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I. Land and population

A. Land

1. France covers a territory of 551,602 km², not including the overseas territorial collectivities (128,101 km²) and the French Southern and Antarctic Territories (432,000 km²).
2. The country comprises metropolitan France (territories in Europe) and the overseas territorial collectivities. The latter are divided into two categories:
 - The overseas departments and regions (which replaced the overseas departments): Guadeloupe, French Guiana, Martinique, Mayotte and Reunion;
 - The overseas collectivities (which replaced the overseas territories): French Polynesia, Saint-Barthélemy and Saint Martin, Saint Pierre and Miquelon, and Wallis and Futuna.
3. With the exception of the overseas collectivities, France is divided administratively into 18 regions (13 in metropolitan France and 5 overseas), 101 departments (96 in metropolitan France and 5 overseas) and 34,935 municipalities (including 129 overseas).¹
4. New Caledonia, Clipperton Island and the French Southern and Antarctic Territories have a special status.

B. Population²

5. As at 1 January 2024, the population of France was 68.4 million, including 66.1 million in metropolitan France and 2.2 million in the overseas departments and regions. France accounted for 15% of the European Union population (449.2 million).³ The population density of metropolitan France is 106 persons per km².⁴
6. Mayotte, which became an overseas department and region on 31 March 2011, was not included in the demographic report until 2014. The overseas and special-status collectivities are not always taken into account in statistical data.

1. Population data

(a) Population growth

7. The resident population in France increased by 0.4% in 2020 (+255,000). Population growth was driven by net migration (+223,000). Natural growth (+66,300) was the lowest recorded since 1976, owing to the number of deaths in 2020, which was the highest since the post-war period (688,000 deaths, or 9% more than in 2019).⁵
8. Regions: Between 2015 and 2024, population trends in the regions in metropolitan France varied widely: four regions saw their populations decline, with an average loss of 18,000 residents (Bourgogne-Franche-Comté (-29,000), Centre-Val-de-Loire (-5,000), Hauts-de-France (-26,000) and Normandy (-12,000)), while the populations of the remaining regions increased. Occitanie is the region that has seen the largest increase in population (+380,000), followed by Auvergne-Rhône-Alpes (+358,000), Île-de-France (+337,000), Nouvelle-Aquitaine, Pays de la Loire and Brittany.⁶ Between 2015 and 2024, Guadeloupe and Martinique saw their populations fall, while the populations of Reunion, French Guiana

¹ National Institute of Statistics and Economic Studies (INSEE), *Code officiel géographique* (Official Geographic Code), as at 1 January 2024.

² INSEE, *Bilan démographique 2023* (Demographic Report 2023).

³ Eurostat, table "Population on 1 January".

⁴ INSEE, Regional comparison tool.

⁵ INSEE, Detailed figures on population trends – historical tables, *Bilan démographique 2023*.

⁶ National Institute for Demographic Studies (INED), "Population par région" (Population by region), and INSEE, Regional and departmental comparisons – table, "Population de 1999 à 2024" (Population from 1999 to 2024).

and Mayotte grew. Mayotte had the greatest population increase of all the overseas departments and regions (3.5% per year on average) owing to very high natural growth.⁷

9. Towns/municipalities: As at 1 January 2024, metropolitan France had 34,935 municipalities. Half of them had fewer than 500 inhabitants as at 1 January 2019.⁸ This proportion is declining as very small municipalities merge. In 2019, the 17,300 small municipalities had 3.9 million inhabitants, or 5.8% of the population of metropolitan France, which is almost as many as the four largest municipalities – Paris, Marseilles, Lyons and Toulouse – combined. In 1968, municipalities with fewer than 500 inhabitants accounted for 11% of the population of metropolitan France.

10. Between 2014 and 2020, population growth was strongest in the very large urban catchment areas (700,000 inhabitants or more). Natural population change there was largely positive, reflecting the youthfulness of their populations. In small areas (fewer than 50,000 inhabitants) and in municipalities outside urban catchment areas, the population declined on average between 2014 and 2020. Natural population change there was negative, owing to a higher proportion of older adults.

11. The appeal of big cities reinforces an urban system dominated, firstly, by Paris and, secondly, by 13 urban areas of 700,000 inhabitants or more, located on the coast, along rivers and near borders. Some 81% of the population lives in an urban area with more than 50,000 inhabitants, with 19.5% living in the Paris metropolitan area alone.⁹ Zoning based on urban catchment areas results in 93% of the population living within these zones.¹⁰ Despite this phenomenon and the expansion of outlying urban areas, in 2022, 71,6 % of municipalities had fewer than 1,000 inhabitants,¹¹ while, in 2024, only 11 municipalities had more than 200,000 inhabitants and 42 more than 100,000 inhabitants.¹² Overseas, most people live in towns. In the five overseas departments and regions, the vast majority of municipalities are urban because they are often of considerable size.¹³

(b) *Population distribution*

12. It is not possible to determine the distribution of the population by ethnicity, as such data are considered contrary to the Constitution. It is a constitutional principle that France is “one and indivisible”: for this reason, the authorities may not make distinctions on the basis of ethnic origin.

13. Under the Act of 6 January 1978 on information technology, data files and civil liberties,¹⁴ the “collection and processing of personal data which reveal, directly or indirectly, the racial or ethnic origins, the political, philosophical or religious opinions or the trade union affiliation of persons, or which concern their health or sexual life”, is prohibited.

(c) *Birth rate*

14. Number:¹⁵ The birth rate has generally been stable in France since the end of the baby boom, at around 800,000 births per year since the 1980s. The lowest rate was previously seen in 1994, with 741,000 births, and the highest in 2010, with 833,000 births. Since 2015, the annual number of births has been declining; it fell to 677,000 in 2023 – a 6.7% decrease from 2022.¹⁶ In 2023, the birth rate in France was an estimated 9.9%, down from 10.7% in 2022.

⁷ INSEE Key Figures, “L’essentiel sur ... Mayotte” (Key facts about ... Mayotte).

⁸ Directorate General for Local Authorities, *Bulletin d'information statistique* (Statistical Information Bulletin), No. 149 (February 2021).

⁹ INSEE Key Figures, “Population selon la taille des aires d’attraction des villes, données annuelles 2020” (Population by size of urban catchment areas, annual data 2020).

¹⁰ INSEE, “Aires d’attraction des villes” (Urban catchment areas).

¹¹ Court of Audit, *Rapport public annuel* (Annual Public Report) (March 2023), p. 80.

¹² INSEE, Local statistics on 2021 municipal population.

¹³ INSEE, Detailed figures on 2021 population, Regional comparison database.

¹⁴ Act No. 78-17 of 6 January 1978 on information technology, data files and civil liberties, chap. II, art. 8 (I).

¹⁵ INSEE, *Bilan démographique 2023*, p. 2.

¹⁶ INSEE Key Figures, “Naissances et taux de natalité, données annuelles de 1982 à 2023” (Births and birth rates, annual data from 1982 to 2023).

The total fertility rate has been declining since 2015 and stood at 1.68 children per woman in 2023, compared with 1.84 in 2021 and 1.96 in 2015. Despite this decline, France has one of the highest fertility rates among European Union countries.¹⁷

15. Age: The fertility rates of women under 35 years of age continue to decline and did so even more in 2023 than in previous years.¹⁸ By contrast, the fertility rates for women aged 35–39 have remained stable since 2014.¹⁹ The average age of mothers at the time they give birth continued to rise, stabilizing in 2023: it reached 31 years in 2022, compared with 30.5 years in 2016. It had reached 30.1 years in 2012, making an increase of 0.9 years over a 10-year period. At that time, the age at the birth of the first child was about three years younger.²⁰

(d) *Mortality rate*²¹

16. In 2023, the mortality rate in France was an estimated 9.2 per 1,000 inhabitants, with 631,000 deaths reported (44,000 fewer deaths, or – 6.5%, compared with 2022, following two years of steep growth due to the COVID-19 pandemic).²² The number of deaths has been rising more rapidly over the past decade, as the large baby boom cohorts reach ages associated with high mortality (an average of +0.7% per year between 2004 and 2014, and +1.9% between 2014 and 2019). The COVID-19 pandemic in 2020 led to a spike in mortality, and death rates remained high in 2021 and 2022. The 2020 rate was the highest since the post-war period.

17. In 2023, the infant mortality rate was an estimated 4 per 1,000 live births. This represents an increase since 2015, when the rate was 3.7, but it is still within the usual range for this indicator. Infant mortality has been relatively stable for the past decade and a half. After decreasing significantly between 1950 and 2000, it now stands at around 3.7 infant deaths under 1 year of age per 1,000 live births for the years 2013–2023.²³ Between 2016 and 2018, the maternal mortality rate was estimated at 8.5 deaths per 100,000 live births.²⁴

(e) *Population structure by age group, life expectancy and dependency ratio*

18. Age structure: As at 1 January 2024, an estimated 23.3% of the population was under 20 years of age, 55.2% between 20 and 64 years and 21.5%, 65 years or over.²⁵ However, the populations of the overseas regions are much younger than those of metropolitan France: at the beginning of 2024, nearly 33% of inhabitants were under 20 years of age, compared with 23.3% in metropolitan France.²⁶

19. Life expectancy: In 2023 in France, the average life expectancy for women was 85.7 years, marking a return to a level equivalent to that in 2019, before the COVID-19 pandemic. It reached 80 years for men for the first time. The gap was thus 5.7 years. Between 2022 and 2023, life expectancy at birth increased, for both women (by 0.46 years) and men (by 0.7 years). Since 1990, life expectancy at 60 years has risen. In 2023, a 60-year-old

¹⁷ Eurostat, “Total fertility rate”.

¹⁸ INSEE, Séries chronologiques (Time Series), “Age moyen des mères à l’accouchement” (Average age of mothers at childbirth).

¹⁹ INSEE, Séries chronologiques, “Naissances et fécondité” (Births and fertility).

²⁰ E. Davie, “Un premier enfant à 28 ans” (Having a first child at 28), *INSEE Première*, No. 1419 (October 2012).

²¹ INSEE, “Décès – mortalité – espérance de vie” (Deaths – mortality – life expectancy), *Tableau de bord de l’économie française* (French Economy Scorecard).

²² INSEE, “Décès et taux de mortalité, données annuelles de 1982 à 2023” (Deaths and death rates, annual data from 1982 to 2023).

²³ INSEE, *Bilan démographique 2023*, p. 3.

²⁴ National Institute of Health and Medical Research (INSERM) and National Public Health Agency, *7ème rapport de l’Enquête nationale confidentielle sur les morts maternelles (ENCMM) 2016–2018* (Seventh Report of the Confidential National Survey on Maternal Deaths 2016–2018) (April 2024), p. 2.

²⁵ INSEE, “Répartition de la population par tranche d’âge” (Population distribution by age group), *Bilan démographique 2023*.

²⁶ INSEE, “Pyramide des âges au 1er janvier 2024, moyenne des régions d’outre-mer” (Age pyramid as at 1 January 2024, average for the overseas regions).

woman could expect to live another 27.9 years (compared with 25.6 in 2000), and a man of the same age, another 23.7 years (compared with 20.4 in 2000).²⁷

20. The ageing of the baby boom generation and increased longevity are the main factors behind the ageing of the population. Between 1994 and 2023, life expectancy at birth increased by 6.4 years for men and 3.9 years for women.²⁸

(f) *Foreigners and immigrants*

21. The foreign population is composed of persons born outside France, i.e. immigrants in the true sense of the term, and minors, most of them born in France to foreign parents.

22. As at 1 January 2022, 67.8 million people lived in France. Of them, 62.5 million were French citizens, including 2.5 million people born outside France. Of the total foreign population, 4.5 million people were born outside France, and 0.8 million in France.²⁹ The vast majority of individuals born in France to foreign parents are minors and will be eligible to become French citizens upon reaching the age of majority, provided that they have resided in France for at least five years since the age of 11.³⁰

23. In 2022, the annual number of people acquiring French citizenship – 114,483 – fell by 12% compared with 2021. The year 2021 saw a 53% increase compared with 2020, which was marked by a decline in the processing of applications due to the COVID-19 pandemic. The number of advance declarations (minors born in France to foreign parents) has remained stable compared with 2021.³¹ Acquisition of French citizenship does not necessarily entail renouncing one’s citizenship of origin.

