



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

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Committee against Torture

Concluding observations on the eighth periodic report of France*

1. The Committee considered the eighth periodic report of France¹ at its 2186th and 2189th meetings, held on 16 and 17 April 2025,² and adopted the present concluding observations at its 2202nd meeting, held on 30 April 2025.

A. Introduction

2. The Committee is grateful to the State Party for accepting the simplified reporting procedure and submitting its eighth periodic report thereunder, as this improves the cooperation between the State Party and the Committee and focuses the consideration of the report and the dialogue with the delegation.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the delegation of the State Party and welcomes the oral responses to the questions and concerns raised during the consideration of the periodic report.

B. Positive aspects

4. The Committee notes with satisfaction that, since its consideration of the previous periodic report, the State Party has ratified or acceded to the following international instruments:

(a) The International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190), on 12 April 2023;

(b) The Council of Europe Convention against Trafficking in Human Organs, on 18 January 2023;

(c) The second, third and fourth protocols additional to the European Convention on Extradition, on 10 June 2021;

(d) Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), on 12 April 2018;

(e) The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, on 12 October 2017;

(f) The ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), on 7 June 2016.

* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

¹ CAT/C/FRA/8.

² See CAT/C/SR.2186 and CAT/C/SR.2189.



5. The Committee also welcomes the measures taken by the State Party to amend laws or legislate in areas of relevance to the Convention, including the adoption of the following:

- (a) Decree No. 2023-457 of 12 June 2023, under which various provisions on legal aid were introduced;
- (b) Act No. 2023-140 of 28 February 2023, under which provision was made for universal emergency assistance for victims of domestic violence, and Act No. 2020-936 of 30 July 2020 on the Protection of Victims of Domestic Violence;
- (c) Act No. 2022-295 of 2 March 2022 to Strengthen the Right to Abortion;
- (d) Act No. 2022-140 of 7 February 2022, the Child Protection Act;
- (e) Act No. 2021-403 of 8 April 2021 on Protecting the Right to Respect for Dignity in Detention;
- (f) Act No. 2019-1480 of 28 December 2019 on Addressing Domestic Violence;
- (g) Act No. 2019-721 of 10 July 2019 on the Prohibition of Ordinary Educational Violence;
- (h) Act No. 2019-222 of 23 March 2019 on Planning for the Period 2018–2022 and on Judicial Reform, under which a number of measures to combat prison overcrowding are foreseen;
- (i) Act No. 2018-703 of 3 August 2018 on Strengthening Measures to Combat Sexual and Gender-based Violence;
- (j) The circular of 19 April 2017 on the judicial protection of children.

6. The Committee welcomes the measures taken by the State Party to amend its policies and procedures with a view to improving human rights protection and giving effect to the Convention, in particular:

- (a) The adoption in 2024 of the Strategy to Combat the Prostitution System and Sexual Exploitation;
- (b) The adoption in 2023 of the National Plan to Combat Exploitation and Trafficking in Persons (2024–2027);
- (c) The adoption in 2023 of the Plan to Combat Violence against Children 2023–2027;
- (d) The adoption in 2023 of the “Everyone Is Equal” interministerial plan for the equality of women and men 2023–2027;
- (e) The adoption in 2023 of the National Plan to Combat Racism, Antisemitism and Origin-related Discrimination 2023–2026;
- (f) The adoption in 2023 of the National Plan for Equality and to Combat Anti-LGBT+ Hatred and Discrimination 2023–2026;
- (g) The adoption in 2019 of the National Child Protection Strategy 2020–2022;
- (h) The adoption in 2019 of the National Action Plan to Eradicate Female Genital Mutilation;
- (i) The adoption in 2017 of the National Sexual Health Strategy 2017–2030;
- (j) The adoption in 2016 of the fifth Plan to Prevent and Combat All Forms of Violence against Women 2017–2019.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations,³ the Committee asked the State Party to provide information on the action it had taken in follow-up to its recommendations concerning allegations of excessive use of force by the police and gendarmerie, access to psychiatric care in prisons and sexual abuse in the Central African Republic.⁴ In view of the information received from the State Party on 12 May 2017 on the follow-up to these concluding observations,⁵ the letter dated 20 August 2018 from the rapporteur for follow-up to concluding observations to the Permanent Representative of France to the United Nations Office and Other International Organizations in Geneva,⁶ the information provided by the delegation during the dialogue and the information contained in the State Party's eighth periodic report, the Committee is of the view that the recommendations made in paragraphs 17 (c), 24 and 33 of its previous concluding observations have been partially implemented. These issues are covered in paragraphs 19, 29, and 35 of the present concluding observations.

Definition and criminalization of torture

8. The Committee finds it regrettable that, despite its previous recommendations,⁷ the State Party continues to be of the view that article 222-1 of the Criminal Code, under which "torture and barbaric acts" are classified as crimes, is, as that article is interpreted by the courts, compatible with the definition contained in article 1 of the Convention. The Committee notes with concern that article 222-1 still does not contain a definition of torture in line with that contained in article 1 of the Convention. In this regard, it wishes to draw the State Party's attention to its general comment No. 2 (2007), in which it stated that, by establishing and defining the offence of torture in accordance with the terms of the Convention, States Parties would directly advance the Convention's overarching aim of preventing torture. While noting the delegation's explanations, the Committee remains troubled, too, by the fact that a statute of limitations may apply to the crime of torture when it is not considered a crime against humanity. It also finds it regrettable that the State Party has not provided information on cases of persons prosecuted on charges of torture and convicted under article 222-1 of the Criminal Code (arts. 1 and 4).

