



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

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Summary record of the 2189th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 17 April 2025, at 3 p.m.

Chair: Mr. Heller

later: Mr. Iscan

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* No summary record was issued for the 2188th meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States Parties under article 19 of the Convention *(continued)*

Eighth periodic report of France (continued) (CAT/C/FRA/8; CAT/C/FRA/QPR/8)

1. *At the invitation of the Chair, the delegation of France joined the meeting.*
2. **A representative of France**, resuming her delegation's replies to the questions raised at the previous meeting, said that law enforcement measures, including handcuffing, were governed by the principles of necessity, proportionality and respect for human dignity. Accordingly, article 803 of the Code of Criminal Procedure provided that no one should be handcuffed or restrained unless they posed either a danger to themselves or others, or a risk of escape. As the decision to use handcuffs was left to individual discretion, law enforcement officers received regular training not only to improve arrest and restraint techniques but also to build discernment capacities and raise awareness around the attendant ethical implications.
3. While detainees could be handcuffed to a stationary object when standing up, sitting or lying down to prevent them from harming themselves or others, the use of chokeholds, handcuffing of persons lying face down, and application of pressure to the neck or chest were prohibited. If necessity so warranted, a person could be handcuffed lying face down so long as they were subsequently moved into a seated or standing position. The application of measures of restraint, including handcuffing, must be documented, and any unlawful use was liable to disciplinary action by the competent oversight authorities.
4. **A representative of France** said that, during their training, police officers and gendarmes were advised to refrain from using tear gas in enclosed or confined spaces, except in specific circumstances, and to give priority to dialogue for de-escalation. As with handcuffing, the use of tear gas was subject to oversight and ex post facto judicial review. The use of conductive energy devices, known as "tasers", and other non-lethal weapons was also subject to strict controls. Initial and refresher training was provided on the use of tear gas, tasers, handheld projectile launchers and water cannons. There were specific instructions for each type of weapon, for example, a prohibition on the use of tasers to maintain order and shooting at moving vehicles. A supervisor was designated for each law enforcement operation to ensure observance of those rules. Service weapons were typically equipped with cameras to ensure that their use was closely monitored. Explosive munitions were no longer used against demonstrators. Sound grenades, which caused no physical harm, were used instead.
5. **A representative of France** said that, by law, identity checks were conducted only in the event of a presumed illegal act or threat or on the basis of a warrant and were, as with other law enforcement measures, subject to oversight. Body searches conducted in the context of such checks took place on the basis of clearly defined rules and with due respect for the person's dignity. Any violations of those rules were liable to prosecution.
6. **A representative of France** said that the Inspectorate General of the National Gendarmerie and the Inspectorate General of the National Police were responsible for ensuring that the internal security forces complied with the rules, and they prepared comprehensive annual reports on their activities that could be accessed on their respective websites. Legitimate use of force by the internal security forces was governed by a strict set of rules, and regular training was provided to improve officers' shooting skills and knowledge around the legal framework applicable to the use of arms.
7. The Public Security Act (No. 2017-258 of 28 February 2017) established common rules for the use of firearms by the gendarmerie and the police; article L.435-1 of the Act described the conditions for self-defence and the principles of necessity and proportionality and stipulated that officers must be clearly identifiable as members of the police or gendarmerie. The adoption of the Act had been preceded by two years of terrorist attacks, with close to 300 deaths and the targeting and killing of police officers in their homes and public spaces. In 2023, there had been 5,375 physical attacks against gendarmes, 2,544 of them involving weapons. While the use of firearms by the security forces had increased

notably following the adoption of the Act, with 394 recorded uses in 2017, it had subsequently decreased to 189 recorded uses in 2023.

8. Any use of firearms by law enforcement officers, lethal or not, was subject to internal investigation, which referred to surveillance videos and witness statements, among other things. The thoroughness and impartiality of investigations conducted by the Inspectorate General of the National Gendarmerie had been confirmed by the European Court of Human Rights in successive rulings. The same standards applied to investigations of police conduct.

9. **A representative of France** said that complaints of misconduct in the course of law enforcement operations could be filed with the Office of the Defender of Rights and its departmental counterparts and the Inspector General of Places of Deprivation of Liberty. In addition, the inspectorates general of the police and gendarmerie both operated online reporting platforms. All reports received were either addressed by the inspectorates themselves or referred to the competent judicial or administrative entity. The gendarmerie inspectorate had received 2,952 reports in 2022 and 3,294 in 2023. Of those, 963 had been dealt with directly. Out of 6,664 reports filed with the police inspectorate in 2023, 5,230 had been addressed directly. During the same year, the gendarmerie and police inspectorates had registered 69 and 533 cases of misconduct, respectively.