24. The share of the immigrant population in the total population increased from 8.9% at the beginning of 2014 to 10.3% in 2022; 7.8% of the population were foreigners. This increase was primarily due to migration flows: on average, between 2006 and 2020, four immigrants entered the country for every one that left.³²

25. In 2023, the distribution of immigrants by continent of birth was as follows: 47.7% were from Africa (3.4 million), 32.3% from Europe (2.3 million), 13.7% from Asia (999,000) and 6.3% from the Americas and Oceania (455,000).³³

26. France hosted nearly 412,000 foreign students in 2022–2023,³⁴ having passed the 400,000 mark in the 2021–2022. There were 161,100 in 1990³⁵ and 295,084 in 2013–2014.³⁶

27. In 2023, State medical aid was provided to 466,000 persons. Nearly 25% were foreign minors, who thus did not fall under the legal definition of persons in an irregular situation. Between the end of 2015 and mid-2023, the number of foreigners in an irregular situation receiving State medical aid increased by 30%, while the total number of recipients rose by 39%.³⁷

²⁷ INSEE, *Séries chronologiques*, “Décès et mortalité, Espérance de vie à 60 ans” (Deaths and mortality, Life expectancy at age 60).

²⁸ INSEE, “Espérance de vie à la naissance selon le sexe” (Life expectancy at birth by sex), *Tableau de bord de l’économie française*.

²⁹ INSEE, *Tableau de bord de l’économie française*, 2022 ed.

³⁰ Article 21-7 of the Civil Code, based on article 2 of Act No. 98-170 of 16 March 1998 on nationality.

³¹ INSEE, “Acquisitions de la nationalité française, données annuelles de 1999 à 2023” (Acquisition of French citizenship, annual data from 1999 to 2023).

³² INSEE, “L’essentiel sur les immigrés et les étrangers, données annuelles de 1999 à 2023” (Key facts about immigrants and foreign nationals, annual data from 1999 to 2023).

³³ INSEE Key Figures, “L’essentiel sur les immigrés et les étrangers” (Key facts about immigrants and foreign nationals), 29 August 2024.

³⁴ Campus France, “La mobilité étudiante dans le monde, chiffres clés” (Student mobility around the world: key figures), April 2024.

³⁵ INSEE, *Données sociales – la société française, les étudiants étrangers en France et Français à l’étranger* (Social Data – French Society: Foreign Students in France and French Students Abroad), 2006 ed., p. 111.

³⁶ Campus France, *L’essentiel des chiffres clés* (Key Figures), No. 9 (September 2014), p. 2.

³⁷ Task Force on State Medical Aid, *Rapport sur l’aide médicale de l’État* (Report on State Medical Aid) (December 2023).

(g) Asylum

28. In 2023, the French Office for the Protection of Refugees and Stateless Persons issued a total of 136,811 decisions, including those involving minors, representing a slight increase compared with 2022 (+1.7%) and a significant increase compared with 2019 (+13.4%).³⁸ The Office issued 44,560 approvals, compared with 38,852 in 2022, representing a 14.6% increase.

29. In 2023, the National Court on the Right of Asylum rendered 66,358 decisions, down 1.2% from 2022.

30. The total number of decisions by the Office and the Court to grant protection status (refugee and subsidiary protection) was 60,892 in 2023, up 8.2% compared with 2022. Since 2018, Afghanistan has been the leading country of origin for asylum-seekers. In 2022, it was followed by Bangladesh, Turkey, Georgia and the Democratic Republic of the Congo.³⁹ Since 2015, several laws on asylum⁴⁰ have been designed to reduce the length of time spent in reviewing asylum applications and to improve the reception and accommodation of asylum-seekers and the integration of refugees. In addition, as at the end of 2023, Ukrainian citizens in France held 62,438 provisional residence permits designated as “temporary protection”.

2. Social data*(a) Households and families*

31. The number of households has continued to increase, while their size has gradually decreased. Between 1975 and 2021, the number of households rose from 17.74 million to 30.6 million, while their average size fell from 2.9 to 2.16 persons.⁴¹

32. In 2021, 24.7% of families were single-parent families, with four out of five composed of a single woman with one or more children.⁴²

33. In 2022, there were 241,700 marriages in France, 234,800 of them between persons of different sexes and 6,900 between persons of the same sex. The total number of marriages has increased compared with 2021 (218,800 marriages) and 2020, when the number was exceptionally low (154,600 marriages) owing to restrictions imposed by the health crisis.⁴³ People are getting married later and later in life: since 2000, the average age at first marriage has gone up by 3.6 years for men and 4.2 years for women, reaching 33.8 years for men and 32.3 years for women in 2022.⁴⁴

34. Act No. 2013-404 of 17 May 2013 made marriage available to same-sex couples. Marriages between such couples accounted for 2.8% of the marriages performed in 2022. The proportion of male couples and female couples marrying was almost equal. The age at same-sex marriage is declining. Men who married in 2013 were about 50 years old on average; in 2023, about 44. Likewise, women married at an average 43 years of age in 2013 and 38 in 2023.⁴⁵

³⁸ Directorate General for Foreign Nationals in France, “Les demandes d’asile au 27 juin 2024” (Asylum Applications as at 27 June 2024), and OFPRA, *Rapport d’activité sur l’année 2022* (2022 Annual Report) (July 2023), p. 66.

³⁹ Department of Statistics, Research and Documentation, *Les chiffres clés de l’immigration 2022* (Key Immigration Figures 2022), p. 62.

⁴⁰ Act No. 2024-925 of 29 July 2015 on the reform of the right of asylum, Act No. 2018-778 of 10 September 2018 on controlled immigration, an effective right of asylum and successful integration and Act No. 2024-42 of 26 January 2024 on controlling immigration and improving integration.

⁴¹ INSEE, “Couples – Famille – Ménage” (Couples – family – household), *Tableau de bord de l’économie française 2024*.

⁴² INSEE, Families with children under 18 – table, “Couples – Famille – Ménage”, *Tableau de bord de l’économie française 2024*.

⁴³ INSEE, Marriages and civil solidarity pacts – table, “Couples – Famille – Ménage”, *Tableau de bord de l’économie française 2024*.

⁴⁴ INSEE, Marriage rates – historical tables, *Bilan démographique 2023*.

⁴⁵ “Les mariages en 2022 et 2023” (Marriages in 2022 and 2023), *INSEE Focus*.

35. In 2020, there were 57,437 divorces in France. Since the enactment of Act No. 2016-1547 of 18 November 2016, divorce proceedings may also be recorded by a notary. These divorces are not included in the statistics.⁴⁶ However, the High Council of Notaries estimates that 52,000 agreements were filed with notaries' offices in 2020.⁴⁷

36. The proportion of children born out of wedlock reached a record high of 62.5%, representing nearly 726,000 births. The figure was 37% in 1994.⁴⁸

(b) *Contraception and abortion*

37. Indicators on early sexuality and contraception in France point to the high use of condoms during the first sexual encounter and good contraceptive coverage among adolescent and young girls. In 2016, only 8% of women aged 15–49 years who were neither pregnant nor infertile, had had heterosexual intercourse in the previous 12 months and did not want to have children, reported that they were not using contraception.⁴⁹

38. According to the National Institute for Demographic Studies (INED), the number of abortions has remained relatively stable since 1975,⁵⁰ although there has been an increase since 2022.⁵¹ According to the Government's official website, an average of 222,500 abortions are performed in France each year, affecting 1.5% of women aged 15–49 years. Numerous measures have been taken in recent years to ensure access to contraception and abortion.⁵²

39. Measures have been gradually implemented since 2022 to improve access to contraception, particularly for young people, as follows:

- Free access to consultations with a doctor or midwife, to examinations or medical procedures related to contraception, as well as to various types of prescription contraception available at pharmacies without any upfront costs (first- or second-generation hormonal pills, hormonal contraceptive implants, intrauterine devices and hormonal emergency contraception) for women under the age of 26;
- Availability of emergency contraception, the so-called morning-after pill, at pharmacies without a prescription or any upfront costs, for both minors and adults (for minors, it is free; for adults, the cost is covered in full upon presentation of the Vitale card (or a certificate of eligibility) or the State Medical Aid (AME) card);
- Full coverage of the cost of male condoms, which may be obtained at pharmacies without a prescription, for all young people aged up to and including 25 years;
- Full coverage of the cost of female condoms, which may be obtained at pharmacies without a prescription, for all young people aged up to and including 25 years.

40. Act No. 2022-295 of 2 March 2022, aimed at strengthening the right to abortion, and its two implementing decrees have led to further progress in terms of access to abortion:

- Extension of the time limit for seeking an abortion from 12 to 14 weeks of pregnancy (or from 14 to 16 weeks of amenorrhea);
- Elimination of the statutory minimum reflection period – for both minors and adults – between the psychosocial consultation and the obtaining of consent, thereby ending any mandatory waiting period for abortion;

⁴⁶ INED, Divorces – table (February 2024).

⁴⁷ Higher Council of Notaries, *Le divorce par consentement mutuel, cinq ans après* (Divorce by Mutual Consent, Five Years On) (July 2022).

⁴⁸ INSEE Key Figures, “Naissances hors mariage, données annuelles de 1994 à 2023” (Births out of wedlock, annual data from 1994 to 2023).

⁴⁹ INSEE References, “Contraception et IVG” (Contraception and abortion), March 2022.

⁵⁰ N. Bajos, C. Moreau, H. Leridon and M. Ferrand, “Pourquoi le nombre d’avortements n’a-t-il pas baissé en France depuis 30 ans?” (Why has the number of abortions in France over the past 30 years not decreased?), INED, *Population et sociétés* (Population and Societies), No. 407 (December 2004).

⁵¹ Directorate for Research, Studies, Evaluation and Statistics (DREES), “Le nombre des interruptions volontaires de grossesse augmente en 2022” (The number of terminations increased in 2022).

⁵² Le Site officiel sur l’IVG (Official website on abortion).

- Extension of the authority to perform surgical abortions to midwives in healthcare facilities;
- Extension of the time limit for obtaining a medical abortion outside a healthcare facility from 5 to 7 weeks of pregnancy (or 7 to 9 weeks of amenorrhea), and possibility of conducting all or part of the abortion procedure via telemedicine;
- Removal of the requirement to take the first medication in the presence of a healthcare professional, thereby allowing women to take both abortion medications at home at a time that fits their schedule, in accordance with the recommendations of the National Health Authority;
- In 2021, reinforcement of the arrangements ensuring full coverage of abortion by social security and of patient confidentiality (with the implementation of the “full third-party payment” system);
- Adoption of the Interministerial Plan for Gender Equality 2023–2027, which authorized midwives to perform surgical abortions and provided for the preparation of a directory of abortion providers in each region. As a result, all healthcare facilities that meet certain safety requirements are now able to offer surgical abortions performed by midwives. By the end of 2024, all regional directories of healthcare professionals who perform abortions will have been completed by the regional health agencies.

41. Furthermore, on 4 March 2024, Parliament, at a joint meeting of both chambers in Versailles, voted to enshrine in the Constitution women’s right to abortion.

42. The authorities continue to expand their efforts in the areas of sex education and contraception information, notably through the National Road Map for Sexual Health 2021–2024⁵³ and as part of the Interministerial Plan for Gender Equality 2023–2027.

43. The Ministry responsible for gender equality provides financial support to 150 Emotional, Relational and Sexual Life Spaces, which serve as initial points of contact and information hubs connecting individuals with specialized providers. These facilities are run by nonprofit organizations (including the French Family Planning Movement) that provide information and support to people in managing their emotional, relational and sexual lives, including abortion and contraception (without, however, performing any medical interventions).

44. France has also expanded its official information resources on abortion, which are available through a variety of telephone and digital channels, including the nationwide general websites QuestionSexualite.fr and SEXprime.fr and above all ivg.gouv.fr, which was redesigned in 2023, as well as the national toll-free helpline on sexuality, contraception and abortion managed by the French Family Planning Movement and a chat service also managed by this association, which was launched in March 2023 on the website ivg-contraception-sexualites.org and ivg.gouv.fr with the support of the Ministry responsible for gender equality and the Ministry of Health.