9. **The Committee reiterates its recommendation that the State Party incorporate into the Criminal Code a definition of torture that includes all the elements set forth in article 1 of the Convention. It also reiterates its recommendation that it ensure that no statute of limitations applies to the crime of torture, even when it is not considered a crime against humanity, with a view to eliminating the risk of impunity and guaranteeing the investigation of acts of torture and the prosecution and punishment of the perpetrators. In addition, the State Party should include in its next periodic report information on cases of persons prosecuted on charges of torture and convicted under article 222-1 of the Criminal Code.**

Absolute prohibition of torture and command responsibility

10. The Committee remains concerned about the absence of a clear provision in the State Party's legislation ensuring that the prohibition of torture is absolute and non-derogable, in accordance with article 2 (2) of the Convention, and that an order from a superior officer or public authority may in no case be invoked as a justification of torture, in accordance with article 2 (3) of the Convention. The Committee regrets the lack of information on whether any mechanisms or procedures are in place to protect subordinates from reprisals and enable them to refuse, in practice, to obey illegal orders. Furthermore, the Committee notes with

³ CAT/C/FRA/CO/7 and CAT/C/FRA/CO/7/Corr.1, para. 40.

⁴ Ibid., paras. 17 (c), 24 and 33.

⁵ CAT/C/FRA/CO/7/Add.1.

⁶ See tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FFRA%2F32211&Lang=en.

⁷ CAT/C/FRA/CO/7 and CAT/C/FRA/CO/7/Corr.1, para. 9.

concern that command or superior responsibility for the crime of torture, when it does not constitute a crime against humanity or a war crime, is not a principle explicitly recognized in national legislation (art. 2).

11. The State Party should ensure that the principle of absolute prohibition of torture is incorporated into its legislation and strictly observed, in accordance with article 2 (2) of the Convention. It should also ensure that, in accordance with article 2 (3) of the Convention, an order from a superior officer or public authority may in no case be invoked as a justification of torture. To this end, the State Party should establish mechanisms for the protection of subordinates who refuse to obey such orders and ensure that all law enforcement officers are informed of the prohibition against obeying unlawful orders and of the protective mechanisms in place. Furthermore, the State Party should amend the Criminal Code to incorporate the principle of command or superior responsibility for the crimes of torture and ill-treatment, even when they are not considered crimes against humanity or war crimes, to ensure that superior officers are held criminally responsible for the conduct of their subordinates where they are or should have been aware of acts that their subordinates have committed or were likely to commit and failed to take reasonable and necessary preventive measures or to refer the case to the competent authorities for investigation and prosecution.

Universal jurisdiction

12. The Committee notes that, under the Code of Criminal Procedure, in which explicit reference is made to the definition of torture set out in article 1 of the Convention, the State Party may exercise universal jurisdiction over crimes of torture. The Committee also notes the cases in which the State Party has exercised universal jurisdiction in respect of perpetrators of acts of torture present in its territory, in accordance with article 5 of the Convention. While noting the explanations offered by the State Party's delegation, the Committee is concerned about the apparent inconsistency of the position of the State Party, which selectively invokes the immunity of representatives of States not Parties to the Rome Statute of the International Criminal Court to justify its failure to cooperate fully with the Court, on the execution of warrants of arrest issued in accordance with the Rome Statute (arts. 5, 7 and 8).

13. The State Party should continue making efforts to effectively exercise universal jurisdiction over any persons allegedly responsible for acts of torture who are present in its territory if it does not extradite them to another country, in accordance with articles 7 and 8 of the Convention. In addition, it should clearly define its position on the execution of warrants issued by the International Criminal Court for the arrest of nationals of States not Parties to the Rome Statute, in particular where those warrants are for the arrest of persons suspected of acts of torture, and ensure that, with a view to effectively combating impunity for international crimes, including torture, its international obligations under the Rome Statute are fulfilled in a manner that is consistent rather than selective.

Fundamental legal safeguards

14. The Committee takes note of the procedural guarantees set out in the Code of Criminal Procedure with a view to preventing torture and ill-treatment, as well as the adoption of Act No. 2024-364 of 22 April 2024, under which a number of legal provisions pertaining to the economy, financial matters, the green transition, criminal matters, social law and agriculture were brought into line with European Union law, an act intended to strengthen the rights of persons in police custody. It is concerned, however, about allegations that the information given to people in police custody about their rights is sometimes given to them belatedly and in fragmentary fashion. It also finds it troubling that, for serious offences such as organized crime, drug trafficking or aggravated homicide, police custody can, on the issuance in writing of a substantiated order, be extended for up to four days by the public prosecutor or the investigating judge, and even for up to six days in the event of imminent risk of a terrorist attack or the need for international cooperation. In addition, the Committee is concerned about reports that law enforcement officers lack sufficient training on compliance with fundamental legal safeguards (arts. 2, 11 and 16).

15. **The State Party should ensure that all detained persons are afforded, both in law and in practice and from the very outset of detention, all fundamental legal safeguards for the prevention of torture, irrespective of the reason for which they have been taken into custody, including the right to be informed, in a language they understand, of the reason for their arrest, the nature of the charges against them and their rights. The State Party should also amend the Code of Criminal Procedure to ensure that the maximum duration of police custody does not exceed 48 hours and that it is renewable, in exceptional circumstances duly demonstrated by tangible evidence, only once. Furthermore, the State Party should provide adequate and regular training on fundamental legal safeguards to those involved in detention activities, monitor compliance with those safeguards and penalize any failure on the part of officials to comply.**

