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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the seventh periodic report of France

Addendum

Information received from France on follow-up to the concluding observations*, **

[Date received: 12 May 2017]

* The present document is being issued without formal editing.
** The annexes to this document may be consulted in the archives of the secretariat.

17. The Committee recommends that the State party enhance its efforts to prevent any excessive use of force by the police and the gendarmerie and to ensure that:

…

(c) Cases are prosecuted and, in the event of conviction, punishment proportionate to the seriousness of the actions is ordered;

1. A legal framework prohibits any excessive use of force by the police and the national gendarmerie.

1. The French authorities wish to emphasize that the use of force by the national police and gendarmerie, which is governed by the principles of absolute necessity and proportionality, is strictly controlled and monitored and that any misconduct in that regard is punished.

2. It should be noted that, under article 2 (2) of the Convention for the Protection of Human Rights and Fundamental Freedoms, "deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary".

3. The European Court of Human Rights has been called on to determine on many occasions whether the use of force was absolutely necessary in view of the specific circumstances of the case before it. In its judgment of 27 September 1995 in the case *McCann and others v. the United Kingdom*, the Court ruled as follows: "The use of force by agents of the State in pursuit of one of the aims delineated in paragraph 2 of Article 2 (art. 2-2) of the Convention may be justified under this provision (art. 2-2) where it is based on an honest belief which is perceived, for good reasons, to be valid at the time but which subsequently turns out to be mistaken. To hold otherwise would be to impose an unrealistic burden on the State and its law-enforcement personnel in the execution of their duty, perhaps to the detriment of their lives and those of others."

4. Similarly, in all cases concerning the use of weapons or force in general by law enforcement officers, the Court of Cassation requires the trial courts to investigate whether the use of weapons or force was "absolutely necessary given the particular set of circumstances" (decision of 18 February 2003).

5. A shared code of ethics for the national police and gendarmerie was adopted pursuant to Decree No. 2013-1113 of 4 December 2013 and entered into force on 1 January 2014. It is contained in articles R.434-1 et seq. of the Internal Security Code:

> "The rules of professional conduct set forth in the present code of ethics are based on the Constitution, international treaties such as the Convention for the Protection of Human Rights and Fundamental Freedoms, general principles of law, and the laws and regulations of the Republic." (art. R.434-3)
>
> "Police officers and gendarmes shall use force within the bounds established by law, only when necessary and in a manner proportionate to the goal to be achieved or the seriousness of the threat, as the case may be. They shall use weapons only when absolutely necessary and in accordance with the legislation that applies to persons of their status." (art. R-434-18)

6. More recently, pursuant to Act No. 2017-258 of 28 February 2017 on public security, the Internal Security Code was amended to include article L.435-1, which reads as follows: "In the performance of their duties and provided that they are wearing their uniform or visible insignia of their profession, national police officers and members of the national gendarmerie may use their weapons, when absolutely necessary and in a strictly proportionate manner, in cases other than those mentioned in article L.211-9."

7. In addition, article R.434-23 of the Internal Security Code provides that:

> "The national police and the national gendarmerie shall be overseen by authorities designated in accordance with the law and the relevant international conventions.

> "In the performance of their judicial tasks, the national police and the national gendarmerie shall be supervised by the judicial authorities in accordance with the Code of Criminal Procedure."

8. This code of ethics has been very widely disseminated, during both initial and in-service training and also within individual units. To ensure that the code is fully understood and applied on a daily basis, staff have been provided with an annotated version of the code and specific training modules have been developed. The aim of this initiative is to strengthen the legitimacy and effectiveness of the work of law enforcement officers by ensuring that they act on the basis of a set of shared values. It establishes an ethics of accountability based on good judgment.

9. At the local level, staff receive frequent reminders about the relevant legislation and regulations, the directives concerning the use of force and the rules of professional conduct.

10. Within this framework, any inappropriate use of force is followed up on by both the administrative authorities and independent judges.