(c) *Disease and death*

45. The main causes of death in 2020 were cancer (26%), diseases of the circulatory system (20%), COVID-19 infection (11%), diseases of the respiratory system (6%), diseases of the nervous system (6%), diseases of the digestive system (4%), mental or behavioural disorders (4%), endocrine disease (3%), infectious or parasitic diseases (1.6%), suicide (1.3%), traffic accidents (0.3%) and other causes accounting for up to 12% of all deaths.⁵⁴

⁵³ Ministry of Solidarity and Health, *Feuille de route stratégie nationale de santé sexuelle, 2021–2024* (National Road Map for Sexual Health, 2021–2024).

⁵⁴ INSEE Key Figures, “Causes de décès selon le sexe, données annuelles de 1990 à 2020” (Causes of death disaggregated by sex, annual data from 1990 to 2020).

The leading causes of death among children aged 0–15 years were perinatal infections and congenital malformations and chromosomal abnormalities.⁵⁵

46. In France, in 2021, chronic or long-term health problems affected 37.5% of people aged 16 years or over.⁵⁶ With the increase in life expectancy, the incidence of most of these diseases has been steadily rising. They include cancer, diabetes and high blood pressure, with the latter affecting 17 million French people;⁵⁷ obesity, which affects 17% of those aged 18–74 years;⁵⁸ and cardiovascular and respiratory diseases.

47. The two most serious communicable and non-communicable diseases are tuberculosis, with 6.4 cases per 100,000 inhabitants (2021), and Legionellosis, with 3.2 cases per 100,000 inhabitants (2023).

48. In 2022, an estimated 200,000 people were living with HIV or AIDS, with 5,700 new HIV diagnoses and 796 new AIDS cases. Men having sex with men, and persons infected through heterosexual sex who were born abroad (three quarters of them in sub-Saharan Africa), remain the two most affected groups, accounting for 41% and 38% of new cases of HIV in 2022, respectively.⁵⁹ Between 2021 and 2022, the number of serological tests performed increased by 8%.⁶⁰

49. Among other steps, France has strengthened preventive measures for the sexual health of young people under the age of 26 by providing widespread access to HIV serological testing at all medical laboratories – without a prescription, without an appointment, without upfront costs and with 100% coverage; and by expanding testing without a prescription at medical laboratories to include other sexually transmitted infections, with 100% coverage of testing costs for those under 26.

(d) *School enrolment and literacy*⁶¹

50. At the start of the 2022 academic year, 6.4 million students (children aged approximately 2–10 years) were enrolled in primary school. At the same time, 6.1 million students were enrolled in public and private secondary schools under the supervision of the Ministry of Education. Also at the start of the 2022 academic year, 2,935,000 students were enrolled in higher education, or 1.4% more than in 2021. The number of students enrolled in higher education is steadily increasing and has reached an all-time high (+24% compared with 2010). Between 2017 and 2022, the number of foreign students increased by 17%.⁶²

51. With regard to enrolment rates, Act No. 2019-791 of 26 July 2019 on building trust in schools provided for compulsory education from 3 to 16 years. In 2021, for children aged 2–10 years, the enrolment rate ranged from 9.9% at age 2 to 100% at age 10, with a 100% rate for all ages starting from age 5. For children aged 12–17 years, this rate ranged from 100% at age 11 to 93.8% at age 17. For students aged 18–25 years, it ranged from 79.6% at age 18 to 13.8% at age 25.⁶³

⁵⁵ INSEE Key Figures, “Causes de décès des jeunes et des enfants, données annuelles de 1990 à 2020” (Causes of death among young people and children, annual data from 1990 to 2020).

⁵⁶ INSEE, *France, portrait social* (France, Social Portrait), 2023 ed.

⁵⁷ V. Olié, C. Grave, A. Gabet, É. Chatignoux, A. Gautier, C. Bonaldi and others, “Épidémiologie de l’hypertension artérielle en France: prévalence élevée et manque de sensibilisation de la population” (Epidemiology of hypertension in France: high prevalence and lack of public awareness), *Bulletin Épidémiologique Hebdomadaire* (Weekly Epidemiological Bulletin), (8): 130–8 (2023).

⁵⁸ A. Fontbonne, A. Currie, P. Tounian, M.-C. Picot, O. Foulatier, M. Nedelcu and D. Nocca, “Prevalence of Overweight and Obesity in France: The 2020 Obepi-Roche Study by the ‘Ligue Contre l’Obésité’”, *Journal of Clinical Medicine*, 12(3):925 (2023).

⁵⁹ Sida Info Service website, “Quelques chiffres sur le VIH – SIDA” (Some statistics on HIV/AIDS).

⁶⁰ Santé publique France website, “VIH / sida, décembre 2023” (HIV/AIDS, December 2023).

⁶¹ INSEE, “Éducation – Formation – Compétences” (Education – training – skills), *Tableau de bord de l’économie française 2023*.

⁶² Campus France, “La mobilité étudiante dans le monde, chiffres clés”, April 2024.

⁶³ INSEE Key Figures, “Taux de scolarisation par âge, données annuelles de 2000 à 2021” (Enrolment rates by age, annual data from 2000 to 2021).

52. In 2021, 7.8% of young people aged 18–24 years who had not gone past the lower secondary level were considered to have dropped out of school (6.1% of girls and 9.6% of boys).⁶⁴

53. Regarding class sizes, in 2022, there were an average 22 students per class in primary school; 25.9 students per class in lower secondary school (*collège*); and 30.3 students per class on general academic and technical courses in upper secondary school (*lycée*).⁶⁵

54. In 2022, functional illiteracy affected 4 million people, or 4% of those aged 18–64 who had attended school in France,⁶⁶ compared with 9% in 2004.⁶⁷

3. Economic data

(a) *Gross domestic product, gross national product, economic growth rate and consumer price index*

55. In 2023, the gross domestic product (GDP) of France was €2,822.5 billion at current prices,⁶⁸ or 19% of European Union GDP.⁶⁹ GDP per capita was €36,950 at purchasing power parity.⁷⁰

56. In 2023, the GDP growth rate was 0.9%.⁷¹

57. In 2022, gross national income (GNI) was €2,696.2 billion.⁷²

58. As at December 2023, the consumer price index had risen by 4.5% over the year, compared with a 5.2% increase the previous year.⁷³

(b) *Public sector debt and deficit*

59. A public sector deficit of €154 billion, or 5.5% of GDP, was reported to the European Commission for 2023.⁷⁴ At the end of the first quarter of 2024, public debt stood at €3,159.7 billion, or 110.7% of GDP, and net public debt amounted to €2,922.3 billion, equivalent to 102.4% of GDP.⁷⁵

⁶⁴ Ministry of Education and Youth, Fiche no 33 – Les sorties de formation aux faibles niveaux d'études (Fact Sheet No. 33 – School leavers with low educational attainment), *L'état de l'école 2022* (The State of Schools 2022).

⁶⁵ Ministry of Education and Youth, *Les chiffres clés du système éducatif* (Key Figures on the Education System) (2023).

⁶⁶ L. Bentoudja and F. Murat, "En 2022, un adulte sur dix rencontre des difficultés à l'écrit" (In 2022, 1 in 10 adults has difficulty writing), *INSEE Première*, No. 1993 (22 April 2024).

⁶⁷ N. Jonas, "Pour les générations les plus récentes, les difficultés des adultes diminuent à l'écrit, mais augmentent en calcul" (Younger generations of adults have fewer difficulties with writing but more with arithmetic), *INSEE Première*, No. 1426 (December 2012).

⁶⁸ J.-C. Heam, P. Meinzel and F. Morvan, "Les comptes de la Nation en 2023" (The national accounts in 2023), *INSEE Première*, No. 1997 (31 May 2024).

⁶⁹ INSEE Key Figures, "Produit intérieur brut des pays de la zone euro, données annuelles de 2010 à 2023" (Gross domestic product of eurozone countries, annual data from 2010 to 2023).

⁷⁰ Eurostat, "Gross domestic product at market prices", 6 August 2024.

⁷¹ "Les comptes de la Nation en 2023", *INSEE Première*, No. 1997 (31 May 2024).

⁷² INSEE, "Notification RNB du 28 septembre 2023" (GNI notification of 28 September 2023).

⁷³ INSEE Key Figures, "L'essentiel sur ... l'inflation" (Key facts about ... inflation), 27 February 2024.

⁷⁴ INSEE, "En 2023, le déficit public s'élève à 5,5% du PIB, la dette publique à 110,6% du PIB" (In 2023, the public deficit stood at 5.5% of GDP, and public debt at 110.6% of GDP), *Informations rapides no 74* (Quick Facts No. 74) (26 March 2024).

⁷⁵ INSEE, "A la fin du premier trimestre 2024, la dette publique s'établit à 3 159,7 Md€" (At the end of the first quarter of 2024, public debt stood at €3,159.7 billion), *Informations rapides no 159* (Quick Facts No. 159) (28 June 2024).

(c) Public sector social expenditure and official development assistance

60. In 2022, public sector social expenditure amounted to 32.2% of GDP.⁷⁶ More specifically, in the same year, public sector expenditure on health represented 11.9% of GDP;⁷⁷ on social welfare benefits, 34.2%;⁷⁸ on education, 6.8%;⁷⁹ and on housing, 22%.⁸⁰

61. In 2022, net official development assistance amounted to €15.3 billion, or 0.55% of GNI, making France the fourth largest global contributor to such assistance.⁸¹

(d) Household consumption expenditures

62. In 2022, households devoted 26.7% of all their consumption expenditures to housing, furnishings, heating and lighting; 17.3% to food; 13.8% to transportation; and 4.6% to health and education.⁸²

(e) Poverty

63. The poverty threshold traditionally used in Europe and in France, in particular by INSEE, is set at 60% of the median standard of living. In 2021, this threshold was set at €1,158 per month for a single person. The poverty rate in 2021 at the 60% threshold was 14.5%, with 9.1 million people living below the poverty line.⁸³ Young people were most affected (20.6% of persons under 18 years of age and 16.2% of 18- to 29-year-olds lived below the poverty line). For older persons (aged 75 years or older), the figure was 11.4%.⁸⁴ In addition, women were more affected than men: 15.1% of women lived below the poverty line, compared with 13.8% of men.⁸⁵

64. In 2023, the Fondation Abbé Pierre estimated that about 4.2 million people in France were inadequately housed.⁸⁶

65. A number of statutory minimum income benefits (guaranteed income supplement, adult disability allowance and related supplements, older persons solidarity allowance and supplementary disability allowance)⁸⁷ target the most disadvantaged individuals and help to reduce inequality.

66. Since 1 January 2024, the Solidarity Pact has replaced the National Strategy to Prevent and Reduce Poverty, expanding its scope to focus on four priority areas:

- Preventing poverty and combating inequality, starting in childhood;
- Expanding policies to promote employment for all;

⁷⁶ DREES, *La protection sociale en France et en Europe en 2022 – Résultats des comptes de la protection sociale* (Social Protection in France and Europe in 2022 – Social Protection Accounts Results), 2023 ed.

⁷⁷ DREES, *Les dépenses de santé en 2022 – Résultats des comptes de la santé* (Health Expenditures in 2022 – Health Accounts Results), 2023 ed.

⁷⁸ DREES, *La protection sociale en France et en Europe en 2022 – Résultats des comptes de la protection sociale*, 2023 ed.

⁷⁹ Department of Evaluation, Forecasting and Performance (DEPP), *Note d'information no 23.43* (Information Note No. 23.43), (October 2023).

⁸⁰ INSEE References, “Dépenses de logement” (Housing expenditures), *France, portrait social*, 2023 ed.

⁸¹ Portail des données de l'aide publique au développement de la France (Official Development Assistance data portal).

⁸² INSEE References, “Dépenses de logement”, fig. 2, *France, portrait social*, 2023 ed.

⁸³ INSEE Key Figures, “L'essentiel sur ... la pauvreté” (Key facts about... poverty), 29 February 2024.