Asylum and non-refoulement

16. While taking note of the adoption of the National Plan for the Reception of Asylum-Seekers and the Integration of Refugees (2025–2027) and the Vulnerabilities Plan,⁸ which seeks to improve the ability of officials at initial asylum reception points to identify and refer persons considered vulnerable to the French Office for Immigration and Integration and the French Office for the Protection of Refugees and Stateless Persons, the Committee is troubled by reports that migrants and asylum-seekers, including unaccompanied children, are regularly pushed immediately back, particularly on the border between France and Italy, without being given the opportunity to apply for asylum, undergo an appropriate individual assessment of the risks they would face in their country of origin or contest the measures they face. It is particularly troubled by illegal expulsions reportedly conducted in breach of interim measures requested by the European Court of Human Rights and decisions of the Council of State. It is also concerned about reports of shortcomings in the national system for the reception of asylum-seekers, particularly in respect of access to accommodation, the poor material conditions of such accommodation as is available and the violence and ill-treatment faced by such persons, especially on the shores of the English Channel. In addition, the Committee is concerned about the use in Mayotte of a system, characterized by insufficient procedural guarantees, including appeals without suspensive effect, in which the usual asylum and immigration rules do not apply and which has reportedly resulted in the expulsion of large numbers of migrants and asylum-seekers who had no real chance to apply for asylum. It remains concerned, too, about the fact that the short time set aside for the examination of applications for asylum by the French Office for the Protection of Refugees and Stateless Persons, particularly under the fast-track procedure introduced in 2015 and strengthened by the 2018 legislative reform, is likely to have an adverse effect on the preparation of the asylum-seeker's case and the assessment of the risks, including of torture and ill-treatment, that the asylum-seeker may face in the event of removal. Lastly, the Committee is concerned about reports that the changes to the asylum system introduced pursuant to Act No. 2024-42 of 26 January 2024 on Controlling Immigration and Improving Integration have had a negative impact on procedural guarantees for asylum-seekers, in particular by reducing from three to one the number of judges required to consider asylum cases before the National Court of Asylum, except in particularly complex cases (art. 3).⁹

17. The State Party should:

(a) **Ensure that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that the individual concerned would be in danger of being subjected to torture;**

(b) **Ensure that all asylum-seekers and other persons in need of international protection, including unaccompanied children, who arrive or attempt to arrive in the State Party have access, regardless of their legal status and mode of arrival, to fair and**

⁸ France, Ministry of the Interior, “10 actions pour renforcer la prise en charge des vulnérabilités des demandeurs d’asile et des réfugiés”, May 2021.

⁹ [CCPR/C/FRA/CO/6](#), paras. 30 and 31, [CERD/C/FRA/CO/22-23](#), paras. 19–22, and [CEDAW/C/FRA/CO/9](#), paras. 45 and 46.

effective refugee status determination procedures and are not forcibly returned to a country where they could face persecution;

(c) **Strengthen its ways and means of identifying, as early as possible, all victims of torture, trafficking and gender-based violence among asylum-seekers and other persons in need of international protection and provide them with priority access to the refugee status determination procedure and access to urgent medical treatment;**

(d) **Guarantee the suspensive effect of appeals against expulsion, refoulement, surrender or extradition decisions, and comply strictly with the interim measures requested by the European Court of Human Rights and the decisions of the Council of State;**

(e) **Step up its efforts to guarantee access to suitable accommodation in dignified conditions and put an end to the ill-treatment faced by migrants and asylum-seekers in border areas, particularly on the shores of the English Channel and on the border between France and Italy;**

(f) **Put an end to the system in Mayotte in which the usual asylum and immigration rules do not apply;**

(g) **Consider repealing the legislative provisions under which a fast-track asylum procedure on the country's borders, which may limit access to a fair and effective asylum procedure, is made possible;**

(h) **Consider repealing the provisions of Act No. 2024-42 of 26 January 2024 that undermine procedural guarantees for asylum-seekers, limit access to international protection and facilitate expulsion without effective remedy.**

Conditions of detention

18. While noting the measures taken by the State Party to improve general conditions of detention, including the 2021 introduction of a judicial remedy for complaints relating to conditions of detention, the Committee remains concerned about the persistence of prison overcrowding (131.7 per cent on 1 March 2025), particularly in facilities for persons in pretrial detention and in the prisons in Nîmes and New Caledonia, and about the poor material conditions of many places of deprivation of liberty, particularly in the overseas territories, including police and gendarmerie stations and immigration detention centres. It is also concerned about continuing prisoner-on-prisoner violence and allegations of ill-treatment by prison staff. The Committee remains concerned, too, about reports of inadequate psychiatric care in prisons, the shortage of medical personnel, including psychiatric personnel, in prison infirmaries and the frequent use of solitary confinement for prisoners with psychiatric pathologies and for homosexual and transgender prisoners. In addition, it is concerned about the fact that the special detention conditions to which persons referred to as being under particular surveillance, persons detained in connection with terrorism-related cases and persons considered radicalized or susceptible to radicalization are subjected are akin to solitary confinement and are characterized by very strict security measures, severely limited access to group activities, work, education and vocational training, as well as by systematic full body searches and the use of physical restraint, which can have serious consequences for the physical and mental health of the persons concerned. It remains concerned, too, about the frequent placement of prisoners with psychiatric disorders in isolation or containment rooms when they are transferred to affiliated external hospitals. Lastly, the Committee remains concerned about reports of very frequent, even systematic, use of full body searches in some establishments and is troubled by allegations that the most intrusive methods, including methods that do not respect the bodily integrity of detainees, are still being used (arts. 2, 11 and 16).¹⁰

19. The State Party should:

(a) **Continue making efforts to improve living conditions in all places of deprivation of liberty and to reduce overcrowding in prisons and other places of**

¹⁰ CCPR/C/FRA/CO/6, paras. 26 and 27.

detention, in particular by putting in place a binding prison regulation mechanism, adopting non-custodial measures and making use of sentence adjustments, while taking into account the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

(b) Improve access to gender- and age-specific and culturally appropriate medical services for all persons deprived of their liberty, in particular those with intellectual or psychosocial disabilities;

(c) Increase the number of health workers, particularly psychiatric personnel, in prisons;