2. Any inappropriate use of force by the police or the gendarmerie is investigated by both the competent administrative authorities and the judicial authorities.

11. First, it should be noted that administrative inquiries and judicial inquiries have different aims.

12. A judicial inquiry is carried out to establish the responsibility of the perpetrator of an act, whereas an administrative inquiry, which is an internal oversight procedure, is conducted to determine whether there were any professional or ethical failings for which a disciplinary sanction might be imposed by the administrative authorities.

13. The use of a service weapon does not necessarily give rise to a criminal investigation, but an administrative inquiry is carried out in every instance, although disciplinary sanctions may not always be imposed.

14. However, if the shots fired by a police officer or a gendarme have caused injury or death, two separate inquiries — a judicial one and an administrative one — are always conducted.

(a) The higher administrative authorities and the inspectorates of the police and the national gendarmerie monitor the use of force and punish inappropriate conduct in that regard.

15. The French authorities wish to point out that any excessive use of force or racist or homophobic act committed by a police officer or a gendarme is punishable by a disciplinary sanction, which is imposed independently of any criminal penalties.

16. Article R.434-26 of the aforementioned code of ethics for the national police and national gendarmerie establishes the principle of peer monitoring:

> "The police officers and gendarmes of all ranks to whom the present code applies shall be its custodians. They shall be individually and collectively responsible for ensuring that it is observed."

17. In addition, pursuant to Act No. 2016-483 of 20 April 2016 on the professional ethics, rights and obligations of civil servants, the system that protects whistle-blowers in the public sector has been changed.

18. As provided for in that Act, Act No. 83-634 of 13 July 1983, as amended, on the rights and obligations of civil servants now includes article 6 ter A on the protection of officials who, in good faith, report or testify as to the occurrence of acts constituting a minor or serious offence that come to their attention while they are performing their duties.

19. Police personnel thus cannot be punished or subjected to discriminatory measures for having, in good faith, reported or testified as to the occurrence of acts constituting a minor or serious offence, or even a conflict of interest, that came to their attention in the course of their work, including in cases where such testimony was given to the press.

20. In addition to these legislative provisions guaranteeing protection for whistle-blowers, the online reporting platforms of the inspectorate general of the national police and the inspectorate general of the national gendarmerie also help to ensure respect for the law and thereby encourage staff to report any wrongdoing. These platforms can be used by individuals as well as by police and gendarmerie units.

21. Individuals have been able to report breaches of professional ethics directly to the inspectorates general through online platforms since 2013. The platforms enable the inspectorates general to record reports carefully and consistently, to analyse them and to follow up on them, whether by addressing citizens' expectations, changing practices or, if need be, conducting judicial or administrative inquiries.

22. The inspectorates general strive to make sure that every person who submits a report of any kind receives a response. The unit concerned also handles replies from the departments contacted and posts on the platform statistics regarding the number of officers found to have breached professional ethics (10 per cent of all reports).

23. Lastly, monitoring to ensure that the police and the gendarmerie comply with the law is also carried out by independent administrative authorities. The French authorities are in regular contact with the Inspector General of Places of Deprivation of Liberty and the Defender of Rights. Their observations are carefully noted and, wherever possible, addressed through immediate measures or plans for future action.

24. The police and the gendarmerie are also subject to the oversight of the competent inspectorates, namely the inspectorate general of the national police, the inspectorate general of the national gendarmerie and the inspectorate general of the civil service.

25. The inspectorate general of the national police and the inspectorate general of the national gendarmerie carry out not only audits and administrative or disciplinary inquiries, but also judicial inquiries into cases referred to them by judges.

Police officers

26. The inspectorate general of the national police currently has 120 investigators, out of a total staff of 240 persons; they are distributed among nine investigation units in metropolitan France — in Paris, Bordeaux, Lille, Lyon, Marseille, Metz, Nice and Rennes — and a branch covering the overseas departments and regions and overseas collectivities, based in Fort-de-France, Martinique.