⁸⁴ INSEE, “Revenus-Pouvoir d'achat – Consommation, Pauvreté-Précarité” (Income and purchasing power – consumption, poverty and precarity), *Tableau de bord de l'économie française 2023*.

⁸⁵ INSEE Key Figures, “Pauvreté selon le sexe et le seuil, données annuelles de 1996 à 2022” (Poverty disaggregated by sex and threshold, annual data from 1996 to 2022).

⁸⁶ Fondation Abbé Pierre, *L'état du mal-logement en France en 2024, 29e rapport annuel* (The state of inadequate housing in France in 2024, 29th annual report) (31 January 2024), p. 313.

⁸⁷ DREES, *Minimas sociaux et prestations à destination des ménages modestes* (Statutory Minimum Income Benefits for Low-Income Households).

- Combating severe social exclusion through access to rights;
- Building a green and inclusive transition.

67. Local solidarity pacts with departments and metropolitan areas incorporate these measures and ensure that they are embedded across France.

(f) *Employment and unemployment*

68. In 2023, in metropolitan France (excluding Mayotte), the economically active population comprised 30.9 million persons aged 15 years or older. Some 30.4 million of them were in work and 2.3 million were unemployed, as defined by the International Labour Office (ILO). The unemployment rate was 7.3%.⁸⁸ The labour force participation rate for the 15–64 age group was 73.9%. The feminization of employment has increased since the 1990s: between 1990 and 2022, the labour force participation rate for women aged 15–64 living in metropolitan France rose from 59,6 % to 71.2%.⁸⁹

69. In the past decade and a half, the proportion of employees who are trade union members has stabilized at around 11% of the economically active population, or slightly lower. Thus, the rate of trade union membership was 10.3% in 2019.⁹⁰

(g) *Wages*

70. The minimum wage is adjusted every 1 January, taking into account the evolution of consumer prices and of the purchasing power of the average hourly wage of workers and employees. On 1 January 2024, it was increased to €11.65 gross per hour (€9.22 net), or €1,766.92 gross (€1,398.69 net) per month based on the statutory 35-hour work week.⁹¹

71. In 1996, managers earned 2.6 times more over the year than workers. In 2022, in the private sector, workers earned €1,940 net per month, and managers, €4,490, or 2.3 times more in full-time equivalent work.⁹² The average net full-time equivalent salary in the private sector in 2022 was €2,402 for women, or 14% less than for men, who earned an average of €2,794. This gap was 19.1% in 2015 and 22.1% in 1995. For the same number of working hours and in a comparable position, the wage gap narrows to 4%.⁹³

4. Indicators on crime and the administration of justice

(a) *Pretrial detention*

72. In the case of adults, for ordinary offences,⁹⁴ the initial period of pretrial detention may not exceed 4 months, but it may be extended by court order for further periods of up to 4 months each. The maximum duration of detention depends mainly on the offence for which the individual is being prosecuted and the length of the penalty imposable. It is 4 months if the individual has not previously been prosecuted and is facing a prison sentence of less than 5 years, and 1 year in other cases. However, if the individual is being prosecuted for acts committed outside France or for certain serious offences (drug trafficking, terrorism, criminal association, procuring, extortion or crimes committed by an organized group) and is facing a prison sentence of at least 10 years, the maximum duration of pretrial detention may be extended to 2 years.

⁸⁸ INSEE References, “Évolution du chômage” (Trends in unemployment), *Emploi, chômage, revenus du travail* (Employment, Unemployment, Labour Income), 2024 ed.

⁸⁹ INSEE References, “Évolution de la population active” (Trends with regard to the economically active population), *Emploi, chômage, revenus du travail*, 2024 ed.

⁹⁰ Statistical and Research Department (DARES), “Léger repli de la syndicalisation en France entre 2013 et 2019” (Slight decline in trade union membership in France between 2013 and 2019).

⁹¹ Service Public website, Directorate of Legal and Administrative Information, “Le Smic est revalorisé de 1,13% au 1er janvier 2024” (The minimum wage will increase by 1.13% from 1 January 2024).

⁹² INSEE References, “Salaires dans le secteur privé : caractéristiques des individus” (Wages in the private sector: characteristics of individuals), *Emploi, chômage, revenus du travail*, 2024 ed.

⁹³ “Écart de salaire entre femmes et hommes en 2022” (Gender Pay Gap in 2022), *INSEE Focus*.

⁹⁴ Code of Criminal Procedure, art. 145-1.

73. For serious offences,⁹⁵ the initial period of pretrial detention may not exceed 1 year, but it may be extended by court order for further periods of up to 6 months each. The maximum duration of detention depends mainly on the offence for which the individual is being prosecuted and the length of the penalty imposed. It is 2 years where the individual is facing a prison sentence of 20 years or less, and 3 years in other cases. However, for the same reasons as with ordinary offences, the maximum duration of pretrial detention may be extended to between 2 and 4 years.

74. In the case of minors, pretrial detention may be ordered from the outset in the context of a preliminary investigation or following a referral to the juvenile court for a single trial and sentencing hearing. Other than in these cases, pretrial detention may be ordered only when an order imposing court supervision or house arrest with electronic monitoring has been revoked.

75. When a case is referred to the juvenile court for a single trial and sentencing hearing, the maximum duration of pretrial detention is set at 1 month. A minor under the age of 16 may not be placed in pretrial detention in these circumstances. A minor who is at least 16 may be placed in pretrial detention if he or she is liable to a prison sentence of 3 years or more; furthermore, the use of the single hearing procedure is permitted only if the minor has previously been sentenced to educational measures or is charged with the offence described in article 55-1 of the Code of Criminal Procedure.

76. In the context of a preliminary investigation, a minor under the age of 16 may be placed in pretrial detention from the outset if he or she has committed a serious offence. In addition, a minor over the age of 16 may be placed in pretrial detention if he or she is liable to a prison sentence of 3 years or more.

77. In cases involving minors under the age of 16 who have committed an ordinary offence, the initial period of pretrial detention (ordered following revocation of judicial supervision) may not exceed 15 days (renewable once) when the sentence imposed is less than 10 years' imprisonment. The maximum duration of pretrial detention is extended to 1 month (renewable once) when a sentence of 10 years' imprisonment may be imposed. In cases involving minors under the age of 16 who have committed a serious offence, pretrial detention may not exceed 6 months (renewable once).

78. In cases involving minors over the age of 16 who have committed an ordinary offence, the initial period of pretrial detention may not exceed 1 month (renewable once) when the potential prison sentence is 7 years or less. When the potential prison sentence exceeds 7 years, the maximum duration of pretrial detention is extended to 4 months (renewable twice). In exceptional cases involving terrorism, the maximum duration of pretrial detention may be up to 2 years. In cases involving minors over the age of 16 who have committed a serious offence, pretrial detention may not exceed 1 year (renewable twice for 6 months). In terrorism cases, the maximum duration may be up to 3 years.

79. France has a procedure whereby mandatory full restitution is provided for material and moral damage in the event of wrongful detention, i.e. during proceedings that conclude with a final decision to dismiss a case or to discharge or acquit a defendant.⁹⁶

(b) *Offences recorded, charges and convictions*

i. Offences recorded (2022)

80. In 2022, 321,900 persons aged 15 years or over were victims of intentional assault constituting an ordinary offence and 662,800 persons were victims of non-violent theft against individuals in cases recorded by the National Police in metropolitan France;

⁹⁵ Code of Criminal Procedure, art. 145-2.

⁹⁶ Code of Criminal Procedure, arts. 149–150, and Service Public website, Directorate of Legal and Administrative Information, “Détention provisoire ou assignation à résidence injustifiée : peut-on être indemnisé ?” (Unjustified pretrial detention or house arrest: are you entitled to compensation?).

59,400 cases of robbery with violence and 8,600 cases of armed robbery were recorded; and there were 932 recorded cases of intentional or unintentional homicide.⁹⁷

81. The homicide rate in France was one of the lowest in the world in 2022: 1.3 per 100,000 inhabitants in metropolitan France and 1.4 in France as a whole. That rate stood at 2 per 100,000 in 1996.⁹⁸

82. The number of victims of sexual violence recorded in 2022 was 87,700. This figure is approximately 11% higher than in 2021. Victims of rape or attempted rape accounted for 45% of victims of sexual violence in 2022, up from 40% in 2018.

ii. Charges (2022)

83. The total number of persons charged in cases handled by the prosecution service in 2022 was 1,815,347. Of these cases, 1,232,190 were prosecutable and 1,096,966 resulted in a criminal justice response, whether alternative measures to prosecution or referral to a court or an investigating judge.⁹⁹

iii. Convictions (2022)

84. In 2022, 541,700 convictions were handed down against individuals. These convictions concerned 879,900 offences. In 2022, 446,400 people were convicted, 16% of whom were convicted multiple times.¹⁰⁰

85. With regard to ordinary offences, some 39% were traffic violations. Next were crimes against the person (23%), crimes against property (17%) and drug-related offences (10%). Category 5 minor offences accounted for 5.8% of convictions: of these, 55% involved road safety violations and 16% minor acts of intentional or unintentional violence.

86. Regarding serious offences, rape accounted for 50%. Other serious offences against the person were intentional homicide and intentional violence (35%) and robbery (12%).

87. Of the convictions handed down, 197,400 resulted from a summary judgment and 90,600 from the approval of a plea bargaining agreement.¹⁰¹ This procedure allows for the perpetrator of an offence to be tried swiftly, provided that he or she admits the charges. It is applied in the case of certain ordinary offences, at the request of the State prosecutor, the perpetrator or his or her lawyer.

88. Under article 66-1 of the Constitution and the Act of 9 October 1981, no one may be sentenced to the death penalty.

(c) Prison population (2022)

89. As at 1 January 2023, the number of persons under the remit of the prison service stood at 86,734, of whom 72,173 were in detention. The 14,561 persons under the service's remit who were not in detention were individuals sentenced to house arrest with electronic monitoring or to non-custodial placement without supervision. Of those in detention, 18,961 were defendants and 1,770 were subject to semi-custodial arrangements.¹⁰² Some 77% held French nationality and 23% were foreigners.¹⁰³

90. As at 1 January 2023, the number of operational places in prisons and detention facilities was 60,670. As at 31 December 2023, that figure stood at 61,359.

91. Of those detained and convicted as at 31 December 2023, 22% had been convicted of crimes against the person, 18% theft, 13% drug offences, 12% sexual violence, 9%

⁹⁷ Ministry of the Interior, *Insécurité et délinquance en 2022 : bilan statistique* (Insecurity and Crime in 2022: Statistical Overview).

⁹⁸ United Nations Office on Drugs and Crime (UNODC), *Global Study on Homicide 2011*, p. 112.

⁹⁹ Ministry of Justice, *Infos rapides justice* (Justice Briefs), No. 13 (19 March 2024).

¹⁰⁰ Ministry of Justice, *Références Statistiques Justice 2023* (2023 Statistical Data on Justice), chap. 11.

¹⁰¹ Ministry of Justice, *Références Statistiques Justice 2023*, chap. 10.

¹⁰² Ministry of Justice, *Statistique des établissements et des personnes écrouées en France 2023* (Statistics on Prisons and on Persons under the Remit of the Prison Service in France 2023).

¹⁰³ Ministry of Justice, *Références Statistiques Justice 2023*, chap. 12.

intentional homicide, 6% other crimes against the person, 6% crimes against property, 6% crimes against national security, 5% traffic and transport offences, and 3% economic, financial, social or environmental crimes. Of them, 7% were serving sentences of less than 6 months, 15% sentences of 6 months to less than 1 year, 23% sentences of 1 to 2 years, 25% sentences of 2 years to less than 5 years, 11% sentences of 5 to 10 years, 13% sentences of 10 to 20 years, 4% sentences of 20 to 30 years and 1% life sentences.¹⁰⁴

92. In 2022, the prison service reported 130 suicides in detention (and an additional 10 in non-custodial settings) and 3,113 non-fatal acts of self-harm.

(d) *Police and security forces*

93. In 2023, the police force had 151,670 officers and 28,000 municipal police officers. The gendarmerie, for its part, had approximately 102,000 officers.