(d) Ensure that all allegations of ill-treatment are thoroughly investigated, that alleged perpetrators are prosecuted and, if found guilty, given appropriate penalties and that victims or their families obtain redress, including adequate compensation, and improve the monitoring and control of prisoner-on-prisoner violence;

(e) Put an end to the practice of placing prisoners with psychiatric disorders in solitary confinement either in prison infirmaries or in affiliated hospitals where this practice could worsen their condition and consider introducing alternatives to solitary confinement to ensure the protection of homosexual and transgender prisoners;

(f) Strictly limit the use of special detention regimes to situations where such special regimes are absolutely necessary, ensure that any restrictive measures are individualized, proportionate and regularly re-evaluated and strengthen the access of the persons concerned to group activities, fresh air, work, education and vocational training;

(g) Ensure that full body searches are used only where they are justified on serious grounds, that their nature and frequency are in strict keeping with the goal pursued, in compliance with the principles of necessity and proportionality, and that, where they prove unavoidable, these searches take place with respect for prisoners' dignity.

Deaths in custody

20. While taking note of the information provided by the State Party's delegation on the measures the State Party has adopted to prevent deaths in custody, including by improving the early identification and care of persons at risk of suicide, the Committee remains concerned about the recent increase in the number of suicides and sudden deaths in prisons, which is reportedly the result of a lack of appropriate medical assistance and care, particularly for persons with mental health problems, and about the continued placement of such persons in punishment cell blocks. It also regrets the lack of comprehensive information and statistical data, broken down by place of detention, the sex, age and ethnic or national origin or nationality of the deceased and the cause of death, on the total number of deaths in custody for the period under review and the insufficient information on the investigations into those deaths (arts. 2, 11 and 16).

21. The State Party should:

(a) Ensure that all deaths in custody are promptly followed by an effective and impartial investigation, including an independent forensic examinations, conducted by an independent entity, in line with the Minnesota Protocol on the Investigation of Potentially Unlawful Death and, where appropriate, apply the corresponding sanctions and provide fair and adequate compensation to the families;

(b) Ensure that prisons are allocated the human and material resources necessary to provide inmates with adequate healthcare, including mental healthcare, in accordance with rules 24–35 of the Nelson Mandela Rules, assess and evaluate existing programmes for the prevention, detection and treatment of chronic, degenerative and

infectious diseases in prisons, reassess the effectiveness of strategies for the prevention of suicide and self-harm and put an end to the practice of placing suicidal detainees in punishment cell blocks;

(c) Compile detailed information and statistics on deaths in all places of detention, the causes of death and the outcomes of the investigations into the deaths.

Monitoring of places of detention

22. The Committee welcomes the work done by the Inspector General of Places of Deprivation of Liberty, the national preventive mechanism designated under the Optional Protocol to the Convention, but regrets the lack of information on the systematic measures taken by the State Party to ensure the effective implementation of the Inspector General's recommendations (arts. 2, 11 and 16).

23. The State Party should take all measures necessary to ensure the effective implementation of the recommendations made by the Inspector General of Places of Deprivation of Liberty as part of the latter's monitoring activities, in accordance with the guidelines on national preventive mechanisms adopted by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹¹

Immigration detention and detention in waiting areas

24. The Committee is troubled by provisions of Act No. 2024-42 of 26 January 2024 under which the protections afforded to foreign nationals in France are significantly restricted. In particular, it is concerned that the Act provides for enhanced administrative powers to detain and expel foreign nationals, including those in a regular situation, who are considered a "threat to public order" and that it offers greater scope for banning foreign nationals from French territory for minor offences. The Committee is also concerned that the Act might allow the detention period to be extended beyond the legal 30-day limit, without adequate judicial review, in the event that the administrative authorities identify a threat to public order. While noting that the detention of migrant children, including accompanied migrant children, is prohibited in the Act, the Committee finds it troubling that, in Mayotte, where a large number of children, including unaccompanied children, are reportedly being held in immigration detention centres without proper safeguards, the introduction of the prohibition has been postponed to January 2027. The Committee is also concerned about the frequent detention of asylum-seekers, including children, in waiting areas at French borders and in material conditions often unsuited to prolonged stays. In addition, it is troubled by reports that unaccompanied children are detained with adults, putting them at increased risk of violence and abuse. Lastly, it is concerned about allegations that public officials have subjected persons held in waiting areas to ill-treatment, including physical violence, humiliating remarks, strip searches or threats of deportation (arts. 2, 11 and 16).¹²

25. The State Party should:

(a) Ensure that immigration detention is resorted to for the shortest appropriate period and only if the alternatives have been duly considered, and guarantee that migrants and asylum-seekers are able to bring proceedings before a court that will decide on the lawfulness of their detention;

(b) Step up efforts to guarantee access to suitable accommodation in dignified conditions and put an end to the ill-treatment faced by asylum-seekers and migrants in an irregular situation in border areas, particularly on the shores of the English Channel, on the border between France and Italy and in Mayotte;

(c) Review the legislative provisions that provide for the immigration detention and expulsion of foreign nationals who are considered a "threat to public

¹¹ CAT/OP/12/5, paras. 13 and 38.

¹² CCPR/C/FRA/CO/6, paras. 28 and 29, and CRC/C/FRA/CO/6-7, paras. 23, 44 and 45.

order” and offer greater scope for banning such foreign nationals from French territory for minor offences;

(d) Expedite the introduction of the prohibition on putting children in immigration detention in Mayotte, stop detaining them for reasons related solely to their migration status, particularly in waiting areas, and redouble efforts to offer alternatives to detention;

(e) Ensure that all allegations that public officials subject persons held in waiting areas to ill-treatment are independently, impartially and thoroughly investigated and that the alleged perpetrators are prosecuted and, if found guilty, appropriately punished.