10. In 2024, 2,434 reports of misconduct in the context of law enforcement operations had been filed with the Defender of Rights, accounting for 2 per cent of the total number of complaints filed with the institution. In 2023, the Defender of Rights had received 233 complaints of police misconduct and 41 complaints against members of the gendarmerie. Out of 23 complaints filed in connection with arrest procedures, the allegations had been confirmed in 2 cases. Disciplinary sanctions had been imposed on 3,065 gendarmes and 2,116 police officers, including for excessive use of force in 30 cases. Administrative measures ranged from suspension from office to transfer in the interest of the service.

11. A representative of France said that any victim of unlawful violence could seek legal remedy. Special attention was given to complaints of excessive use of force. For the sake of impartiality, investigations were usually conducted by an entity other than the employing agency of the accused. All reported incidents were followed up.

12. No separate data were collected on violence committed by members of law enforcement agencies. Instead, statistics reflected violence committed by all persons vested with public authority, which also included firefighters, mayors and public officials, among others. Out of 6,774 proceedings brought against public officials accused of violence in 2022, 593 had provided sufficient ground for prosecution; 250 officials had been convicted. One fifth of those cases had involved the use or threat of the use of weapons, with a conviction rate of 85 per cent. Thirty-five per cent of officials convicted of violence had received prison sentences for an average term of 15 months; in cases involving the use of firearms, 69 per cent had been sentenced to prison terms averaging 18 months.

13. **A representative of France** said that racial profiling was prohibited by law. In order to facilitate reporting, police officers and gendarmes on duty were required to wear badges identifying their name and organization, save in clearly defined exceptions, and body cameras. Since 2021, the Defender of Rights had operated an online reporting platform for victims and witnesses of discrimination.

14. Only a very small proportion of complaints – 9 out of 6,080 complaints filed with the police inspectorate in 2024 – concerned identity checks based on profiling. In 2023, the ratio had been 17 out of 6,694, and there had been 5 cases of alleged discrimination. Data were similar for the gendarmerie. Although the Council of State had found that identity checks motivated by the physical characteristics associated with the real or perceived origin of the person checked were neither widespread nor systematic, the police ethics committee established in 2021 had made the issue a priority. Officers were now required to inform the person subjected to an identity check of the reasons beforehand, and to activate body cameras during the procedure. Specific modules on identity checks had been included in the training curricula of law enforcement personnel.

15. **A representative of France** said that when discussing allegations of violence committed against foreigners in Calais and Dunkirk, it was important to remember that Calais

had long been a hotspot of migration where large numbers of mostly irregular migrants lived in untenable conditions. Rather than turning a blind eye to the situation, the authorities had endeavoured to remove the illegal settlements, transfer the dwellers to proper shelters, and initiate proceedings to clarify their migration status. The interventions had been conducted in accordance with the codes of conduct governing all law enforcement operations.

16. In vulnerable settings such as Calais, the Government cooperated closely with the United Nations High Commissioner for Refugees and civil society organizations. Their representatives were granted permission to witness law enforcement operations and could bring any unlawful intervention to the attention of the competent administrative or judicial authorities, using the various complaints mechanisms.

17. **A representative of France** said that the Government's efforts to prevent the excessive use of force in places of detention focused, in particular, on juvenile detention centres. Since 2022, training programmes for guards, educators and other staff working with minors in detention had comprised awareness-raising around the specific requirements of juvenile detainees, age-sensitive responses to violence, appropriate correctional measures and the psychological specificities of vulnerable youth. To date, 61 per cent of prison educators and 68 per cent of juvenile prison guards had been trained. In 2025, the prison administration and the juvenile justice system had undertaken to develop a classification for juvenile facilities that took account of the specificities of juvenile inmate management and established common professional practices to ensure quality management standards across institutions.

18. **A representative of France** said that in order to prevent excessive use of force in places of detention, ethical considerations had been placed at the heart of administrative policies and training programmes. Under the Code of Ethics of the Public Prison Service, prison staff must refrain from all forms of violence or intimidation against detainees, the use of force must be proportional and limited to legitimate defence or attempted escape and priority should be given to dynamic security approaches. Incidents involving excessive use of force by prison staff were brought to the attention of the public prosecutor; sanctions could include suspension from service and the withholding of salary for the duration of the proceedings.