(e) *Number of prosecutors and judges per 100,000 inhabitants*

94. In 2022, the total number of justice system employees was 94,240, including 35,597 working in the ordinary courts¹⁰⁵ and 4,017 in the administrative courts.¹⁰⁶

95. As at 1 January 2024, there were 76,274 lawyers, or 113 lawyers per 100,000 inhabitants.¹⁰⁷

96. In 2022, there were 7,680 professional judges assigned to courts, or 11.4 per 100,000 inhabitants. In addition, there were 370 temporary judges and prosecutors as at 1 January 2024. These judges and prosecutors come from civil society and serve on a temporary basis in judicial roles, in either the civil or criminal courts, in both the civil and criminal courts or in the prosecution service. These duties may be performed concurrently with a compatible professional activity. There were also 20,647 lay judges; they primarily serve on courts specializing in labour and commercial law. In all, 22,298 laypersons were working for the courts.

97. In 2022, 2,146 prosecutors were serving in the prosecution service, or 3.15 per 100,000 inhabitants.¹⁰⁸

(f) *Justice system and legal aid budget*

98. In 2022, the total annual budget allocated to the justice system as a whole was set at €8.9 billion in the initial Budget Act. This budget reached €10.1 billion in 2024. Legal costs amounted to €648 million,¹⁰⁹ and legal aid to €629.8 million.¹¹⁰ The granting of legal aid is subject to means testing and to citizenship or residence in France.

99. In 2023, 1,107,000 decisions granting legal aid were issued. Any person receiving legal aid is automatically exempt from paying legal costs. France is among the States members of the Council of Europe that have improved both the availability of legal aid and its quality.

(g) *Proportion of victims compensated, by type of offence*

100. Crime victims may be compensated for the harm they have suffered through the payment of damages by the perpetrator. Should victims encounter difficulties in recovering

¹⁰⁴ Ministry of Justice, *Statistiques trimestrielles en milieu fermé, 4ème trimestre 2023* (Quarterly Statistics on Detention, Fourth Quarter 2023).

¹⁰⁵ Ministry of Justice, *Références Statistiques Justice 2023*, chap. 01.

¹⁰⁶ Council of State, "Chiffres-clés 2022 de la juridiction administrative" (Key figures on administrative justice in 2022).

¹⁰⁷ French National Bar Council.

¹⁰⁸ Ministry of Justice, *Références Statistiques Justice 2023*, chap. 01.

¹⁰⁹ Ministry of Justice, 2022 Budget.

¹¹⁰ Court of Auditors, *Observations définitives, L'aide juridictionnelle* (Final Observations: Legal Aid) (3 July 2023).

the amount of compensation awarded, they may have recourse to civil enforcement procedures, for example by calling on a bailiff.

101. Victims may also turn to various mechanisms for compensation provided in the name of national solidarity, depending on the nature of the offence and/or harm suffered. Independent of any criminal proceedings, they may file a claim with the indemnification commissions for victims of offences. They may receive full compensation, in the event of the death of a relative, significant bodily injury, human trafficking or sexual assault, or partial compensation, in the event of slight bodily injury, theft, fraud, embezzlement, extortion or damage to property. Based on the available statistics, the amount of actual compensation represents on average half of the amount requested. Approximately 15% of admissible claims are rejected by the Commissions. In 2022, the Commission issued 25,155 decisions, including 11,459 approving settlements and 7,746 granting full or partial compensation.¹¹¹ It takes an average of 12 months to process claims.

102. Victims who have difficulties in recovering from perpetrators the amount of damages awarded by courts and who are not eligible for the above-mentioned mechanism may request help from the Collection Assistance Service for Victims of Offences. In 2022, 72% of the cases handled by the Service involved compensation of less than €1,000 and resulted in full restitution. In the remaining 28% of cases, an amount equivalent to 30% of the total was paid, with a minimum payment of €1,000 and a maximum payment of €3,000.

103. Specific mechanisms exist for certain offences, such as the Mandatory Third Party Liability Insurance Guarantee Fund – for traffic accidents, hunting accidents, etc., where there is no insurance – and the Guarantee Fund for Victims of Terrorist Acts and Other Offences, for acts of terrorism. In 2022, the latter fund disbursed €516.1 million, including €46.3 million for victims of terrorist acts. A sum of €110.3 million was recovered from perpetrators or their insurance companies.¹¹²

II. General political framework

104. The French tradition of commitment to human rights has been enshrined in both the Declaration of the Rights of Man and of the Citizen of 1789, concerning civil and political rights, and the preamble to the Constitution of 27 October 1946, concerning economic, social and cultural rights. These norms, which are referred to in the preamble to the Constitution of 4 October 1958, rank as constitutional law. They have taken root over the ages to become a part of the French institutional and intellectual heritage and have more recently been enriched with the country's accession to many international conventions. The current system for the protection of human rights is thus closely linked to the French legal and political framework, the principal elements of which are political democracy, separation of powers, independence of the judiciary and checks on administrative action.

A. Constitutional framework

1. Main features of the French political system and regime

105. In 1875, the Third Republic established, once and for all, a system of representative democracy, the principles of which were enshrined and developed in the Constitution of 4 October 1958. France is a democratic, indivisible, secular and social republic. The language of the Republic is French (Constitution, art. 2). France is a unitary State, with political power held solely at the national level, but it is also a devolved and decentralized State, in which the local authorities have specific competences.

106. The National Assembly and the Senate, which are mentioned in the 1958 Constitution, are generally considered to be typical of a parliamentary system, but the election of the

¹¹¹ Ministry of Justice, *Références Statistiques Justice 2023*, chap. 13.

¹¹² Victim Guarantee Funds, *Rapport d'activité 2022–2023* (Report on activities 2022–2023).

President of the Republic by direct universal suffrage, combined with a flexible separation of powers, gives rise to what is often characterized as a mixed or semi-presidential regime.

107. In practice, in times of concordance between the presidential majority and the majority in the National Assembly, a presidential regime prevails. In times of cohabitation between a President of the Republic and an opposition political majority in the National Assembly, the regime becomes a parliamentary one. Prior to 2000, because of the difference between the presidential term of office (seven years) and that of the legislature (five years), and the two-year gap between the presidential election and the legislative elections, voters could reject the Head of State by voting in a parliamentary majority hostile to the President. However, since the reform of the five-year presidential term and the reversal of the electoral calendar (legislative elections now immediately follow the presidential election), cohabitation can occur under one of two circumstances: following the dissolution of the National Assembly or following the departure, death or removal of the President of the Republic.¹¹³

108. National sovereignty is vested in the people, not in a group or an individual (art. 3). In principle, the people exercise sovereignty through their elected representatives, though the people may sometimes be consulted by referendum (art. 3). The people elect their representatives by universal, equal and secret suffrage (art. 3). Suffrage may be direct (presidential, legislative, regional, departmental, municipal or European elections) or indirect (senatorial elections). Elections may be on a first-past-the-post or proportional basis, uninominal, plurinominal or list-based, and in a single round or in two rounds.

2. Voters, political parties and elections

109. All French nationals aged 18 years or over may vote, in enjoyment of their civil and political rights. Since 1997, persons of 18 years of age who have been registered are automatically included on the electoral rolls. In the legislative elections of June 2024, there were 49.3 million voters on the rolls.¹¹⁴ This figure encompasses the overseas collectivities, apart from New Caledonia. The number of registered voters increased by 1% between the presidential and legislative elections of 2022 and the European and legislative elections of 2024, amounting to 95% of persons of voting age.¹¹⁵ All young people aged 18–24 years were registered, compared with 91% of persons aged 40–54 years.

110. European Union citizens may vote and stand in municipal and European elections. Of the 1.1 million adult citizens residing in France, only 329,000 are included on the municipal voter roll, the European voter roll or both. As at 8 May 2024, 269,000 European Union citizens were registered to vote in European elections.¹¹⁶ As at 30 July 2024, there were 2,495 municipal councillors of a nationality other than French, or 0.51% of all municipal councillors.

111. The role of political parties was enshrined in the 1958 Constitution (art. 4). Since 1999, the Constitution has also mandated them to promote equal access for women and men to elected office and positions. Under the Act of 11 March 1988 on the financing of political parties, political parties are formed and exercise their activities freely, have legal personality and may take legal action.¹¹⁷ According to the National Commission on Political Campaign Accounts and Financing, as at 30 June 2024 there were 611 registered parties,¹¹⁸ of which 516 were accredited. In 2023, 34 parties were eligible for government grants (which

¹¹³ Vie publique, Directorate of Legal and Administrative Information, “La cohabitation dans la vie politique française” (Cohabitation in French politics), 19 June 2019.

¹¹⁴ Ministry of the Interior, Results of the legislative elections of 2024.

¹¹⁵ “49,5 millions d’électeurs inscrits pour les élections européennes de 2024” (49.5 million registered voters for the 2024 European elections), *INSEE Focus No. 328* (30 May 2024).

¹¹⁶ *Ibid.*

¹¹⁷ Vie publique website, Directorate of Legal and Administrative Information, “Qu’est-ce qu’un parti politique ?” (What is a political party?), 19 September 2022.

¹¹⁸ National Commission on Political Campaign Accounts and Financing, List of political parties registered with the Commission.

amounted to €66 million).¹¹⁹ In 2024, 15 parties were represented in the French Parliament and/or the European Parliament.¹²⁰

112. All elections in France are held in accordance with the legally defined time frames.

113. The rates of voter registration and turnout fluctuate from one election to another depending on household moves (the leading cause of misregistration and of failure to register to vote),¹²¹ but also on the stakes of an election. Registrations rise during campaigns for presidential elections that voters consider to be crucial.

114. Owing to the stakes and the amount of media coverage, there is usually greater participation in presidential elections than legislative elections. In 2022, approximately 72% of registered French voters took part in the presidential election,¹²² compared with about 46% in the legislative elections of 2022¹²³ and 66% in the legislative elections of 2024.¹²⁴ Furthermore, 51.49% of registered French voters took part in the European elections of 2024.¹²⁵

115. The competent body to adjudicate in the event of disputes as to the legality of legislative, senatorial and presidential elections and of referendums is the Constitutional Council. Thus, following the legislative elections of June 2022, the Council received 91 complaints filed by candidates or voters,¹²⁶ as well as 429 referrals from the National Commission on Political Campaign Accounts and Financing.¹²⁷ Following the legislative elections of June 2024, the Constitutional Council received 81 challenges to the election results.¹²⁸ Complaints about the results of European Parliament and regional elections are heard in sole instance by the Council of State. Challenges to municipal and departmental election results are heard by the administrative courts.¹²⁹

3. Associations

116. Freedom of association is enshrined in the Act of 1 July 1901 and is a constitutional principle.¹³⁰ In 2018, there were 1.3 million active associations.¹³¹ An association may be formed freely, without prior authorization or notification. It is sufficient for two or more persons to draft its statute (specifying, inter alia, the name and purpose of the association, its executive bodies and the person empowered to represent it) and to indicate its headquarters. There are only two restrictions on this freedom: the association must not undermine public order and the distribution of profits among members is prohibited.

¹¹⁹ National Commission on Political Campaign Accounts and Financing, *Rapport d'activité 2023* (2023 Annual Report), p. 169.

¹²⁰ See the website France Politique, by L. de Boissieu.

¹²¹ C. Brutel, "Élection présidentielle 2022 : 16,5% des électeurs inscrits l'étaient dans une autre commune que celle de leur résidence principale" (2022 presidential election: 16,5% of voters were registered in a locality other than that of their primary residence), *INSEE Première*, No. 1986 (6 March 2024).

¹²² Ministry of the Interior, Results of the presidential elections of 2022.

¹²³ Ministry of the Interior, Results of the legislative elections of 2022.

¹²⁴ Ministry of the Interior, Results of the legislative elections of 2024.

¹²⁵ Ministry of the Interior, Results of the European elections of 2024.

¹²⁶ Constitutional Council, 1 July 2022, communiqué, "[Le Conseil constitutionnel a été saisi de 91 recours contre les résultats des élections législatives de juin 2022](#)" (The Constitutional Council received 91 challenges to the results of the 2022 legislative elections).