Psychiatric establishments, social care institutions, homes for children and adolescents with intellectual disabilities and nursing homes

26. The Committee notes the measures taken by the State Party to improve the situation of persons with disabilities detained in psychiatric establishments and to strengthen their right to self-determination. It remains, however, concerned about:

(a) The legislation making it possible to hospitalize people, including children – particularly those with autism spectrum disorders – without their consent and to subject them to compulsory treatment on account of a disability;

(b) The continued and, in some cases, prolonged use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices in respect of persons with psychosocial or intellectual disabilities in psychiatric institutions without sufficient procedural safeguards to guarantee their rights and interests;

(c) The little progress made towards ensuring access to effective legal remedies to contest involuntary hospitalization and compulsory treatment in psychiatric institution, as well as the reliance on isolation and means of restraint;

(d) The unsatisfactory material conditions in some psychiatric facilities;

(e) The absence of an independent monitoring mechanism for social care institutions, homes for children and adolescents with intellectual disabilities and nursing homes, despite reports that people in such facilities are sometimes deprived of their liberty and subjected to ill-treatment (arts. 2, 11 and 16).¹³

27. In line with the guidance and practice in respect of mental health, human rights and legislation formulated jointly by the World Health Organization and the Office of the United Nations High Commissioner for Human Rights (OHCHR),¹⁴ the State Party should:

(a) Review all legislation authorizing deprivation of liberty on the grounds of disability, including for children with autism spectrum disorders, as well as all provisions for forcibly subjecting persons with disabilities, especially those with intellectual or psychosocial disabilities, to medical treatment;

(b) End the practice of putting persons with psychosocial or intellectual disabilities in solitary confinement where such confinement could worsen their condition and ensure that means of restraint and force are used in accordance with the law, under appropriate and strict supervision, for the shortest time possible, only when strictly necessary and proportionate and as a measure of last resort, with a view to further minimizing and eventually discontinuing their use;

(c) Conduct prompt, impartial and thorough investigations into all allegations of ill-treatment in healthcare institutions, both public and private, prosecute persons suspected of ill-treatment and, if they are found guilty, ensure that they are

¹³ E/C.12/FRA/CO/5, paras. 36 and 37, CRC/C/FRA/CO/6-7, paras. 23, 35, 36 and 38, and CRPD/C/FRA/CO/1, paras. 29, 30 and 32–37.

¹⁴ World Health Organization and OHCHR, “Mental health, human rights and legislation: guidance and practice”, 2023, available at www.who.int/publications/i/item/9789240080737.

punished in a manner commensurate with the gravity of their acts, and provide effective remedies and redress to the victims;

(d) Continue providing regular training to all medical and non-medical staff, including security personnel, on methods of non-violent and non-coercive care;

(e) Improve the material conditions of detention in psychiatric facilities;

(f) Amend Act No. 2007-1545 of 30 October 2007 Establishing an Inspector General of Places of Deprivation of Liberty to ensure that the Inspector's mandate covers social care institutions, homes for children and adolescents with intellectual disabilities and nursing homes.

Excessive use of force by the police and the gendarmerie

28. The Committee remains deeply concerned about the numerous allegations of excessive use of force and ill-treatment, including physical and verbal abuse, by law enforcement officials, particularly during traffic stops, arrests, forced evacuations and demonstrations. It finds it troubling that these cases, according to reports, disproportionately affect members of certain minority groups, in particular people of African descent, people of Arab origin or of the Muslim faith, Indigenous Peoples and non-citizens. It is particularly troubled by the number of deaths resulting from the use of firearms by law enforcement officers during traffic stops. It is also troubled by reports of the dismissal of a large number of cases, administrative penalties that are neither severe nor commensurate with the seriousness of the conduct and the failure of the courts to punish police officers and gendarmes, as illustrated by the cases involving the deaths of Adama Traoré, Luis Bico and Nahel Merzouk, for which no one has been held to account. In addition, the Committee finds it regrettable that it has been given no information on complaints, investigations, prosecutions or convictions and punishment of the perpetrators of excessive use of force, including lethal force, or on the reparations provided to the victims. Furthermore, it is concerned about article L435-1 of the Internal Security Code, which seems to have extended the scope of self-defence for police officers beyond what is reasonable, contributing to a rise in the number of deaths linked to the use of firearms by law enforcement officers. Notwithstanding the 2021 changes to the framework for the use of less-lethal weapons and permissible models, the Committee is troubled by allegations that the use of these weapons, including stun grenades and projectile launchers, regularly causes serious injuries, as occurred during the demonstrations against the pension reform in 2023.¹⁵ It also notes with concern reports that the National Law Enforcement Code still authorizes the deployment of units – the anti-violence motorcycle unit and the anti-crime unit – that have not undergone training specifically for riot control and that law enforcement officers often fail to comply with the requirement to display their individual identification numbers. Lastly, the Committee is concerned about numerous allegations that law enforcement officers make disproportionate and discriminatory use of their power to stop and search persons belonging to ethnic or religious minority groups and that such identity checks are not subject to systematic judicial oversight or appropriate statistical analysis (arts. 2, 12–14 and 16).¹⁶

29. The State Party should:

(a) Reconsider and, if necessary, amend the legal framework for the use of force by law enforcement officers with a view ensuring that it is compatible with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests;

(b) Ensure that all law enforcement officers receive adequate, specific training on the use of force and firearms in a way that is compliant with the

¹⁵ See [A/78/324](#) (Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment).