19. An observatory had been established in 2022 to monitor staff violence against inmates. Its first study had analysed 323 complaints of violence committed in places of detention filed with the Defender of Rights and the Inspector General of Places of Deprivation of Liberty to identify the nature of the acts committed, the institutions concerned and victim profiles.

20. **A representative of France** said that irregular migrants in administrative detention were entitled to an interpreter, counsel, a doctor and communication with their consulate. In response to the recommendations by the Inspector General of Places of Deprivation of Liberty in respect of violence in the administrative detention centres in Lyon, Metz and Mesnil-Amelot and Sète, among others, the Minister of the Interior had noted that administrative detention centres were intended mainly for irregular migrants convicted of public order offences. The use of force was limited to that strictly necessary to protect inmates and staff. Measures to improve the material conditions of detention, as recommended by the Inspector, were under way.

21. More than 30 per cent of the 140 persons being held at the facility in Lyon, Saint-Exupéry, were former prisoners, which might explain the rise in violent incidents. Surveillance cameras had been installed in designated areas where inmates could meet privately with representatives from civil society organizations or their lawyers. Nearly half the male population at the Metz detention centre had also served prison sentences. Some €500,000 had been earmarked to build a separate unit where residents could interface with associations.

22. The use of force in administrative detention centres was ruled by the principles of proportionality and necessity. In the facility in Lyon, protective shields were used during operations; video recordings of such operations were submitted to the judicial authorities and special investigation services. Based on the data provided by the police inspectorate, tasers had been used on three occasions in 2024, each time to protect inmates from self-harm.

23. **A representative of France** said that the demonstrations in New Caledonia in May 2024, which had been extraordinary in terms of their intensity, had resulted in 14 deaths, including of two gendarme officers, and injuries to hundreds of protesters and law enforcement officials. A large number of judicial and administrative measures had been adopted in their wake, including the placing of more than 2,000 persons in police custody; more than 600 had been released without charge and around 350 had been imprisoned. Dialogue with local political powers had since resumed, and the Ministry for Overseas France was again a full-fledged ministry.

24. **A representative of France**, referring to the reservation made by the State Party to article 27 of the International Covenant on Civil and Political Rights, said that the constitutional principles of the indivisibility of the French Republic and the equality of all citizens before the law prevented the conferring of collective rights on groups on the basis of origin, culture, language or belief. They did not, however, hinder the promotion of cultural, religious and linguistic diversity, and the principle of equality before the law afforded full protection from discrimination to all persons in France. The same explanation was valid for the Government's decision not to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). While the Government could not assume international obligations that required the recognition of distinct peoples within the French people or the granting of collective rights to any group, that fact had never prevented the adoption of ambitious policies benefiting Indigenous persons.

25. **A representative of France** said that the diversity among the populations living in the overseas territories had necessitated actions that responded to their specific needs, such as in the areas of bilingual education and access to healthcare, rather than a blanket policy. National legislation allowed for the reconciliation of ordinary and customary law, particularly in order to ensure that local communities' voices were heard. Consultative bodies had been established in French Guiana and New Caledonia, with the practical and financial support of the French authorities.

26. **A representative of France** said that the law adopted in January 2024 to monitor immigration and improve integration had been examined by the Constitutional Council, which had explicitly validated all the articles that had subsequently entered into force, including in relation to the simplification of legal proceedings involving foreigners through reforms to the National Court on the Right of Asylum. The Constitutional Council had, moreover, ruled that the introduction of single-judge hearings in that Court did not harm the right to a defence and that allowing the Court's President to determine whether a case should be examined by a collegial panel did not constitute unjustified discrimination against certain asylum-seekers; indeed, most cases were heard in that manner. The January 2024 law also addressed removal measures. The imposition of a special legal regime in Mayotte, where around 50 per cent of the population were foreigners, half of whom were in irregular situations, until 1 January 2027 was permitted by the Constitution and the jurisprudence of the Constitutional Council.

27. Responsibility for the deaths of migrants lay solely with the traffickers and smugglers who forced them to take risks incompatible with human dignity and, often, the right to life. Prefects were responsible for decisions concerning the risks posed by foreigners in irregular situations and their possible detention, in accordance with the Convention relating to the Status of Refugees. Those decisions were taken under the supervision of the liberties and custody judge, who could suspend proceedings within 24 hours, a time frame that had been increased from 10 hours by the January 2024 law. Foreigners could also lodge appeals with the administrative court with legal assistance from associations contracted by the State. The National Court of the Right of Asylum handed down around 66,000 decisions each year, and 40 per cent of cases handled in the administrative courts and 60 per cent of those handled in the courts of appeal concerned foreigners.

