) contained a detailed country-by-country survey on follow-up replies received or requested and outstanding as of 30 June 2000. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not take into account the Committee's Views adopted during the seventy-second session, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

...

France: Six Views finding violations: 196/1985 - Gueye et al. (A/44/40); for follow-up reply see A/51/40, paragraph 459; 549/1993 - Hopu (A/52/40); for follow-up reply see A/53/40, paragraph 495; 666/1995 - Foin (A/55/40); no follow-up reply required; 689/1996 - Maille (A/55/40); no follow-up reply required because the Committee deemed the finding of a violation to be a sufficient remedy, as the law under consideration has been changed 690/1996 and 691/1996 - Venier and Nicolas (A/55/40); no follow-up reply required because the Committee deemed the finding of a violation to be a sufficient remedy, as the law under consideration has been changed.

**CCPR A/57/40, vol. I (2002)**

Chapter VI. Follow-up activities under the optional protocol

...

228. The previous annual report of the Committee (A/56/40, vol. I, chap. VI) contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2001. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-fourth and seventy-fifth sessions, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

...

France: Views in six cases with findings of violations:

196/1985 - Gueye et al. (A/44/40); for follow-up reply see A/51/40, paragraph 459;

549/1993 - Hopu (A/52/40); for follow-up reply see A/53/40, paragraph 495;

666/1995 - Foin (A/55/40); no follow-up reply required;

689/1996 - Maille (A/55/40); no follow-up reply required because the Committee deemed the finding of a violation to be a sufficient remedy, as the law under consideration has been changed;

690/1996 and 691/1996 - Venier and Nicolas (A/55/40); no follow-up reply required because the Committee deemed the finding of a violation to be a sufficient remedy, as the law under consideration has been changed.

...

229. For further information on the status of all the Views in which follow-up information remains outstanding or in respect of which follow-up consultations have been or will be scheduled, reference is made to the follow-up progress report prepared for the seventy-fourth session of the Committee (CCPR/C/74/R.7/Rev.1, dated 28 March 2002), discussed in public session at the Committee's 2009th meeting on 4 April 2002 (CCPR/C/SR.2009). Reference is also made to the Committee's previous reports, in particular A/56/40, paragraphs 182 to 200.

**CCPR A/58/40, vol. I (2003)**

CHAPTER VI. Follow-up activities under the Optional Protocol

...

223. The previous annual report of the Committee<sup>1</sup> contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2002. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-seventh and seventy-eighth sessions, for which follow-up replies are not yet due in the majority of cases. In many cases there has been no change since the previous report.\*

...

France: Views in six cases with findings of violations:

196/1985 - *Gueye et al.* (A/44/40); for follow-up reply see A/51/40, paragraph 459;

549/1993 - *Hopu* (A/52/40); for follow-up reply see A/53/40, paragraph 495;

666/1995 - *Foin* (A/55/40); no follow-up reply required;

689/1996 - *Maille* (A/55/40); no follow-up reply required because the Committee deemed the finding of a violation to be a sufficient remedy, as the impugned law had been changed;

690/1996 and 691/1996 - *Venier and Nicolas* (A/55/40); no follow-up reply required because the Committee deemed the finding of a violation to be a sufficient remedy, as the impugned law had been changed.

Notes

1. [*Official Records of the General Assembly*], *Fifty-seventh Session, Supplement No. 40*(A/57/40), vol. I, chap. VI.

\* The document symbol A/[Session No.]/40 refers to the *Official Record of the General Assembly* in which the case appears; annex VI refers to the present report, vol. II.

CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

...

230. The previous annual report of the Committee<sup>1</sup> contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2003. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the eightieth and eighty-first sessions, for which follow-up replies are not yet due in the majority of cases. In many cases there has been no change since the previous report.\*

...

France:

Views in six cases with findings of violations:

196/1985 - *Gueye et al.* (A/44/40); for follow-up reply see A/51/40, paragraph 459;

549/1993 - *Hopu* (A/52/40); for follow-up reply see A/53/40, paragraph 495;

666/1995 - *Foin* (A/55/40); no follow-up reply required;

689/1996 - *Maille* (A/55/40); no follow-up reply required because the Committee deemed the finding of a violation to be a sufficient remedy, as the impugned law had been changed;

690/1996 and 691/1996 - *Venier* and *Nicolas* (A/55/40); no follow-up reply required because the Committee deemed the finding of a violation to be a sufficient remedy, as the impugned law had been changed.

---

Notes

<sup>1</sup>/ Ibid., *Fifty-eighth Session, Supplement No. 40* (A/58/40), vol. I, chap. VI.

\* The document symbol A/[session No.]/40 refers to the *Official Records of the General Assembly* in which the case appears; annex IX refers to the present report, volume II.

...

**CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL**

224. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for the follow-up on Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

225. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights. A total of 391 Views out of the 503 Views adopted since 1979 concluded that there had been a violation of the Covenant.

228. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party has in fact given effect to the Committee's recommendations, even though the State party did not itself provide that information.