¹⁶ [CCPR/C/FRA/CO/6](#), paras. 12, 13, 18, 19 and 44–47, and [CERD/C/FRA/CO/22-23](#), paras. 23–26.

above-mentioned international standards and that they attend regular refresher courses;

(c) **Ensure that all allegations of excessive use of force and ill-treatment are investigated promptly, thoroughly and impartially by an independent body, that there is no institutional or hierarchical link between the investigators and the alleged perpetrators, that the perpetrators are prosecuted and, if found guilty, punished and that the victims or their families obtain redress;**

(d) **Reconsider whether law enforcement agencies should be authorized to use less-lethal weapons, in particular stun grenades and projectile launchers, to control crowds during demonstrations;**

(e) **Do the necessary to ensure that all law enforcement officers may be easily identified when on duty, including by ensuring that their individual identification numbers are visible and worn consistently;**

(f) **Provide complete and disaggregated statistical data on complaints or reports of violence and excessive use of force, on disciplinary or judicial investigations involving either the police or the gendarmerie, prosecutions, convictions and sanctions and on decisions to dismiss cases;**

(g) **Ensure that allegations of racial profiling by law enforcement agencies are systematically and thoroughly investigated, that perpetrators, if found guilty, are appropriately punished and that victims receive adequate reparation;**

(h) **Put in place an effective means of facilitating judicial oversight and tracing of law enforcement identity checks with a view to identifying instances of racial profiling.**

Situation in the Non-Self-Governing Territory of New Caledonia

30. The Committee is concerned about allegations of excessive use of force, including lethal force, by police officers and gendarmes as well as by the armed forces that were deployed to New Caledonia in May 2024 to maintain order during the demonstrations and other incidents triggered by a proposed constitutional amendment to expand the electorate in New Caledonia. It notes with concern reports that some events took a violent turn and that a number of people, including around 10 Kanaks and two gendarmes, lost their lives, while hundreds more were injured. It is also concerned about reports of a large number of arbitrary arrests and cases of ill-treatment of New Caledonian protesters. In addition, the Committee is concerned about prison overcrowding and the overrepresentation of Indigenous Peoples in New Caledonia's prisons. Lastly, it notes with concern reports of the non-consensual transfer of scores of Kanak detainees belonging to the New Caledonian independence movement to detention centres in European France and is particularly concerned about the fact that Christian Tein, President of the Front de libération nationale kanak et socialiste, has been held in solitary confinement for nearly 300 days (arts. 2, 11–14 and 16).¹⁷

31. **The State Party should ensure that all allegations of excessive use of force, including lethal force, arbitrary arrests and ill-treatment by law enforcement authorities and the armed forces in the context of the demonstrations and other incidents that took place in the territory of New Caledonia starting in May 2024 are promptly and effectively investigated, that the perpetrators are prosecuted and, if found guilty, sentenced to penalties commensurate with the seriousness of their acts, and that the victims or their families obtain appropriate reparation. It should also ensure that the use of the armed forces in law enforcement operations is limited strictly to exceptional circumstances, duly regulated by law, and subject to respect for the principles of necessity, proportionality and legality, and review the legal conditions for the use of firearms by the police and gendarmerie to reduce the risks of disproportionate use of force, including lethal force. In addition, the State Party should continue making efforts to reduce prison overcrowding and find a solution to the overrepresentation of Indigenous People in New Caledonian prisons, including by using**

¹⁷ CCPR/C/FRA/CO/6, paras. 24–27, 48 and 49.

alternatives to deprivation of liberty and thus enabling Indigenous convicted prisoners to serve their sentences in their communities. It should, furthermore, put an end to the non-consensual transfer of Kanak detainees to European France and prioritize their placement in places of detention on their own territory so that they can maintain ties with their families and communities. Lastly, the State Party should end Christian Tein's solitary confinement without delay and ensure that solitary confinement is used only as a last resort and for a period not exceeding 15 consecutive days, in accordance with international standards.

Sexual violence against children

32. While noting the adoption of Act No. 2021-478 of 21 April 2021, the aim of which is to protect minors from sexual crimes and misdemeanours and incest, and the establishment and work of the Independent Commission on Incest and Sexual Violence against Children, the Committee is concerned about reports that children who are victims of incestuous sexual abuse are often placed in the custody of their father, the alleged perpetrator, while their “protective” mother¹⁸ may be accused of parental alienation and thus prosecuted and convicted for the abduction of a child. It also notes with concern reports that the rates at which perpetrators of incestuous sexual violence are reported, investigated, prosecuted and convicted are – not least because the applicable statutes of limitation are too short – low, as well as the inadequacy of the measures taken to protect and assist victims (arts. 2, 11–14 and 16).

33. **The State Party should:**

(a) **Ensure that all allegations of incestuous sexual abuse of children are promptly, impartially and thoroughly investigated and, including by abolishing the statute of limitations applicable to the sexual abuse of children, that the alleged perpetrators are duly prosecuted and, if found guilty, given sentences commensurate with the seriousness of their crimes;**

(b) **Ensure that “protective” mothers are not revictimized or subjected to unjustified sanctions and that child victims of incestuous sexual abuse have access to appropriate remedies and support measures and are adequately compensated;**

(c) **Strengthen training and awareness-raising for judicial officials, police officers and social service professionals on the detection, care and support of victims of incest and their families.**

Sexual abuse in the Central African Republic

34. The Committee finds it troubling that, despite its previous recommendations,¹⁹ the pace of investigations into accusations of sexual exploitation and abuse of children allegedly committed in 2013 and 2014 by French military personnel deployed in the Central African Republic has been slow and that some of these proceedings were ultimately dismissed. It is regrettable that the State Party has not provided sufficient information on the outcome of the proceedings initiated in 2016 in response to accusations of sexual abuse and exploitation allegedly committed by members of the French Armed Forces in the vicinity of Dékoa (arts. 2, 12–14 and 16).²⁰

35. **The State Party should ensure that the investigation opened in 2016 into allegations of sexual abuse and exploitation allegedly committed by French military personnel in the vicinity of Dékoa in the Central African Republic is concluded without further delay, provide appropriate legal, medical and psychosocial protection and assistance to the alleged victims and strengthen measures to prevent sexual abuse and**

¹⁸ A “protective” mother is a mother who seeks to protect her child when the child demonstrates that he or she has been subjected to or fears incestuous sexual abuse, usually committed by the father or another member of the immediate family.