28. **A representative of France** said that the Government adhered strictly to the principle of non-refoulement at all stages of extradition proceedings. The risk of torture or inhuman or degrading treatment could be cited by any party and at any point in proceedings. In all cases, the authorities requested the necessary information to ensure that extradited persons would not be subjected to torture; if such a risk existed, extradition was refused.

29. **A representative of France** said that the Government had communicated to the European Court of Human Rights the exceptional circumstances preventing it from adopting the interim measures indicated by the Court in the case of the extradition of an Uzbek national. The Court's jurisprudence had been used to strengthen the reasoning for decisions on countries of destination with regard to alleged risks of torture or inhuman or degrading treatment. Action had been taken to raise awareness of the Court's interim measures among the bodies that imposed removal measures.

30. **A representative of France** said that to address overcrowding in prisons, which were at around 130 per cent capacity in mainland France, the Government had introduced a prison population control policy under which significant criminal reforms had been made, including the adoption of legislation to limit short prison sentences, strengthen early release mechanisms and promote alternatives to pretrial detention, such as electronic tagging. The policy also included ambitious prison building plans, including one intended to create more than 15,000 prison places by 2027. Unfortunately, that plan, which included the construction of lower-security prisons geared towards prisoner reintegration, had been beset by a range of problems, including difficulties in finding available land, and it was likely that the target would be missed. The Government therefore intended to build modular prisons to house 3,000 prisoners eligible for part-time release or with short sentences. The prison population control policy also allowed remand prisoners to be placed in unoccupied single-occupant cells in ordinary prisons and promoted alternatives to detention, notably community service. The Government participated in an initiative of the Council of Europe that facilitated cooperation between States members of the European Union to address prison overcrowding, and it had developed a preventive legal redress mechanism to protect the right to respect for dignity in detention.

31. The 16 prisons in overseas France were at more than 140 per cent capacity and required significant modernization. Around €18 million had been allocated to maintaining and improving them in 2024, and several prisons had been built or renovated in recent years. Emergency funding totalling €2 million had been allocated to repair the damage done to the Nouméa prison during the violent demonstrations in New Caledonia in 2024, and there were plans to construct another prison there with a capacity of 600 inmates. More than €1 million had been allocated to repair damage to a prison in Mayotte caused by a cyclone, and the construction of a prison to hold up to 400 prisoners was planned.

32. **A representative of France** said that the placement of minors in solitary confinement was regulated strictly by law. Minors aged 16 and over could be placed in solitary confinement for between 3 and 7 days for particularly serious offences or in a punishment cell for a maximum of 5 to 7 days. Minors aged under 16 could be placed in solitary confinement for up to 3 days and could not be placed in punishment cells. Such measures did not interrupt education or training or prevent visits by family members, lawyers, the Inspector General of Places of Deprivation of Liberty or any persons involved in a minor's education or social reintegration.

33. **A representative of France** said that although the number of suicides in prisons was increasing, so was the prison population, and the suicide rate among prisoners had in fact remained steady over the previous decade. Two suicide prevention plans had been developed, the most recent of which, implemented in 2022 in all prisons in France, had included a guide to suicide prevention, greater mental health training for prison officers and the construction of emergency protection cells where prisoners at imminent risk of suicide could be placed for 24 or 48 hours. Prisoners could also receive training in identifying, supporting and protecting other inmates with mental health problems or at risk of suicide. Other suicide prevention tools were being piloted, including a helpline for prisoners.

34. **A representative of France** said that prisoners had access to healthcare on the same footing as the general population, free of charge, and were covered by the general social security scheme. Each prison had a health unit and dedicated mental healthcare facilities. Inmates with serious conditions were treated at hospitals, some of which had special units for them, and there was a specialist facility that treated detainees with psychiatric problems. Prisoners' access to healthcare was, however, hindered by staffing shortages; in response, the Government encouraged medical students to undertake work placements in prisons and had

improved working conditions in places of detention, for example by allowing healthcare professionals to split their time between prisons and other facilities.

35. **A representative of France** said that a number of laws had been adopted to strengthen efforts to address violence against children, including a 2024 law that had enhanced protection and support for child victims of domestic violence by extending the removal of parental authority from persons convicted of incest or other crimes against their children. The law had also extended the automatic suspension of parental authority to include parents prosecuted for, or accused of, sexual abuse or rape. If a separated parent made allegations of sexual abuse in order to avoid returning a child to the other parent, the judicial authorities, under the supervision of the public prosecutor and in coordination with judges and the domestic violence units established in courts, were required to verify the allegations before deciding whether to launch criminal proceedings.