27. If a police officer is suspected of breaching his or her professional and/or ethical obligations, an administrative inquiry is conducted.

28. The administrative inquiry leads to disciplinary proceedings, regardless of which body conducted the inquiry, if the officer's alleged conduct is deemed to have breached his or her statutory obligations.

29. However, the authority that has disciplinary powers, the Director General of the national police, is never obliged to institute disciplinary proceedings on account of the findings of an inquiry (principle of discretionary disciplinary action).

30. If the authority with disciplinary powers wishes to initiate disciplinary proceedings, he or she must draw up a detailed, reasoned report, which is submitted to the disciplinary board together with the case file.

31. There are three stages to disciplinary proceedings:

- The disciplinary guarantees offered to civil servants are made available (the right to see one's file and any documents attached thereto; the right to counsel; the right to lodge an appeal with an administrative court at any stage of the proceedings).
- The case is referred to the disciplinary board, which issues an opinion.
- A sanction is decided on by the disciplinary authority and the officer is informed thereof.

32. An exhaustive list of the disciplinary sanctions that may be applied has been established by law. Those applicable to established civil servants are split into four groups:

First group	Warning
	Severe reprimand
Second group	Debarment from promotion
	Relegation in step
	Suspension for a maximum of 15 days
	Compulsory transfer
Third group	Demotion
	Suspension for a period of between 3 months and 2 years
Fourth group	Compulsory retirement
	Dismissal

33. No disciplinary sanctions, except for those in the first group, may be imposed without prior consultation of the disciplinary board.

34. The disciplinary board, which is composed equally of representatives of the administration and the police unions may:

- Endorse the sanction proposed by the disciplinary authority
- Reject the proposed sanction and suggest a different sanction
- Propose that no sanction be imposed

35. In all cases, the disciplinary board issues a reasoned opinion, which is sent to the civil servant concerned.

36. Once again, the authority with disciplinary powers is not bound by that opinion. The reasons for his or her final decision must, however, always be provided.

37. In all cases, the officer concerned may submit an application for reconsideration to the authority that issued the decision or bring proceedings before the administrative court, then, if necessary, before the administrative court of appeal and, ultimately, before the Council of State.

38. In 2015, 2,125 disciplinary sanctions were handed down:

- 1,785 were first group sanctions, for which no disciplinary board opinion was required
- 340 were handed down after a disciplinary board meeting

39. A total of 98 sanctions were imposed for unlawful violence or degrading treatment. These can be broken down as follows:

- 49 first group sanctions, which were handed down directly
- 49 sanctions handed down after a disciplinary board meeting, including:
    - 1 warning
    - 5 severe reprimands
    - 25 suspensions of from 1 to 15 days
    - 3 transfers
    - 9 suspensions of between 3 months and 2 years
    - 6 dismissals from service

40. It should be noted that, across all government departments, 3,279 sanctions were imposed on civil servants in 2015, which shows that the police authorities take a particularly strict approach to staff misconduct (source: annual report on the civil service, 2016).

41. These figures need to be considered in the context of the 4 million occasions on which the police intervene each year.

Members of the national gendarmerie

42. Under article L.4137-2 of the Defence Code, the disciplinary sanctions applicable to members of the military fall into three groups:

First group	Warning
	Confinement to barracks
	Reprimand
	Severe reprimand
	Arrest
	Ministerial reprimand
Second group	Suspension without pay for a maximum of 5 days
	Temporary relegation in step
	Debarment from promotion
Third group	Removal from office, pursuant to the provisions of article L.4138-15
	Dismissal from service or termination of contract

43. Gendarmes cannot be subject to more than one sanction for the same offence, unless they are placed under arrest pending the handing down of a sanction from the second or third group.