¹⁹ CAT/C/FRA/CO/7 and CAT/C/FRA/CO/7/Corr.1, paras. 32 and 33.

²⁰ CRC/C/FRA/CO/6-7, paras. 27–29. See also OHCHR, “UN experts urge France to protect children from incest and all forms of sexual abuse”, press release, 19 January 2024.

exploitation with a view to making certain that children's rights are respected and protected.

Gender-based violence

36. While noting the measures the State Party has taken to combat gender-based violence, the Committee is concerned about:

- (a) The persistence of violence against women and the high rate of intimate partner violence;
- (b) The restrictive definition of rape, which is referred to as an act imposed on a person by a perpetrator who has used violence, threats or coercion or acted by surprise;
- (c) The seeming underreporting of rape and the apparently limited number of reported rapes that result in prosecution and conviction;
- (d) The lack of shelters for victims of violence against women, particularly in remote and rural areas;
- (e) The persistence of female genital mutilation, particularly in immigrant communities, and the often clandestine and cross-border nature of this practice, which complicates efforts to prevent it, detect it and protect the victims (arts. 2, 12–14 and 16).²¹

37. The State Party should redouble its efforts to prevent and combat all forms of violence against women. In particular, it should:

- (a) **Ensure that all cases of gender-based violence, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately and that the victims obtain redress, including adequate compensation;**
- (b) **Amend the Criminal Code to ensure that the definition of rape is based on lack of consent, covers all non-consensual sexual acts and takes into account all coercive circumstances;**
- (c) **Take the measures necessary to encourage and facilitate the lodging of complaints by victims and to effectively address the barriers that may prevent women from reporting acts of violence against them;**
- (d) **Provide safe and adequately funded shelters for victims of gender-based violence throughout the country, including in rural and remote areas;**
- (e) **Intensify its efforts to prevent, detect and eliminate all forms of female genital mutilation, including those practiced abroad, in particular by stepping up awareness-raising campaigns among the communities concerned, reinforcing training on identifying and caring for victims for health, education and social sector professionals, police officers and judicial officials and ensuring that alleged perpetrators are prosecuted and, if found guilty, given appropriate sentences.**

Trafficking in persons

38. While noting the measures adopted by the State Party to combat trafficking in persons, the Committee is concerned about:

- (a) Reports that the State Party continues to be a destination country for women, men and children trafficked from abroad for the purposes of forced labour and sexual exploitation;
- (b) The reportedly low rates of prosecution and conviction in trafficking cases;

²¹ CEDAW/C/FRA/CO/9, paras. 21–24, and CRC/C/FRA/CO/6-7, para. 30.

(c) The lack of information on victims' access to compensation and effective protection or on guarantees of protection from criminal liability for offences they may have committed in connection with or as a result of their being trafficked;

(d) The reported shortcomings of measures for the identification and referral of victims, including irregular migrants in the process of being expelled²² from Mayotte (arts. 2, 12–14 and 16).

39. The State Party should continue and strengthen its efforts to combat trafficking in persons. In this respect, it should:

(a) **Ensure the effective implementation of existing legislation and promptly, thoroughly and effectively investigate, prosecute and punish, with appropriate penalties, trafficking in persons and related practices, ensuring the allocation of all resources required for such purposes;**

(b) **Encourage reporting by raising awareness of the risks of trafficking among vulnerable communities, including migrants in an irregular situation in Mayotte, and train judges, law enforcement officials and immigration and border control officers in the early identification of victims of trafficking and their referral to appropriate social and legal services;**

(c) **Ensure that victims of trafficking are not prosecuted, detained or punished for offences that they may have committed in connection with or as a result of their being trafficked;**

(d) **Ensure that victims of trafficking are provided with satisfactory protection and support, including by establishing separate, well-equipped shelters with trained staff to address their specific needs and concerns, strengthen long-term reintegration measures for such victims and ensure that they obtain redress, including adequate compensation;**

(e) **Enhance international cooperation to prevent and combat trafficking in persons, including through bilateral agreements, and monitor the impact of such cooperation.**

Counter-terrorism measures

40. The Committee notes the information on the use of administrative police measures to prevent terrorism, which were introduced under the state of emergency declared in 2015 before being adjusted and made permanent pursuant to Act No. 2017-1510 of 30 October 2017 on Strengthening Internal Security and the Fight against Terrorism and Act No. 2021-998 of 30 July 2021 on Intelligence and Prevention of Terrorism. It nonetheless finds it regrettable that the State Party does not collect data, broken down by ethnic or religious identity, on the persons subjected to such measures and notes with concern that they are disproportionately imposed on people who are or are perceived to be of the Muslim faith or foreign origin. It is also troubled by the fact that the use of administrative law and control mechanisms does not offer appropriate protections to persons suspected or accused of involvement in terrorist acts, including the right to a fair trial, the right not to be arbitrarily detained and the right to benefit from all fundamental legal safeguards from the outset of detention, particularly in connection with the “white notes” (memos) that the intelligence services submit anonymously to administrative judges (arts. 2, 11, 12 and 16).²³

41. The State Party should take all measures necessary to ensure that its counter-terrorism and national security legislation, policies and practices are fully in line with the Convention and that adequate and effective legal safeguards against torture and ill-treatment and arbitrary detention are in place. It should also conduct

²² CCPR/C/FRA/CO/6, paras. 22 and 23, CEDAW/C/FRA/CO/9, paras. 27 and 28, and E/C.12/FRA/CO/5, paras. 34 and 35.