36. Under legislation adopted in 2021, children under 15 could not consent to sexual activity with an adult – such activity constituted rape – and that age rose to 18 in cases of incest. The statute of limitations had been lengthened for such crimes. The Government had developed a plan to combat violence against children, and its plans addressing harassment, prostitution and sexual exploitation included action to prevent the sexual exploitation of minors. The mandate of the Independent Commission on Incest and Sexual Violence against Children had recently been extended.

37. **A representative of France** said that article 689-2 of the Code of Criminal Procedure gave French courts jurisdiction to try anyone in France who had committed torture, as defined in article 1 of the Convention, outside French territory. Such cases fell within the remit of the national counter-terrorism prosecution service. In its judgment concerning a complaint brought by a foreign national convicted in France of such an offence under article 689-2 (*Ould Dah v. France*), the European Court of Human Rights had found that torture was defined with sufficient predictability and accessibility under French law. It was not necessary to activate universal jurisdiction under article 689-2 in order to prosecute persons who had committed torture in France, since those acts fell within the country's territorial jurisdiction, and French judges also had the power to invoke article 1 of the Convention in such cases.

38. **A representative of France** said that, on 27 November 2024, the Ministry for Europe and Foreign Affairs had issued a press release on the subject of Israel and the International Criminal Court. The press release had made it clear that the Government had the obligation both to cooperate with the Court and to act consistently with its obligations under international law with respect to the immunity of States not party to the Court. However, the press release had not established which obligation would take precedence in the event of the Court's asking the French authorities to arrest and surrender Prime Minister Benjamin Netanyahu. Any such request would be referred to the office of the prosecutor-general of Paris, and it would be left to the competent judges to decide whether or not Mr. Netanyahu enjoyed immunity from the arrest warrant. If the judges ruled that Mr. Netanyahu should be arrested, he would also have the right to appeal that decision. With respect to the arrest warrants issued for senior Russian officials, the Government maintained its position that alleged perpetrators of war crimes must be held accountable for their actions under international law.

39. **A representative of France** said that all military personnel received training on the prohibition of torture and cruel, inhuman and degrading treatment. In 2023, the Ministry of the Armed Forces had published the first French manual on the law governing military operations, which reiterated the absolute prohibition of all forms of torture and detailed the safeguards to be put in place to prevent inhuman or degrading treatment, particularly in places of deprivation of liberty. Those documents formed part of the training provided to military personnel prior to their deployment abroad. The Ministry had also issued a memo on the legal framework applicable to sexual violence committed during external operations, which had been updated in 2023. Any complaints or allegations concerning the conduct of French military personnel during external operations were investigated and, if necessary, referred to the judicial authorities. The Ministry also evaluated each of its external operations in collaboration with the International Committee of the Red Cross with a view to identifying areas for improvement.

40. France had signed a number of bilateral status-of-forces agreements with West African countries, including Mali, under which the national authorities of those countries had undertaken to treat all persons surrendered to them in accordance with international rules on torture and inhuman or degrading treatment. Those agreements also authorized representatives of the French authorities to visit places of detention to ensure that those commitments were being honoured.

41. The Government strictly applied European Regulation 2019/125 concerning trade in certain goods that could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. It also took part in the Proliferation Security Initiative, under which a hundred or so States worked together to combat the trafficking of such goods.

42. **A representative of France** said that, under the Bioethics Act of 2021, children with differences in genital development must be referred to specialist teams working at six referral centres throughout the country. Each case was then discussed at a national consultation meeting attended by at least one representative from each of the six centres. Following those discussions, the specialists could offer to prescribe medication or carry out a surgical intervention only if such a measure was considered to be a medical necessity for the child. The child's consent must also be sought if he or she was capable of participating in decision-making. In the year or so since the new procedure had been put in place, the files of 165 children had been examined at 23 national consultation meetings. Before the introduction of the new procedure, on average, around 74 per cent of boys and 27 per cent of girls with differences in genital development under the age of 3 had undergone surgical interventions. Thanks to the implementation of the new procedure, the large majority of cases were now treated without recourse to medication or surgery.