44. If necessary, arrest or confinement to barracks may be imposed with immediate effect.

45. In 2015, the inspectorate general of the national gendarmerie received 1,097 complaints through its online reporting platform, compared with 699 in 2014, which shows that public awareness of the platform has increased.

46. Only 29 of those complaints contained allegations of violent acts committed by members of the gendarmerie; so far, none of those allegations has been confirmed.

47. In 2015, the inspectorate general of the national gendarmerie also conducted 24 administrative inquiries, none of which concerned violent acts committed by members of the gendarmerie.

48. In addition, it handled 85 judicial inquiries at the request of judges, including 4 cases concerning the use of weapons and 11 cases of violence.

49. In total, over the course of 2015, 13 disciplinary sanctions were handed down for unlawful violence committed by members of the gendarmerie, including 8 sanctions for violence against persons in custody or witnesses.

(b) Monitoring of the police and the gendarmerie by the Defender of Rights, an independent administrative authority.

50. Article R.434-24 of the code of ethics contained in the Internal Security Code provides that:

> “The Defender of Rights shall monitor the national police and the national gendarmerie, as provided for in the mandate set out in article 71-1 of the Constitution.
>
> “If the Defender of Rights is made aware, while performing these monitoring functions, of acts that appear to constitute misconduct, it may refer the case to the authority responsible for taking disciplinary action.

> "At the request of the Defender of Rights, police officers and gendarmes shall provide all the information and documents that that institution considers relevant to the discharge of its duties. They shall comply with any summons to appear before the Defender of Rights and may, on such occasions, be accompanied by a person of their choice."

51. Constitutional Act No. 2008-724 of 23 July 2008 on the modernization of the institutions of the Fifth Republic conferred on the Defender of Rights the role that had previously been held by the National Commission on Security Ethics.

52. The Defender of Rights is charged with combating direct or indirect discrimination that is prohibited by law or by an international undertaking that France has ratified or approved. It ensures that all individuals are able to know their rights and to have them recognized and respected, without discrimination as defined in the relevant regulations, including discrimination on grounds of origin.

53. There are very few restrictions on applying to the Defender of Rights. Applications may be made directly by any natural or legal person, including minors seeking protection of their rights, or by the authorized representatives of persons whose rights and freedoms are at issue, members of the national parliament, French members of the European Parliament, the European Ombudsman or his or her foreign counterparts. Any persons who feel that they have been victims of a breach of professional ethics by police officers or gendarmes may thus apply directly to the Defender of Rights. It is for this institution to "determine whether complaints filed with it or matters brought to its attention require action on its part".

54. The Defender of Rights has extensive powers: it can request explanations and all relevant documents from the authorities involved in a case, conduct hearings and carry out on-site inspections, under judicial supervision where necessary.

55. On the basis of the information obtained, the Defender of Rights may decide to submit comments to civil, administrative or criminal courts on matters brought before it. It is also entitled to make recommendations and to use its power of injunction to effectively secure the observance of rights. If an injunction is not obeyed, the Defender of Rights draws up and publishes a special report.

56. Over the course of 2016, "a year during which an unprecedented number of security operations took place", the Defender of Rights received 1,225 complaints relating to security ethics; 54.9 per cent of those complaints involved the national police and 13.6 per cent the national gendarmerie.

57. In this field, 32.9 per cent of the complaints received by the Defender of Rights concern acts of violence.

(c) Monitoring by the judicial authorities

58. Article R.424-23 of the code of ethics contained in the Internal Security Code provides that "in the performance of their judicial tasks, the national police and the national gendarmerie shall be supervised by the judicial authorities in accordance with the Code of Criminal Procedure".

59. Any person who believes that he or she has suffered violence at the hands of a police officer or gendarme may lodge a complaint, which is examined by independent judges. As indicated in paragraph 1 of the present document, the judge will determine whether force was used in accordance with the principles of absolute necessity and proportionality, taking into account the specific circumstances of each case. Cases involving the police and the gendarmerie may be brought not only before national courts but also before the European Court of Human Rights.