¹²⁷ National Commission on Political Campaign Accounts and Financing, *Rapport d'activité 2023* (2023 Annual Report), p. 155.

¹²⁸ Constitutional Council, 22 July 2024, communiqué, "[Le Conseil constitutionnel a été saisi de 81 recours contre les résultats des élections législatives des 30 juin et 7 juillet 2024](#)" (The Constitutional Council received 81 challenges to the results of the legislative elections of 30 June and 7 July 2024).

¹²⁹ Council of State, "[Répartition des compétences au sein de la juridiction administrative](#)" (Distribution of jurisdiction in the administrative courts).

¹³⁰ Constitutional Council, decision No. 71-44 DC, 16 July 1971, *Recueil des décisions du Conseil constitutionnel 1971* (Collection of decisions of the Constitutional Council 1971), p. 29, para. 2.

¹³¹ National Institute for Youth and Popular Education, "[Les chiffres-clés de la vie associative 2023](#)" (Key statistics on associations 2023).

117. However, an association may enjoy legal capacity only if its founders make a prior declaration to the prefecture of the department in which it is headquartered. After issuance of a receipt to the founders, a reference to the establishment of the association is published in the Official Gazette.¹³² The prefect may not refuse to issue a receipt, except in the Departments of Alsace and Moselle, which are subject to a different regime because they were part of the German Empire from 1870 to 1919. The only recourse open to the prefect, once the receipt has been issued, is to bring a case before the court if he or she believes that the purpose of the association is illegal.¹³³

118. An association may be recognized as being of public interest. This allows it to issue receipts for funds received from donors, who can then obtain tax reductions. A public interest association may subsequently be recognized as being of public benefit by decree of the Council of State if it meets certain conditions (operating period of at least three years, action that goes beyond the local level, more than 200 members, a minimum of €46,000 in estimated annual resources, financial disinterest). An association of public benefit may receive gifts and bequests in addition to donations. In 2023, approximately 1,840 associations were recognized as being of public utility.¹³⁴

119. In France, an association may establish its international legitimacy through various means, including membership in recognized networks and accreditation as a non-governmental organization (NGO) partner of international bodies. However, there is no official list of French NGOs.

4. Media

120. According to the Médiamétrie study “Media in Life”, in 2019 the population of France had an average of 45 daily media and multimedia contacts per person.¹³⁵ Over the past decade, there has been a significant rise in digital cultural activities, for instance, listening to music, playing video games, watching videos, reading news articles and using social media.¹³⁶

121. The press: In 2021, there were some 3,900 print publications, including 80 daily newspapers, 500 weekly publications, 870 monthly publications and 2,300 quarterly publications, with a total annual circulation of 2.3 million copies.¹³⁷

122. For several years now, circulation of paid news publications has been declining. Between 2012 and 2022, the number of publications fell by 23%. The total average circulation fell from 1.6 million to 589,000 for national newspapers and from 5.6 million to 3.3 million for regional newspapers.¹³⁸

123. In contrast, there has been a steady increase in the use of online news services over the past several years. In 2023, online media recorded 67 million visits to websites and applications and 7 million copies distributed every day.¹³⁹

124. Television: As at 1 July 2021, there were 30 national channels, including five paid-for channels, and 42 local channels broadcasting via digital terrestrial television in metropolitan France.¹⁴⁰ As at 31 December 2021, the number of channels licensed or registered for

¹³² Act of 1 July 1901 on association contracts, arts. 2 and 5.

¹³³ Vie publique website, Directorate of Legal and Administrative Information, “Comment créer une association ?” (How to establish an association), 15 January 2024.

¹³⁴ See data.gouv.fr, Associations recognized as being of public utility.

¹³⁵ Médiamétrie, “Les Français orchestrent avec maîtrise leurs pratiques des médias et des loisirs numériques” (The French skilfully manage their media and digital entertainment habits), 20 July 2020.

¹³⁶ Ministry of Culture, Key Figures, *Statistiques de la culture et de la communication 2023* (Key statistics on culture and communication 2023), p. 146.

¹³⁷ *Ibid.*, p. 279.

¹³⁸ *Ibid.*, p. 279.

¹³⁹ Alliance for Press and Media Statistics, *Rapport 2024 (synthèses 2023)* (2024 Report (Highlights from 2023)).

¹⁴⁰ Regulatory Authority for Audiovisual and Digital Communication, *Les chaînes de la TNT* (Digital terrestrial television channels).

broadcast in metropolitan France via cable, satellite, asymmetric digital subscriber line, fibre-optic or mobile networks stood at 192, of which 117 were licensed.¹⁴¹

125. In 2022, 90% of households had a television, down 3 percentage points from 2018. In June 2022, there were on average 5.7 screens per household, including 1.5 televisions, 1.6 computers, 1.9 mobile phones and 0.6 tablets.¹⁴²

126. In 2022, the population watched television an average of 3 hours 26 minutes per day, which is 15 fewer minutes than in 2021 and far fewer than in 2020, a year that saw successive lockdowns and curfews and during which the average time spent watching television was nearly 4 hours per day.¹⁴³ TF1 remains the most watched channel in France, with an audience share of 19% in 2022. France 2 is the second most watched channel, with a 15% audience share, while M6 is in third place, with 9%. In 2021, the audience share of traditional national channels (TF1, France 2, France 3, Canal+, France 5, M6, Arte) was 60%, a small, 1 percentage point rise compared with 2020. The other digital terrestrial television and high-definition digital terrestrial television channels account for 30% of audience share.¹⁴⁴

127. Radio: France has among the best selection of FM radio stations in the world. Both their diversity (public/private, national/local) and their number reflect a balanced and careful regulation of the variety of available stations. Some 4,700 frequencies are available on the FM band, which ranges from 87.5 MHz to 108 MHz. Licences are issued by the Regulatory Authority for Audiovisual and Digital Communication, in coordination with regional offices, covering approximately 900 radio stations.

128. There are five categories of radio stations, and more than a thousand private and public broadcasters operate in metropolitan France and Overseas France,¹⁴⁵ including five national general-interest stations and 25 national specialty stations.

129. France Inter was the top radio station in France in terms of audience share in the second quarter of 2024 (13.6%), followed by RTL (11.3%) and NRJ (6.4%). General-interest radio stations garnered 38.7% of audience share during this period, compared with 30.1% for music stations, 11.3% for thematic programmes and 15.5% per cent for local stations.¹⁴⁶

130. During the same period, the population listened to the radio for an average of 2 hours and 45 minutes per day, a figure that has remained relatively stable over the past 10 years. This represents an average of 38.2 million listeners each day.¹⁴⁷

131. A total of 75% of the population aged 12 years or over listens to the radio or audio content, such as podcasts and music, broadcast live or on demand and with or without a paid subscription, a figure that has remained stable compared with 2022.

132. Listening via terrestrial radio is the most common method, with 44% of the population reporting that they most often use terrestrial radio (FM or DAB+), which is exclusively dedicated to live radio, accounting for 58% of consumers of audio content. Conversely, 19% of the population (26% of consumers of audio content) listens most often via the Internet, which provides access to live content (radio) as well as recorded and on-demand content (native podcasts and replay services, music streaming). Lastly, 12% of the population (16% of consumers of audio content) listens to the radio or audio content via the Internet as often as they do via terrestrial radio.¹⁴⁸

¹⁴¹ Regulatory Authority for Audiovisual and Digital Communication, [Guide des chaînes et des services de vidéo à la demande](#) (Guide to on-demand video services and channels), 20th ed. (2022).

¹⁴² Ministry of Culture, Key Figures, [Statistiques de la culture et de la communication 2023](#), p. 296.

¹⁴³ *Ibid.*, p. 297.

¹⁴⁴ Ministry of Culture, Key Figures, [Statistiques de la culture et de la communication 2022](#), p. 291.

¹⁴⁵ Ministry of Culture, Key Figures, [Statistiques de la culture et de la communication 2023](#), p. 288.

¹⁴⁶ Médiamétrie, “[L’audience de la Radio en France en avril–juin 2024](#)” (Radio audience in France in April–June 2024), 10 July 2024.

¹⁴⁷ *Ibid.*

¹⁴⁸ Research Centre on Living Conditions, [Baromètre du numérique 2023](#) (Digital Barometer 2023), p. 128.

133. The Internet: In 2023, 93.3% of households had access to the Internet and 84% used it daily.¹⁴⁹ In 2023, 87% of the population had at least one computer at home, compared with 89% in 2022, while 95% had a mobile phone, of whom 87% had a smartphone, and 53% had a tablet.¹⁵⁰

134. According to the Digital Barometer, in 2023, 82% of the population aged 12 years or over connected to the Internet every day. Educational attainment and age remain the most significant factors influencing daily Internet use: 89% of persons with university degrees are daily users, compared with only 50% of persons without such degrees; and 95% of 12- to 17-year-olds connect daily, compared with only 64% of people over the age of 70. The spread of the Internet and, more broadly, of digital technology to all aspects of the population's lives has made it an indispensable arena for social integration, with 78% of people taking the view that it is important to have access to the Internet to feel integrated in society (up 13 percentage points compared with 2016 and 24 points compared with 2009).¹⁵¹

B. Institutional framework: the separation of powers

1. The executive

(a) *The Head of State*¹⁵²

135. The President of the Republic, who is the Head of State, is elected by direct universal suffrage for a term of five years; he or she may not serve for more than two consecutive terms (Constitution, art. 6). The election system is a two-round, first-past-the-post system (art. 7). The role of the President is to ensure, through his or her arbitration, the proper functioning of government authorities and the continuity of the State (art. 5). He or she is responsible for safeguarding national independence and territorial integrity and for ensuring respect for treaties (art. 5) and the independence of the judiciary (art. 64).

136. To that end, the President is vested with various powers that may be exclusive or shared, in which case their exercise requires the involvement of another body.

i. Exclusive powers

137. Exclusive powers are those which the President of the Republic exercises without the countersignature of the Prime Minister or, where applicable, the other ministers concerned.

Guarantee and arbitration powers

138. Constitutional matters: The President of the Republic ensures compliance with the Constitution (art. 5) and, in practice, has the power to interpret the Constitution (for example, referendums on constitutional amendments, refusal to sign orders during cohabitation). He or she appoints three members of the Constitutional Council (art. 56) and may ask it to review the constitutionality of a law or treaty (arts. 54 and 61).

139. Judicial matters: The President is the guarantor of the independence of the judiciary and is assisted in this task by the Supreme Council of Justice (art. 64).

Emergency powers (art. 16)

140. For the President to have recourse to such powers, there must be a serious and immediate threat to the institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfilment of its international commitments, and the regular

¹⁴⁹ INSEE, Key Figures, “Accès et utilisation de l’internet dans l’Union européenne, données annuelles de 2003 à 2023” (Key statistics on access to and use of the Internet in the European Union, annual data 2003–2023).

¹⁵⁰ Research Centre on Living Conditions, *Baromètre du numérique 2023*, p. 60.

¹⁵¹ *Ibid.*, p. 14.

¹⁵² Vie publique website, Directorate of Legal and Administrative Information, “Quel est le rôle du président de la République dans les institutions ?” (What is the role of the President of the Republic in government institutions?), 14 February 2024.

operation of constitutional government authorities must have been interrupted. Should article 16 be applied, the President takes such measures as are required by the circumstances to ensure that the authorities have the means to discharge their mandates.

Prerogatives concerning relations with other institutions

141. The Government: The President appoints the Prime Minister and may terminate this appointment (art. 8). He or she convenes, approves the agenda of and chairs the Cabinet (art. 9).

142. Parliament: The President communicates with Parliament by message and may address joint meetings of both chambers of Parliament (art. 18). He or she may freely dissolve the National Assembly, although he or she must first consult the Presidents of the two chambers and the Prime Minister (art. 12).

ii. Shared powers

143. Shared powers are those which the President of the Republic may exercise only with the countersignature of the Prime Minister and, if applicable, the other minister or ministers concerned, or with the involvement of another body.