43. *Mr. Iscan (Vice-Chair) took the Chair.*

44. **Mr. Contesse** (Country Rapporteur) said that the Committee would like to know whether the Government had taken or planned to take any measures to incorporate into domestic legislation the principle of the absolute prohibition of torture, in accordance with article 2 (2) of the Convention, and the principle that an order from a superior officer or a public authority might not be invoked as a justification of torture, in accordance with article 2 (3). With respect to the latter, it would be useful to know whether any mechanisms had been put in place to protect subordinates who refused to obey such orders and, if so, whether law enforcement officers were aware of those mechanisms. He also wished to know whether the principle of command responsibility or superior responsibility, according to which superior officers were held to account for the offences of torture and ill-treatment committed by their subordinates where they had been or should have been aware that their subordinates had committed or had been likely to commit such offences and had failed to take reasonable and necessary preventive measures or to refer the case to the competent authorities for investigation and prosecution, had been incorporated into the Criminal Code.

45. It was striking that a definition of torture had still not been incorporated into the State Party's criminal legislation. He would be interested to hear the precise reasons why, in spite of the recommendations repeatedly made by the Committee, the Government refused to amend the Criminal Code to that effect. He would also welcome information about any judicial decisions or judgments specifically related to torture that had been issued under article 222-1 of the Criminal Code. Without that information, the exact legal status of the crime of torture – as developed through French case law – would remain unclear to the Committee.

46. On a similar note, he wished to know why the Government was apparently unwilling to make torture an imprescriptible offence. He simply failed to see why the State Party had not implemented the Committee's recommendations in that regard. The origins of the statutes of limitations in French legislation could be traced back to ancient Roman law, and their continued existence was less and less widely accepted in French society. Furthermore, the European Court of Human Rights had ruled on more than one occasion that criminal proceedings concerning torture or ill-treatment inflicted by State agents should not be discontinued on account of a limitation period. He would be interested to know whether there had been any cases where a person had tried to initiate criminal proceedings in relation to such an act following the expiry of the statute of limitations.

47. It had been reported that between 15 and 50 per cent of children who had suffered ill-treatment at the hands of a parent in the State Party went on to experience a recurrence of the abuse. With that in mind, he wished to know what monitoring mechanisms or other measures had been put in place to protect children who had been returned to the care of an abusive parent and what steps had been taken to ensure that they had access to effective redress.

48. He would welcome further information on the impact of the Act of 30 October 2017 on strengthening internal security and counter-terrorism. Footage apparently showing French police officers killing a person who did not pose an imminent threat to their security was widely available online. He therefore wished to know whether the Act had removed the concept of imminence from the regulations governing the use of force by law enforcement officers acting in self-defence, and the delegation might like to comment on the accuracy of reports suggesting that the number of police killings by shooting had multiplied by five since the entry into force of the Act. He would also like to know why so few complaints of racial profiling were received through the online platforms put in place by the Inspectorate General of the National Police and the Inspectorate General of the National Gendarmerie when it was widely reported that such incidents remained commonplace.

49. The Committee would welcome clarification concerning reports that certain Indigenous leaders in New Caledonia had been held in solitary confinement for prolonged periods of up to 300 days. He would also appreciate further information about the conditions and circumstances in which people involved in the unrest in New Caledonia in May 2024 had been transferred to mainland France. It would be helpful to know whether they had consented to their transfers to Europe and, if so, what measures had been taken to obtain their consent. It had been encouraging to hear the delegation mention the need for political dialogue with a view to ensuring the emancipation of Indigenous Peoples in France. He nonetheless urged the Government to withdraw its reservation to article 27 of the International Covenant on Civil and Political Rights and to consider ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). Neither of those instruments were incompatible with the principles of indivisibility and equality, and they had both been ratified without reservations by other States that also defended those principles.

50. He understood that it would be left for the competent courts to decide whether France should execute the arrest warrants that had been issued by the International Criminal Court for senior Israeli and Russian officials. However, it would still be helpful to know what stance the Government held on the matter. Its position concerning the Court's arrest warrants was of direct relevance to the Committee, since torture was one of the international crimes established in the Rome Statute of the International Criminal Court.

51. Finally, he would like to know what measures were being taken to ensure that persons who appeared before the asylum authorities had access to the best practitioners in the legal profession.

52. **Mr. Rouwane** (Country Rapporteur) said that, while the Committee welcomed the introduction of additional safeguards in respect of the administrative search procedure, or "search and seizure", nevertheless, according to information received, the requirement for authorization by the liberties and custody judge did not in practice always prevent abuses by the administrative authorities. The authorities interpreted the concept of "terrorist threat" very broadly and the justification for searches was often based on so-called "*notes blanches*", rather vague and sometimes highly subjective documents issued by the intelligence services, whose evidentiary value was difficult for courts to assess – particularly problematic when they were under pressure to make a speedy determination in the context of an alleged terrorist threat. In addition, he understood that the Government no longer reported to Parliament on the use of such administrative measures, in contravention of the relevant legal provisions on internal security; the delegation's comments would be welcome in that regard.