60. The Court of Cassation judgments of 9 November 2016 illustrate this procedure: for the first time, the Court ruled against the State, finding that the State could be held responsible for a discriminatory identity check and specifying that an identity check was discriminatory if it was conducted solely on the basis of physical features associated with a person's real or supposed origin (Court of Cassation, 9 November 2016, Nos. 1239, 1241, 1244 and 1245).

61. Access to the courts is facilitated for victims of the worst offences (serious crimes, deliberate attacks on life or limb[1]) and their dependants, who can immediately obtain legal aid in order to file a civil action for damages, without a means test.

62. In addition, thanks to the work of victim support associations, France is able to ensure that legal access entities, such as departmental councils for legal access, justice and law offices and victim support offices, provide specialized advice and assistance during judicial proceedings to individuals across the country's territory.

63. Generally speaking, with regard to judicial proceedings, a little under 500 cases concerning acts of violence committed by a person vested with public authority are reported to public prosecutors each year.

64. In the past three years, none of the sentences handed down has been for murder or a serious act of violence committed by a person vested with public authority. Between 50 and 60 sentences are handed down each year for minor acts of violence committed by such persons. Between 2013 and 2015, 122 sentences were handed down at first instance for minor acts of violence committed by persons vested with public authority; the average duration of proceedings was 11.3 months.

65. In the period 2013-2015, 55 per cent of those convicted were given prison sentences, the vast majority of which were suspended; only 4 per cent of those convicted were sentenced to immediate imprisonment. Fines were handed down to 37 per cent of those convicted, with the average immediate fine amounting to €724.

66. As regards more serious incidents, such as the fatal use of a service weapon by a representative of the security forces in the performance of his or her duties, public prosecutors' offices reported 59 cases between 1 January 2010 and 11 November 2016, according to the report drawn up in November 2016 by the task force on the legal framework for the use of weapons by the security forces, chaired by Ms. Cazaux-Charles (pp. 42-43).

67. Nine of those cases concerned the use of a weapon in response to acts of a terrorist nature.

68. The 59 cases were handled as follows:

- In 8 cases, no proceedings were initiated (13.5 per cent)
- In 25 cases, the public prosecutor discontinued the proceedings (42.3 per cent)
- In 5 cases, investigations by the public prosecutor are under way (8.4 per cent)
- In 1 case, no information is available
- Judicial inquiries were launched in 20 cases, with the following outcomes:
    - 10 inquiries were closed because the charges were dismissed (16.9 per cent)
    - 2 inquiries led to the cases concerned being sent for trial (3.3 per cent): 1 was brought before a criminal court (for murder using a taser) and 1 before an assize court (for lethal violence), resulting in acquittal
    - 8 inquiries are still under way (13.5 per cent)

69. Closer analysis shows that proceedings were discontinued in cases where police officers or gendarmes had used weapons in response to an actual attack. In most of those cases, the law enforcement officers had been confronted with armed individuals, wielding knives, grenades, pump-action shotguns or sawn-off shotguns, who had fired at them or their service vehicles or stabbed them.

[1] Murder, with or without premeditation, acts of torture and barbarism, and deliberate assault resulting in involuntary homicide, mutilation or permanent disability. These offences may be aggravated by the fact that they were committed "because of the victim's membership or non-membership, whether actual or supposed, of a particular ethnic group, nation, race or religion".

23. The Committee recommends that the State party take appropriate steps to: (a) improve access to mental health services in prisons and increase the availability of trained, specialized health personnel; and (b) monitor the use of seclusion arrangements both in prison infirmaries and at outside referral hospitals.

70. The Government wishes to clarify that every prison has an infirmary that is an operating unit of the referral hospital, where patients receive appropriate physical and mental health care. These health-care arrangements are established in a protocol signed by the prison and the hospital.