Diplomatic and military prerogatives

144. Treaties are negotiated on behalf of the President of the Republic and it is he or she who ratifies them, with parliamentary authorization where necessary (art. 52). He or she accredits ambassadors (art. 14). The President is head of the Armed Forces (art. 15), but deployment of armed force is the prerogative of the Government (art. 20) and any declaration of war must be approved by Parliament (art. 35). The President chairs national defence councils and committees (art. 15) but in exceptional cases may be replaced by the Prime Minister (art. 21).

Prerogatives concerning relations with the Government

145. On the recommendation of the Prime Minister, the President of the Republic makes and terminates ministerial appointments (art. 8). He or she makes appointments to civilian and military posts of the State, based on a decision of the Cabinet or following a public hearing of the relevant standing committees of both chambers of Parliament (art. 13).

146. He or she signs ordinances, as well as decrees discussed by the Cabinet (art. 13).

Prerogatives concerning relations with Parliament

147. The President of the Republic may convene an extraordinary session of Parliament, at the request of the Prime Minister or of the majority of the members of the National Assembly (art. 29). He or she opens and closes all extraordinary sessions (art. 30). He or she may request that adopted legislation be further debated prior to its enactment (art. 10).

Prerogatives concerning relations with the judiciary

148. The President of the Republic may grant pardons to individuals (art. 17).

Prerogatives concerning relations with the people: referendums

149. Constitutional referendums: The power to propose constitutional amendments is vested concurrently in the President of the Republic, who proposes such amendments at the request of the Prime Minister, and in members of Parliament (art. 89). In principle, Parliament adopts the draft amendment, which is subsequently approved by the people in a referendum. However, the draft amendment may also be adopted definitively at a joint meeting of both chambers of Parliament, by a three-fifths majority of the votes cast. The power of amendment is not unlimited; amendments which violate the integrity of the territory (art. 89, fourth para.) or result in an alteration of the republican form of government (art. 89, fifth para.) are prohibited.

150. Legislative referendums: The President of the Republic may, on the recommendation of the Government or of both chambers of Parliament, submit to referendum any bill dealing with government structure or with the reform of national economic, social or environmental policy or of the relevant public services or any bill to authorize ratification of a treaty which, while not unconstitutional, would affect the functioning of institutions (art. 11).

151. Joint initiative referendums: Referendums on one of the above-mentioned matters may be held at the initiative of one fifth of members of Parliament, with the support of one tenth of registered voters (art. 11).

152. Referendums on treaties: The President of the Republic may submit to Parliament or to the people, by way of referendum, bills to authorize the ratification of a treaty on the accession of a State to the European Union (art. 88-5).

153. Local referendums: The President of the Republic may consult the voters of an overseas territorial collectivity on a question pertaining to its organization, powers or legislative system, or to a change in its status (art. 72-4).

(b) *The Government*

154. The Government, the second organ of the executive, is composed inter alia of ministers appointed by the President of the Republic on the recommendation of the Prime Minister, and of Ministers of State. The Government is a collegiate body. It is collectively answerable to Parliament in respect of its general policy.

155. The Government establishes and conducts the nation's policy and, to that end, has at its disposal the civil service and the armed forces (art. 20). The Prime Minister directs the actions of the Government and, subject to the powers granted to the President of the Republic, is vested with the power to make regulations (art. 21). The power to propose legislation rests concurrently with the Government and with members of Parliament (art. 39). The Government prepares and implements financial legislation. It proposes legislative referendums (art. 11) and declares states of emergency (art. 36).

2. The legislature

156. Legislative power is vested in Parliament, which is composed of the National Assembly and the Senate. The division of powers between the legislature and the regulatory authorities is established in articles 34 and 37 of the Constitution. In particular, Parliament has sole authority to establish rules relating to civic rights, fundamental guarantees for citizens' exercise of public freedoms, the definition of serious and ordinary offences and the penalties applicable. The sessions of Parliament are open to the public.

157. Parliament monitors the actions of the Government and evaluates public policies (art. 24).

(a) *The National Assembly*

158. The National Assembly is made up of deputies, whose number may not exceed 577 (art. 24). They are elected every five years, except in the case of early elections when the Assembly has been dissolved, by direct universal suffrage in defined districts within each department. However, in law, the deputies represent the whole nation.

159. Deputies are elected through a two-round, first-past-the-post system.¹⁵³

160. The National Assembly discusses and enacts legislation, which it may also propose, as well as draft legislation submitted by the Government. It may nonetheless delegate to the Government the authority to take measures, by way of ordinances, in domains normally reserved for parliamentary legislation. Ordinances are adopted by the Cabinet, on the advice of the Council of State. They enter into force on the date of publication but become null and void if the ratification bill is not submitted to Parliament by the date established in the enabling act.

¹⁵³ National Assembly, Fiche n° 3 – L'élection des députés (Fact Sheet No. 3 – Election of deputies).

161. The National Assembly reviews and adopts the budget and financial legislation. It enforces its oversight over the Government's actions by holding ministers to account and has the power to authorize the ratification of certain treaties and to authorize declarations of war. It takes part in the constitutional amendment process. Most of these powers are wielded jointly by the Senate.

162. Two hundred and eight women were elected in the legislative elections of July 2024. They now account for 36% of deputies, a rate that has been stable since 2017, when the share of women deputies reached a record 38.8%, compared with 27% in 2012, 19.5% in 2007, 13% in 2002 and 9.5% in 1997.

(b) *The Senate*

163. The 348 senators are elected for a six-year term by indirect universal suffrage, by 162,000 electors (deputies, senators, regional councillors, departmental councillors, councillors of the Assemblies of Corsica, French Guiana and Martinique, municipal council delegates). These electors are the only ones for whom voting is compulsory, under penalty of a fine of €100.

164. The Senate represents the local authorities of the Republic, with the number of representatives of each local authority varying in accordance with its population. The voting system varies according to the number of senators to be elected in each district: two-round first-past-the-post system with single or multiple seats (for one or two senators) or proportional list system (for three or more senators).

165. As part of Parliament, the Senate shares in the exercise of all the powers conferred on Parliament by the Constitution. Like the Government and the deputies, senators have the right to propose legislation. The Senate debates and adopts legislation; however, in the event of disagreement between the Senate and the National Assembly, the Government may ask the Assembly to take the final decision. The Senate plays a role in Parliament's monitoring of the Government's actions, but it may not enforce its oversight by challenging the authority of the Government.

3. Institutional balance

166. Institutional balance is ensured by the Constitution of 4 October 1958 through a flexible separation of executive and legislative power.

167. On the one hand, the executive may be challenged by the legislature.

168. The Government's authority may be challenged through two traditional procedures, namely, the motion of censure and the vote of confidence (title V). The National Assembly may challenge the Government by means of a motion of censure. Adoption of the motion means that the Prime Minister must submit the Government's resignation to the President of the Republic. In the case of a vote of confidence, the Government itself takes the initiative. It may call for a vote on its overall political programme or on a policy statement; failure to obtain a majority then means that the Government must resign. On one occasion during each session of Parliament, the Government may also call for a vote of confidence to secure adoption of a text; the text is considered to be adopted unless a motion of censure, brought within the following 24 hours, is passed. This procedure may be used without restriction in relation to bills on the budget or social security financing.

169. The President's authority may also be challenged. If he or she fails to perform his or her duties, in a manner that is patently incompatible with the exercise of the presidential mandate, he or she may be removed from office by Parliament sitting as the High Court (art. 68).

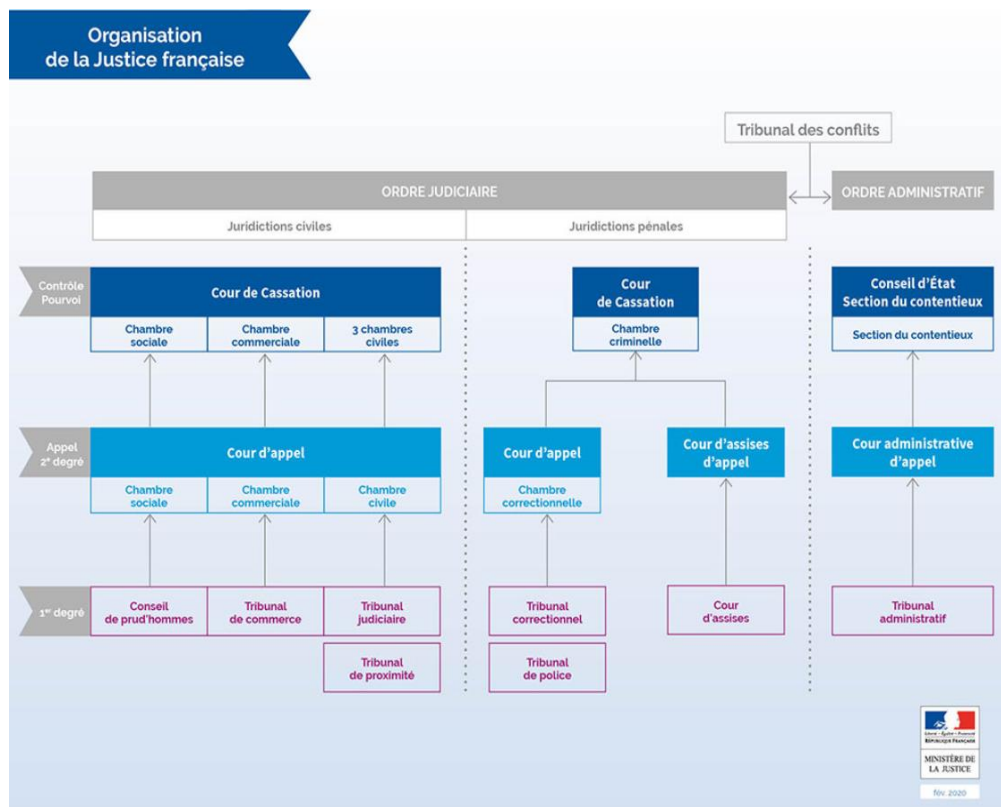
170. On the other hand, the legislature's authority may be challenged by the executive. The President of the Republic has the right to dissolve the National Assembly (art. 12), which he or she may exercise without countersignature. If the Assembly is dissolved, general elections are held within 20 to 40 days. The new Assembly may not be dissolved within a year following its election.

C. Judicial bodies

1. Organization of the courts in France

171. France has two types of court: ordinary courts, to settle disputes between private individuals or to punish criminal offenders; and administrative courts, to settle disputes between the Government and the public. For each type of court, there is a higher court and a court of cassation.

(a) *Hierarchy of courts in France*¹⁵⁴



172. In addition to the courts presented above, there are also department-level criminal courts, which were established nationwide as from 1 January 2023, and professional disciplinary tribunals. Furthermore, some independent public authorities and independent administrative authorities have punitive powers and their decisions can be appealed before the ordinary or administrative courts.

(b) *The ordinary courts*

i. Jurisdiction of the ordinary courts

Courts of first instance

Civil courts

173. The ordinary courts are competent to settle disputes between individuals in civil cases and to punish offenders.

174. Civil courts settle disputes between individuals and order compensation for damages, but they do not impose penalties. Disputes between employees and employers, disputes between traders and disputes between landowners and farmers are examined by specialized courts. The benches of these courts are either fully (labour courts, commercial courts) or

¹⁵⁴ Ministry of Justice, "Cours et tribunaux" (Courts and tribunals).

partially (agricultural land tribunals) comprised of lay judges. Criminal courts try persons accused of criminal offences (minor, ordinary and serious offences) and can impose penalties that vary in accordance with the gravity of the offence, ranging from fines to life imprisonment without parole.

175. In keeping with the right to review by a higher court, the parties to a case may contest a decision handed down by an ordinary court before a different ordinary court. The latter is a court of appeal, except where the first-instance court was a court of assizes, in which case a different court of assizes re-adjudicates. The court of appeal reviews the case on points of fact and points of law. If a party considers that the decision of the court of appeal is not consistent with legal rules, it may lodge an appeal with the Court of Cassation. The latter does not retry the case but verifies the conformity of the contested decision with legal rules.

176. The ordinary civil courts comprise courts of first instance applying general law or exercising special jurisdiction.