²³ CCPR/C/FRA/CO/6, paras. 16 and 17, and CERD/C/FRA/CO/22-23, paras. 29 and 30. See also OHCHR, “Preliminary findings of the visit: UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism concludes visit to France”, press release, 23 May 2018.

prompt, impartial and effective investigations into all allegations of human rights violations, including acts of torture and ill-treatment, committed in the context of counter-terrorism operations, prosecute and punish those responsible and ensure that victims have access to effective remedies and full reparation. Furthermore, it should reconsider the use of administrative policing measures taken on the basis of secret information to deprive persons suspected of involvement in terrorist activities of their fundamental rights, and ensure that persons who claim that their rights have been violated as a result of such measures or of individual administrative control and surveillance measures have access to effective remedies, including judicial remedies.

Hate crimes

42. The Committee notes the measures taken by the State Party to combat hate crime, including the adoption of Act No. 2020-766 of 24 June 2020 on Combating Hateful Content on the Internet and the establishment in 2020 of the National Centre to Combat Online Hate at the Paris Public Prosecutor's Office. It is nonetheless troubled by the large and increasing number of hate crimes motivated by racist, Islamophobic, antisemitic, xenophobic or homophobic prejudices and by the relatively small number of these crimes that have resulted in prosecution and conviction. It notes with concern the growing hostility towards persons belonging to ethnic or religious minority groups, including people of African descent, Roma, Muslims, Jews and lesbian, gay, bisexual, transgender and intersex persons. The Committee is also concerned about the increase in violent attacks on migrants, refugees and asylum-seekers and notes with concern the growing number of anti-immigrant remarks amounting to racism or xenophobia made by political figures. In addition, it regrets the lack of information about the impact and effectiveness of policy and awareness-raising measures on reducing incidents of hate speech and hate crime and the insufficient data collection in that regard (arts. 2 and 16).²⁴

43. The State Party should:

(a) **Encourage the reporting of hate crime and ensure that hate crime is thoroughly investigated, perpetrators prosecuted and punished and victims provided with effective remedies;**

(b) **Provide appropriate training to central and local authorities, law enforcement officials, judges and prosecutors on combating hate speech and hate crime and to media workers on promoting acceptance of diversity;**

(c) **Strengthen the outreach efforts it makes to promote respect for human rights and tolerance for diversity, as well as to combat and eliminate conventional prejudices based on race, ethnicity, religion, sexual orientation gender identity;**

(d) **Provide statistics on the number and nature of hate crimes, the convictions and sentences imposed on perpetrators and the compensation awarded to victims, where applicable.**

Intersex persons

44. While noting that the number of surgical operations on intersex children has, according to the delegation of the State Party, dropped considerably since the adoption of Act No. 2021-1017 of 2 August 2021, the Bioethics Act, and that such operations take place only when necessary, following medical and psychological advice, the Committee remains concerned about reports of unnecessary and irreversible surgery and other medical treatment with lifelong consequences, including severe pain and suffering, to which intersex children have been subjected before they have reached an age at which they are able to provide their free, prior and informed consent (arts. 2 and 16).²⁵

45. The State Party should:

²⁴ [CCPR/C/FRA/CO/6](#), paras. 40 and 41, and [CERD/C/FRA/CO/22-23](#), paras. 11 and 12.

²⁵ [CRPD/C/FRA/CO/1](#), paras. 36 and 37, and [CRC/C/FRA/CO/6-7](#), para. 30.

(a) Consider adopting legislative provisions that explicitly prohibit the performance of non-urgent and non-essential medical or surgical treatment on intersex children before they are old enough or mature enough to make their own decisions and provide their free, prior and informed consent;

(b) Ensure independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary, urgent and the least invasive option;

(c) Provide redress, including appropriate compensation and rehabilitation, to victims of non-urgent and non-essential treatment and ensure that all intersex children and adolescents and their families receive professional counselling services and psychological and social support.

Training

46. While noting the information provided by the State Party that general training in human rights, ethics and professional conduct is regularly provided by the National School for the Judiciary and other specialized institutions for police officers and gendarmes, prison staff, judges, prosecutors, immigration officers, border guards and members of the armed forces, the Committee finds it regrettable that it has received little information on specific training relating to the provisions of the Convention. It is also concerned about the fact that forensic physicians and medical personnel dealing with detainees do not receive comprehensive and ongoing training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, to enable them to detect and ascertain the physical and psychological effects of torture. In addition, it finds the lack of information on systems for evaluating the effectiveness of existing training programmes regrettable (art. 10).

47. **The State Party should:**

(a) Develop initial and in-service training programmes to ensure that all State agents, in particular law enforcement officers, members of the security forces, judicial officials, prison staff, immigration agents, military personnel and others who may be involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, are well acquainted with the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, on conviction, appropriately punished;

(b) Ensure that all relevant staff, including judges, prosecutors and medical personnel, are specifically trained to identify and document cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised;

(c) Develop and apply methods of assessing the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts, and the prosecution of those responsible.

Follow-up procedure

48. The Committee requests the State Party to provide, by 2 May 2026, information on the action it has taken in follow-up to the Committee's recommendations on the definition and criminalization of torture, asylum and non-refoulement, conditions of detention and excessive use of force by the police and the gendarmerie (see paras. 9, 17 (h), 19 (a) and 29 (f)). The State Party is also invited to inform the Committee of the measures it intends to take to act on the other recommendations contained in the present concluding observations by the time it submits its next report.

Other issues

49. The Committee encourages the State Party to consider withdrawing its reservation to article 30 (1) of the Convention.

50. The State Party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

51. The Committee requests the State Party to submit its next periodic report, which will be its ninth, by 2 May 2029. For that purpose, and as the State Party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State Party a list of issues prior to reporting. The State Party's replies to that list of issues will constitute its ninth periodic report under article 19 of the Convention.