71. Furthermore, various measures have been taken to improve the provision of care for persons who require mental health treatment, notably the establishment of specially equipped wards and the introduction of a range of specific treatments, including group activities under the part-time treatment centre model and daytime psychiatric hospitalization in a prison infirmary. The medical staff involved, whose numbers are constantly increasing, have worked hard to support these measures. In addition to the funding that is renewed on a yearly basis, the authorities have allocated funds to support new measures, thus supplementing the budget dedicated to mental health treatment for detainees. The funding provided for new measures since 2010 is shown in the table below.

Funds allocated	*New measures 2010*	*New measures 2011*	*New measures 2012*	*New measures 2013*	*New measures 2014*	*New measures 2015*	*New measures 2016*	*New measures 2017*
Construction and extension of infirmaries	€2 423 500	€646 625	€604 390	€350 000	€1 250 160	€73 010	€948 000	€392 350
Part-time treatment and daytime hospitalization	€0	€1 264 000	€3 271 000	€513 500	€1 250 833	€2 343 670	€661 330	€208 810
Specially equipped wards (investment)	€4 136 000	€3 170 000	€0	€0	€15 200 000	€0	€0	€0
Specially equipped wards (operating costs)	€7 620 000	€8 315 000	€11 370 000	€9 090 000	€0	€0	€3 422 130	€5 323 300
Total	**€14 179 500**	**€13 395 625**	**€15 245 390**	**€9 953 500**	**€17 700 993**	**€2 416 680**	**€5 031 460**	**€5 924 460**

72. The methodological guide of 30 October 2012 on health care for convicted persons established three levels of mental health treatment:

- Level 1 covers consultations and outpatient activities in the prison infirmary, including treatment based on the part-time treatment centre model. Under this model, patients can take part in group therapy and support sessions, which promote interaction, communication and self-assertion. They are offered half-day sessions of activities such as music, painting, drama and self-expression through movement. The Directorate General of Health-care Services funded 57 group activities of this kind between 2010 and 2017.
- Level 2 covers daytime psychiatric hospitalization in the infirmary. Since it takes longer to arrange daytime hospitalization in level 1 infirmaries, at the moment most patients are placed in level 2 infirmaries, where they have access to regional mental health services. According to the Directorate General of Health-care Services, the current capacity for daytime psychiatric hospitalization is 357 patients. The Directorate General encourages the development of this type of treatment by providing a fixed sum of €316,000.

- Level 3 corresponds to full-time hospitalization in specially equipped wards. The first of these wards was set up in 2010; patients are admitted to them with or without their consent. A project to create an initial 440 inpatient beds will be completed in September 2017 when a new ward is opened in Marseille. If psychiatric hospitalization is necessary and the specially equipped wards are full, detainees are hospitalized in health-care establishments that have been authorized to provide mental health treatment, pursuant to article D.398 of the Code of Criminal Procedure.

73. As regards monitoring the use of seclusion, article L.3222-5-1, which was added to the Public Health Code pursuant to the Act of 26 January 2016 on the modernization of the health system, provides that seclusion and restraint should be used only as a last resort and clearly establishes the aim of controlling and reducing the use of these practices.

74. This provision was introduced in the context of a specific Europe-wide policy to prevent, reduce and monitor the use of seclusion and restraint. In this regard, the recommendations of the Committee of Ministers of the Council of Europe emphasize the need to assess the risks associated with these practices, to review their use at regular intervals and to ensure that their use is recorded.[2] Article L.3222-5-1 of the Public Health Code provides for the establishment of a register, where the use of such practices is to be recorded, in each health-care establishment that has been authorized to provide mental health treatment and designated by the Director General of the Regional Health Agency to provide mental health treatment without consent.