53. The Committee welcomed the statistics for 2023 on racist and xenophobic crimes and actions, received from the National Directorate for Domestic Intelligence, and the recent survey of hate-motivated crimes conducted by the ministerial statistics service for internal security, and encouraged the State Party to standardize the practice of data collection and

reporting in respect of hate crimes. He would like to know what results could be reported from the National Anti-Racism and Anti-Discrimination Plan 2023–2026.

54. He would like to know what follow-up had been given to the recommendations by the Defender of Rights in respect of intersex persons. Lastly, he wished to hear about any action taken in follow-up to the call by the Defender of Rights for a ban on the use of handheld projectile launchers by law-enforcement officials in the context of law and order operations.

55. **Ms. Racu** said that the Committee had received reports of excessive use of chemical and physical restraints, including on children, in psychiatric care institutions. It had also been informed of staff shortages in such institutions and of a lack of independent oversight of deprivation of liberty of persons with disabilities in sociomedical institutions and medical-educational institutions. She would like to know what systems were in place to monitor conditions in such institutions, particularly for children and older persons; what strategy was in place to increase the number of qualified mental health professionals; and what policies were implemented to prevent violence, including sexual violence, especially against children, in such institutions.

56. **Ms. Maeda** said that she would appreciate receiving information on the definition of rape in the Criminal Code and in particular whether that definition was based on the absence of consent, covered any non-consensual sexual act and took all circumstances into account. She would also appreciate information on the implementation of the latest national action plan to eradicate female genital mutilation. Lastly, she wished to hear about measures taken to ensure the safety of lesbian, gay, bisexual and transgender detainees in the State Party's prisons.

The meeting was suspended at 5.15 p.m. and resumed at 5.30 p.m.

57. **A representative of France** said that it was a principle of French law that a public official was required to obey any instruction from a superior or other legitimate authority and could not be held criminally liable except if that instruction was manifestly unlawful, which would be the case in instances of torture.

58. With regard to protection and support to child victims of incest and domestic violence, notably in the context of abduction by mothers, the most recent legislation provided for withdrawal of parental authority in the event of a conviction, or suspension of parental authority where a child was at risk. All jurisdictions now had domestic violence units to coordinate the actions of different courts, such as criminal courts and family affairs courts, in order to ensure a consistent approach to cases involving abduction and domestic violence.

59. **A representative of France** said that the legislation on public security incorporated the relevant provisions of the European Convention on Human Rights, and the use of force by law enforcement officials was subject to the principles of strict necessity and proportionality. Similarly, under the Internal Security Code, the use of force was subject to two necessary conditions, namely that the official in question should be wearing a uniform or other visible emblem of authority and that any weapon should be used only as strictly necessary and in proportion to the circumstances. In addition, the use of force was subject to the issuance of prior verbal warning or, where no such warning was given, to the existence of a situation of imminent attack.

60. Training was provided in the use of handheld projectile launchers: officers received six hours' initial training and four hours' in-service training in addition to annual training sessions. In further modifications to the regulations, less harmful ammunition had been introduced; the decision to open fire was no longer taken by the shooter but by a supervisor, who had a broader view of the situation; and video cameras were now constantly filming, both before and during firing. The risk of injury from ricochets had also been reduced through a change in the type of firearms and the calibre of ammunition used, although they were still subject to the same training requirements.

61. **A representative of France** said that she would be interested to know the source of the Committee's information concerning a fivefold increase in the use of firearms by police since 2017. Her own figures were very different, though that could indicate a problem of methodology, in which case there might be lessons to be learned. A count was kept of every incident in which a weapon was fired, including against dangerous animals, and the figures

pointed to a 54 per cent increase between 2015 and 2017, while 2023 had seen a reduction of 28 per cent compared with 2017.

62. **A representative of France** said that there was no reason to doubt the expertise of the legal professionals who represented asylum-seekers. Their services were provided through various associations, which were selected following public calls for tender. Asylum-seekers were free to use those services, provided without charge, or those of any other lawyer of their choice. The Committee might wish to note that, in 2023, protection had been granted by the National Court on the Right of Asylum in 21 per cent of the applications submitted, 1 per cent more than in 2022.