229. The present annual report adopts a different format for the presentation of follow-up information compared to previous annual reports. The table below displays a complete picture of follow-up replies from States parties received as of 28 July 2005, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of complying with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

230. Follow-up information provided by States parties and by petitioners or their representatives since the last annual report is set out in a new annex VII, contained in Volume II of the present annual report. This, more detailed, follow-up information also indicates action still outstanding in those cases that remain under review.

## FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location <sup>a</sup>	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response	Follow-up dialogue ongoing
...						
France (6)	196/1985, <i>Gueye et al.</i> A/44/40	X A/51/40	X			
	549/1993, <i>Hopu et Bessert</i> A/52/40	X A/53/40	X			
	666/1995 <i>Foin</i> A/55/40	Finding of a violation was considered sufficient	n.a.			
	689/1996, <i>Maille</i> A/55/40	Finding of a violation was considered sufficient	n.a.			
	690/1996, <i>Venier</i> A/55/40	Finding of a violation was considered sufficient	n.a.			
	691/1996, <i>Nicolas</i> A/55/40	Finding of a violation was considered sufficient	n.a.			

<sup>a</sup> The location refers to the document symbol of the *Official Records of the General Assembly, Supplement No. 40*, which is the annual report of the Committee to the respective sessions of the Assembly.

...

## CHAPTER VI FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

227. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

228. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

229. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

230. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

231. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

232. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2006, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

233. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/60/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

**FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT**

<b>State party and number of cases with violation</b>	<b>Communication number, author and location</b>	<b>Follow-up response received from State party and location</b>	<b>Satisfactory response</b>	<b>Unsatisfactory response</b>	<b>No follow-up response received</b>	<b>Follow-up dialogue ongoing</b>
...						
France (6)	196/1985, <i>Gueye et al.</i> A/44/40	X A/51/40	X			
	549/1993, <i>Hopu et Bessert</i> A/52/40	X A/53/40	X			
	666/1995, <i>Foin</i> A/55/40	Finding of a violation was considered sufficient	n/a			
	689/1996, <i>Maille</i> A/55/40	Finding of a violation was considered sufficient	n/a			
	690/1996, <i>Venier</i> A/55/40	Finding of a violation was considered sufficient	n/a			
	691/1996, <i>Nicolas</i> A/55/40	Finding of a violation was considered sufficient	n/a			
...						

...

## CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

213. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

214. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 452 Views out of the 570 Views adopted since 1979 concluded that there had been a violation of the Covenant.

215. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

216. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

217. In many cases, the Committee secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

218. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2007, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

219. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/61/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

**FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT**

<b>State party and number of cases with violation</b>	<b>Communication number, author and location</b>	<b>Follow-up response received from State party and location</b>	<b>Satisfactory response</b>	<b>Unsatisfactory response</b>	<b>No follow-up response received</b>	<b>Follow-up dialogue ongoing</b>
...						
France (6)	196/1985, <i>Gueye et al.</i> A/44/40	X A/51/40	X			
	549/1993, <i>Hopu et Bessert</i> A/52/40	X A/53/40	X			
	666/1995, <i>Foin</i> A/55/40	Finding of a violation was considered sufficient	n.a.			
	689/1996, <i>Maille</i> A/55/40	Finding of a violation was considered sufficient	n.a.			
	690/1996, <i>Venier</i> A/55/40	Finding of a violation was considered sufficient	n.a.			
	691/1996, <i>Nicolas</i> A/55/40	Finding of a violation was considered sufficient	n.a.			
...						

## VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

187. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

188. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

189. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

190. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

191. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

192. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2008, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

193. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/62/40) is set out in annex VII to volume II of the present annual report.

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
...						
France (6)	196/1985, <i>Gueye et al.</i> A/44/40	X A/51/40	X			
	549/1993, <i>Hopu and Bessert</i> A/52/40	X A/53/40	X			
	666/1995, <i>Foin</i> A/55/40	Finding of a violation was considered sufficient.	N/A			
	689/1996, <i>Maille</i> A/55/40	Finding of a violation was considered sufficient.	N/A			
	690/1996, <i>Venier</i> A/55/40	Finding of a violation was considered sufficient.	N/A			
	691/1996, <i>Nicolas</i> A/55/40	Finding of a violation was considered sufficient.	N/A			
...						

## VI. FOLLOW UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

230. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up on Views to this effect. Ms. Ruth Wedgwood has been the Special Rapporteur since July 2009 (ninety-sixth session).

231. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 543 Views out of the 681 Views adopted since 1979 concluded that there had been a violation of the Covenant.

232. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

233. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

234. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

235. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to the ninety-sixth session (13-31 July 2009), in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

236. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/63/40) is set out in annex IX to volume II of the present annual report.

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
...						
France (6)	196/1985, <i>Gueye et al.</i> A/44/40	X A/51/40	X			
	549/1993, <i>Hopu and Bessert</i> A/52/40	X A/53/40	X			
	666/1995, <i>Foin</i> A/55/40	Finding of a violation was considered sufficient.	N/A			
	689/1996, <i>Maille</i> A/55/40	Finding of a violation was considered sufficient.	N/A			
	690/1996, <i>Venier</i> A/55/40	Finding of a violation was considered sufficient.	N/A			
	691/1996, <i>Nicolas</i>	Finding of a	N/A			

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
	A/55/40	violation was considered sufficient.				
...						