75. A directive on the implementation of this provision was issued on 29 March 2017 (see annex 1). This text sets out the conditions governing the treatment of detainees, recalling that: “Restraint and seclusion are measures that may be taken to protect the patient and those around him or her in the infirmary, but they cannot be used for security or disciplinary purposes. Therefore, when detainees are hospitalized pending their transfer to a specially equipped ward, seclusion and restraint may be used only if necessary for medical reasons. The Ministers of Health, Justice and the Interior will work together to draw up measures for the implementation of this recommendation in establishments.” At the moment, health-care establishments that treat detainees with physical health problems have special rooms that have been secured by the prison service, but there are no equivalent facilities in establishments that provide mental health treatment to detainees, excluding the specially equipped wards.

76. The directive also stipulates that the objective of limiting the use of restrictive measures must be incorporated into the programmes for the continuous improvement of the quality and safety of health care drawn up by the medical committees in establishments, as well as into the establishments’ medical development plans and any shared medical development plans. The medical committees are to be given data on the use of these measures on a quarterly basis and must conduct qualitative follow-up, in liaison with the medical information department, in order to analyse and interpret the data concerning different services and units.

77. With regard to staff training, the directive indicates that the use of these practices should be assessed as part of the continuous professional development and professional practice evaluation programmes. Progress can be made through the development of specific protocols, for example on de-escalation and violence prevention measures, and in the context of continuous professional development, through training plans for the staff concerned.

[2] Recommendation No. Rec(98)7 of the Committee of Ministers to member States concerning the ethical and organizational aspects of health care in prison and Recommendation No. Rec(2004)10 of the Committee of Ministers to member States concerning the protection of the human rights and dignity of persons with mental disorder. Strasbourg.

78. The directive is supplemented by clinical practice recommendations, published on 20 March 2017 by the National Authority for Health, regarding the use of seclusion and restraint in medical establishments authorized to provide mental health treatment.[3]

31. The Committee recommends that the State party continue to ensure that all allegations of sexual abuse of children committed by French soldiers in the Central African Republic are investigated promptly and with due diligence and that the perpetrators are brought to justice as soon as possible and given penalties commensurate with the seriousness of the offence. The Committee also recommends that the State party ensure that social and psychological assistance and redress are provided to the victims, and that they receive up-to-date information on the progress of investigations into their cases. The Committee further recommends that the State party strengthen measures to prevent such incidents in the future.

79. The French authorities are determined to uncover the truth regarding the serious accusations made against soldiers of the Sangaris force, in cooperation with the United Nations and the Central African Republic.

80. Several allegations of sexual abuse were successively reported to the public prosecutor by the Ministry of Defence pursuant to article 40 of the Code of Criminal Procedure, which requires any public official who becomes aware of an offence in the performance of his or her duties to report that offence to the public prosecutor.

81. The judicial proceedings concerning the alleged sexual abuse of children by French soldiers in the Central African Republic are being handled or have been handled by the Paris *tribunal de grande instance* (court of major jurisdiction).

82. So far, no criminal charges have been brought against any of the suspects investigated in the course of the judicial inquiry opened on 7 May 2015. On 11 April 2017, the investigating judge issued a second order to close the inquiry following the submission of new evidence. The public prosecutor, who had ordered that the proceedings be dismissed following the first such order in December 2016, will decide shortly, in the light of this new information, whether there is sufficient evidence to justify a request for further investigations or whether the proceedings should be dismissed.

83. Proceedings are under way or pending in three other cases being handled by the Paris public prosecutor's office.

84. One case was dropped on the grounds that no offence had been committed.

85. It should be noted that, in addition to any criminal sanctions, which only the French judicial authorities may impose, disciplinary sanctions will be imposed on anyone found to have committed an offence.

86. The treatment of child victims is strictly regulated by French legislation, which contains specific provisions on victims of sexual offences in articles 706-47-1 to 706-53 of the Code of Criminal Procedure, concerning, for example, filmed interviews, the appointment of an ad hoc administrator if the victim cannot be represented by his or her parents and examinations by medical and psychological experts.