63. **A representative of France** said that the principles of criminal procedure and judicial impartiality were applied in every case and sentences were handed down on an individual basis. In addition, in the matter of transfers from New Caledonia to mainland France, the constitutional principle of the separation of powers also applied, which meant that the French Government was not permitted to give instructions on individual cases or to interfere in judicial proceedings. Every effort had nevertheless been made to ensure that inquiries proceeded smoothly, to prevent pressure being exerted on witnesses or victims and to prevent collusion among the accused, in accordance with the Code of Criminal Procedure. Such transfers were also one of the measures taken to reduce overcrowding in the Camp Est prison, parts of which had been rendered uninhabitable by the damage caused during the events of 2024. It had been deemed necessary to place a certain individual in solitary confinement owing to the intense media coverage of the case in which he had been accused. However, a family visit had been arranged for him in a special family unit.

64. **A representative of France** said that, according to the Prisons Code and related regulations, full-body searches could be conducted only as a last resort, and following less intrusive forms of search such as patting down and electronic scanning. Body cavity searches were prohibited. Those principles and their practical application were covered in the training provided to officers, both in initial training and in regular in-service training courses. Searches were subject to judicial oversight and, in 2024, the administrative courts had handed down 48 convictions for irregular searches.

65. **A representative of France** said that the specific needs of lesbian, gay, bisexual and transgender detainees were required to be taken into account, and their safety was to be guaranteed. Guidelines setting out best practices in that regard had been issued in 2024. Any situations where an individual appeared vulnerable by reason of sexual orientation were considered by a multidisciplinary team on a case-by-case basis. Only as a last resort – and in the same way as any other detainee – should transgender persons be recommended for isolation or placement in a wing for vulnerable persons. Violence against a transgender detainee, if it constituted a criminal offence, was to be referred forthwith to the prosecution service by the prison authorities; any closed-circuit television images were to be duly preserved; and an interview must be carried out with the victim. Special arrangements were made to ensure confidential communication with specialist associations. In the event of sexual violence, the victim should report to the infirmary, which should treat the case as an emergency; the judicial authorities must be informed.

66. **A representative of France** said that France wished to reiterate its unwavering support for the International Criminal Court. It would be for the French courts to clarify the position in that regard, should the need arise.

67. **A representative of France** said that judicial oversight of search and seizure procedures was effectively guaranteed insofar as the liberties and custody judge of the Paris Judicial Court had sole competence to issue a warrant and warrants were not granted in every case. The administrative court would admit *notes blanches* to the extent that their content was specific and that a case was properly argued. The purpose of such documents was to make it possible for the security services to communicate certain information to persons without security clearance without compromising confidential sources.

68. As to parliamentary oversight, he could confirm that reports were submitted annually. Moreover, in accordance with the Internal Security Code, the Ministry of the Interior also submitted weekly reports covering, among other things, any prefectural applications for search and seizure.

69. **A representative of France** said that non-consensual committal to psychiatric care was subject to three-way oversight: administrative, medical and judicial. Psychiatric hospitals were accredited for non-consensual care only if they met certain conditions, set out in law, regarding adequate staffing and equipment. Special authorization was required for the provision of such care to children. Medical oversight consisted in the requirement for medical certification of the need for committal, with a second opinion being required in certain cases.

70. **A representative of France** said that, since non-consensual hospitalization effectively amounted to deprivation of liberty, the procedure was subject to authorization by the liberties and custody judge. Such authorization was also required where committal was to be further prolonged, in accordance with the Public Health Code.

71. **A representative of France** said that the definition of rape had been broadened, under legislative amendments introduced in 2018, 2020 and 2021, to cover not only penetration but also acts of oral sex, whether performed by the victim on the perpetrator or by the perpetrator on the victim, and to create a specific offence of incitement to rape. After several months of work by the National Assembly Women's Rights Committee, a cross-party proposal, supported by the Government, had been submitted in January 2025 to introduce the concept of lack of consent into the criminal definition of sexual assault and rape and to establish that consent must be free, informed, specific, prior and retractable.

72. **A representative of France** said that the national plan to eradicate female genital mutilation addressed several aspects of the issue such as health – including support for research in reparatory surgery – professional training and prevention.

73. **A representative of France** said that her delegation very much appreciated the quality of the dialogue with the Committee and Committee members' serious and painstaking consideration of the Government's report. She assured the Committee that all its recommendations would be closely scrutinized by all the ministries and institutions concerned. France was particularly concerned about its overseas territories and, with regard to New Caledonia, the Minister of State was holding discussions with a view to reaching consensus on the institutional future of that territory. Given the diversity of the national community, it was the State's responsibility to promote and guarantee fundamental freedoms to allow everyone to live in peace and harmony. There could be no tolerance of discrimination.

The meeting rose at 6 p.m.