87. As regards informing victims about criminal proceedings, although article 11 of the Code of Criminal Procedure provides that investigation proceedings should remain confidential, the right of victims to be kept informed about criminal proceedings that concern them is nonetheless protected by French law.

88. The preambular article of the Code of Criminal Procedure stipulates that "the judicial authority shall ensure that victims are kept informed and that their rights are guaranteed throughout the proceedings" and many other articles of the Code contain provisions on the practical implementation of this general principle.

[3] Available from www.has-sante.fr/portail/jcms/c_2055362/fr/isolement-et-contention-en-psychiatrie-generale.

89. For example, under article 90-1 of the Code, during all investigations concerning serious criminal offences and some concerning minor offences, the party claiming damages must be informed of the progress of the proceedings every six months or even, in some cases, every four months.[4]

90. Similarly, expert opinions are always transmitted to all parties, including the parties claiming damages, who may submit comments or requests, pursuant to article 167 of the Code of Criminal Procedure.

91. With regard to the preliminary inquiry, article 77-2 of the Code of Criminal Procedure provides as follows: "If a victim has filed a complaint in the course of the inquiry and the person under investigation has requested to consult the case file, the public prosecutor shall inform the victim that he or she has the same rights and may exercise them under the same conditions."

92. Lastly, under the Code of Criminal Procedure, the public prosecutor is required to inform the complainants, and the victims that have been identified, of any decision to prosecute or to take alternative measures further to their complaint or report and of any decision to terminate the proceedings, specifying the legal or discretionary reasons for that decision.[5]

93. France attaches particular importance to training its soldiers in order to prevent future offences. All French soldiers involved in operations, including peacekeeping operations, receive specific training on the legal framework, the code of conduct, the rules of engagement, respect for human rights and criminal responsibility. This training includes a specific module that focuses on standards of integrity, command responsibility and zero tolerance for sexual exploitation and abuse. Soldiers are regularly reminded of these rules, which are strictly enforced.

94. Before any deployment to a State in crisis, French soldiers undergo training and awareness-raising on their duties as military personnel. They are also regularly reminded of these duties during the operation. In addition, operational legal advisers deployed within the armed forces receive specific training in international human rights law, international humanitarian law and criminal law, so that they may pass on that knowledge to each member of the force, both before and during deployment. Following this training, an examination is sat, at both the initial and advanced levels. In 2017, additional training was introduced in the form of a specific module aimed at trainers, on the prevention of sexual exploitation and sexual violence during operations.

95. Finally, France takes a number of measures to ensure that soldiers who have received a criminal sentence or a disciplinary sanction are not involved in any operations, including peacekeeping operations. These measures include checking criminal records

[4] Article 90-1 of the Code of Criminal Procedure reads as follows: "In criminal cases involving an offence against persons specified in book II of the Criminal Code, or an offence against property specified in book III of the Criminal Code and causing injury to persons, the investigating judge shall provide information on the progress of the investigation to the party claiming damages every six months. This information may be conveyed in a letter sent by standard delivery to the party claiming damages and his or her lawyer, or during a hearing of the party claiming damages.

If the claim for damages was submitted by an association representing several victims under the second paragraph of article 2-9 or the first paragraph of article 2-15, the information shall be given only to the association, which shall be responsible for conveying that information to the victims, unless the victims also submitted claims on an individual basis. At the request of the party claiming damages, the provision of information on the progress of the proceedings under this article shall take place every four months and the party claiming damages shall be summoned to a hearing for this purpose by the investigating judge."

[5] Article 40-2 of the Code of Criminal Procedure reads as follows: "The public prosecutor shall inform the complainants, and the victims if they have been identified, as well as the persons or authorities mentioned in the second paragraph of article 40, of any decision to prosecute or to take alternative measures further to their complaint or report. Likewise, if the prosecutor decides to terminate the proceedings, he or she shall inform them of that decision and indicate the legal or discretionary reasons on which it is based."

before recruitment and consulting criminal records as part of an administrative inquiry prior to any assignment.