177. The non-specialized civil courts include the following:

- District courts, which are competent to hear disputes where the value of the claim is less than €10,000, disputes between neighbours and disputes associated with rural life;¹⁵⁵
- Ordinary courts, which are general courts competent to hear disputes where the value of the claim is greater than €10,000 and disputes which are not reserved by law for a specialized court.¹⁵⁶ They also have exclusive competence for certain disputes, regardless of the amount of the claim, for example in cases involving family matters, personal status, inheritance or real estate law.¹⁵⁷

178. The specialized courts comprise:

- Commercial courts, which are specialist professional bodies composed of judges elected in a two-round ballot;
- Labour courts, which are joint elected bodies that through conciliation resolve disputes arising from labour contracts between employers (or their representatives) and their employees. They also adjudicate disputes in which efforts at conciliation prove unsuccessful;
- Agricultural land tribunals, which are competent to hear disputes between rural landlords and tenants concerning the application of titles 1 and 4 of the Rural and Maritime Fisheries Code.

The criminal courts

179. The investigating judge is an ordinary court judge responsible for gathering the necessary information on the facts before him or her. If, following these measures of investigation, it appears that an individual has participated in the commission of the acts in question, charges are filed against the individual to determine whether there is sufficient evidence to commit him or her for trial. Depending on the gravity of the acts, the investigation by the investigating judge may be mandatory, optional or may not take place.

180. The liberty and custody judge is a high-ranking judge who intervenes during the investigation to rule on placement in pretrial detention, requests for release by accused persons and also certain requests for investigative measures, extension of police custody and the placement of foreign nationals in an irregular situation in waiting areas or administrative detention. The liberty and custody judge also monitors forced hospitalizations.

¹⁵⁵ Judicial Code, art. D212-19-1 and table annexes IV-II and IV-III.

¹⁵⁶ Ibid., art. R211-3 et seq.

¹⁵⁷ Ibid., art. R211-3-26.

181. The police court has jurisdiction over minor offences. It is composed of a single, ordinary court judge. The correctional court, a special division of the ordinary court, has jurisdiction over ordinary offences. Jurisdiction over serious offences is shared by the criminal court and the court of assizes.

182. The criminal court is a department-level court. It is the trial court for adults accused of serious offences incurring a penalty of 15 to 20 years' imprisonment, provided that the accused is not a repeat offender. The accused must agree, with their lawyer present, to their case being referred to the criminal court. The criminal court consists of five professional judges.

183. The court of assizes is a non-permanent court located either at the seat of the court of appeal or at the seat of the ordinary court of the department's administrative capital. It is competent to try adults charged with serious offences incurring a penalty of 15 years' to life imprisonment and juvenile offenders aged 16 to 18 years charged with serious offences, although in the latter case its composition and the sentences it may pass are subject to different rules. When it sits as a court of first instance, the court of assizes is made up of three professional judges and six jurors chosen by lot. When it sits as an appellate court, the judges are joined by nine jurors. Terrorism offences, military offences and drug trafficking offences are tried by a special court of assizes. In that scenario, jurors are replaced by professional judges.

184. The specialized interregional courts, established in 2004, are competent to try particularly complex instances of two types of offence, namely, organized crime (drug trafficking, trafficking in persons, aggravated pimping, aggravated extortion, counterfeiting and all offences committed by organized criminal gangs) and financial crimes (embezzlement, illegal employment, fraudulent use of bank card data, value added tax fraud, forgery, corruption, conflict of interest and influence peddling). With regard to organized crime, the specialized interregional courts are competent when:

- There are multiple perpetrators and accessories;
- When the acts are committed by structured hierarchical gangs in an organized and planned manner;
- The acts or the criminal organization have a national or transnational dimension;
- There are many victims;
- Significant harm has been caused.

185. The following specialized courts are responsible for trying minors:

- The juvenile court, which is composed of a juvenile court judge and two assessors, who are chosen from among French nationals aged 30 years or over recognized for their interest in children's issues and their expertise in this area. The court is competent to hear cases involving category 5 minor offences, ordinary offences committed by minors aged 13 or over and serious offences committed by individuals aged 16 or over at the time of the events, as well as category 4 minor offences associated with the other offences;
- The juvenile court judge, who hears cases involving category 5 minor offences, ordinary offences and associated category 4 minor offences. Contrary to the juvenile court, the juvenile court judge can impose only certain penalties specifically listed in law (probation, community service, forfeiture);
- The court of assizes for minors, which is composed of three professional judges (the president of the court of assizes and two assessors chosen from among juvenile court judges affiliated with the court of appeal) and six jurors. It has jurisdiction over serious offences committed by persons who were aged 16 or over at the time of the events. The proceedings take place in closed or even private session. Unless the defence of minority is ruled out, the accused cannot be sentenced to more than half the penalty that an adult would face for the same offence.

Military courts

186. In criminal matters and in peacetime, nine ordinary military courts and associated courts of assizes are competent to try cases involving military offences – either serious or ordinary – and serious or ordinary offences committed by military personnel (Code of Military Justice), as well as offences against the fundamental interests of the State (Code of Criminal Procedure).

187. In wartime, local armed forces courts and military courts may be established to administer military justice within and outside the territory of France, respectively.

Courts of appeal and their specific composition (higher courts)

188. The courts of appeal are the only courts that can hear appeals against decisions handed down by a civil or criminal court of first instance, whether of general or specialized jurisdiction, within their districts.

189. The investigating chamber is a specialized chamber of the court of appeal. It considers the lawfulness of investigative proceedings and rules on appeals lodged against orders issued by investigating judges. It also hears appeals lodged against orders issued by liberty and custody judges.

190. The criminal appeals chamber is a specialized chamber of the court of appeal that hears appeals lodged against judgments handed down by the police court and the correctional court.

191. Since 1 January 2001, it has been possible to contest the judgments handed down by assize courts. Such appeals are lodged with a different court of assizes, composed of nine jurors, which re-examines the points of facts and law. Decisions of the appellate court of assizes are themselves subject to appeal in cassation. Judgments of the department-level criminal courts are appealable before the court of assizes.

The Court of Cassation (highest court)

192. The Court of Cassation, the highest court in the judicial hierarchy, ensures the precise and uniform application of the law by conducting reviews on points of law of final court decisions.

ii. The principle of the independence of the judiciary (Constitution, title VIII)

193. The principle of the independence of the judiciary is guaranteed under the Constitution (art. 64). The independence of the judiciary derives largely from the status of members of the judiciary (*magistrats*), particularly judges.

194. Judges cannot be removed, as guaranteed under article 64 of the Constitution and reiterated in article 4 of Ordinance No. 58-1270 of 22 December 1958, the Judicial Service (Organization Act) Ordinance, as amended. They may not be assigned to a new post without their agreement, even in the case of a promotion. In addition, they are not subject to instruction from others and arrive at their decisions freely, within the limits set by law. In most cases, the parties to a case are entitled to appeal against their decisions.

195. Article 5 of the Ordinance of 22 December 1958 concerns public prosecutors. Though members of the judiciary, they are not judges. Part of the Public Prosecution Service, they institute criminal proceedings and enforce the law. In criminal matters, they represent the public interest and, in civil matters, they defend public order. They are also responsible for implementing the Government's criminal policy. The Ordinance of 22 December 1958 places public prosecutors under the guidance and supervision of their superiors (the State prosecutor in the case of courts of major jurisdiction and the Principal State Prosecutor in the case of courts of appeal and the Court of Cassation) and under the authority of the Minister of Justice.

However, since 25 July 2013, they may no longer receive instructions in individual cases,¹⁵⁸ and they may speak freely at hearings.

iii. Supreme Council of Justice

196. Established under the Constitution, the Supreme Council of Justice participates in the appointment of members of the judiciary by submitting a proposal to the President of the Republic (in the case of judges of the Court of Cassation, the presidents of courts of appeal and ordinary courts) or by issuing a binding opinion (in the case of other judgeships) or a non-binding opinion (in the case of public prosecutors other than principal State prosecutors).

197. Disciplinary cases can be brought to the Supreme Council of Justice by the Minister of Justice and presidents of courts of appeal or of higher courts of appeal. Members of the public can also bring cases to it. Under the Constitution, as amended by Constitutional Act No. 93-952 of 27 July 1993, and the Act of 5 February 1994 amending the Judicial Service (Organization Act) Ordinance, disciplinary proceedings are dealt with by the Supreme Council of Justice, whose composition varies depending on whether it is a judge or a public prosecutor who is facing disciplinary action. The proceedings are adversarial, and the disciplinary hearing is open to the public. When constituted to have jurisdiction over judges, the Supreme Council of Justice functions as a disciplinary board for judges. Its decisions may be appealed to the Council of State. When constituted to have jurisdiction over public prosecutors, it issues opinions concerning disciplinary measures against them. Decisions in this regard are taken by the Minister of Justice and may be appealed to the Council of State.

(c) *The administrative courts*

198. The administrative courts, the administrative courts of appeal and the Council of State hear disputes between individuals and public authorities (the Government, local authorities, independent authorities and public institutions). Checks on administrative action safeguard the principle of legality, which is the foundation of administrative law and an indispensable prerequisite for the rule of law. The principle of the separation of the administration from the judiciary is enshrined in the Act of 16 and 24 August 1790. This principle means that administrative action is subject to review not by the ordinary courts but by administrative courts. This dual system of courts stems from the fundamental distinction in French law between private law and public law and reflects the French conception of the separation of powers.

199. The Council of State, the highest administrative court, is the first administrative court to have been established, in 1799. Prior to 1872, the system of justice was known as retained justice, as the decisions of the Council of State were not enforceable until they were signed by the Head of State. The Act of 24 May 1872 definitively established the system of so-called delegated justice, whereby decisions of the Council of State are enforceable from the moment of their reading and the Head of State no longer has to sign them.¹⁵⁹ Since then, administrative courts have rendered their judgments “on behalf of the French people”. The Constitutional Council has, moreover, incorporated the principles of the independence of the administrative courts (Decision No. 80-119 DC of 22 July 1980, para. 6) and of their exclusive competence to annul acts by the public authorities (Decision No. 86-224 DC of 23 January 1987, para. 15) into the “constitutional bloc”, thus recognizing them as fundamental principles under the laws of the Republic. In addition to this fundamental reform, the successive improvements made since 1872 – whether through legislation, regulations or case law – have continued to strengthen the independence and quality of the administrative justice system (recruitment, the status of members of administrative courts, the organization and composition of litigation units, etc.). This independence is not called into question by the exercise of administrative functions by the Council of State, which is a body of the executive branch, since members of

¹⁵⁸ See article 30 of the Criminal Code, as amended by Act No. 2013-669 of 25 July 2013 on the powers of the Minister of Justice and public prosecutors with regard to criminal policy and prosecution.

¹⁵⁹ Council of State, “13 December 1889 – Cadot”.

the Council of State who have taken part in the deliberations on an opinion (administrative function) cannot rule on appeals against actions taken on the basis of that opinion (judicial function).¹⁶⁰

200. The organization of the administrative courts has changed significantly since 1889. Original jurisdiction in ordinary administrative matters was transferred from the Council of State to the administrative courts in 1953, and appellate jurisdiction in ordinary administrative matters from the Council of State to the administrative courts of appeal in 1987. Since then, the Council of State has functioned mainly as a court of cassation. It rules on the legal soundness of judgments handed down by the administrative courts of appeal and the specialized administrative courts and of decisions of the administrative courts in certain simple or repetitive disputes defined by decree (disputes relating to driving permits, pensions, appraisal or evaluation of public servants, etc.).¹⁶¹ It has original and final jurisdiction in certain matters defined by law, in particular when warranted by their national scope (for example, applications to quash decrees or regulatory acts adopted by ministers, disputes relating to regional and European elections). Similarly, its appellate jurisdiction is limited to disputes relating to municipal and departmental elections and to the review of preliminary issues concerning the legality or interpretation of acts falling under the jurisdiction of administrative courts of first instance.

201. Some specific disputes fall within the jurisdiction of specialized administrative courts, both in first instance and on appeal, as follows:

- The Supreme Council of Justice and professional disciplinary tribunals rule on disciplinary measures against members of certain professions (architects, doctors, dentists, pharmacists, midwives, veterinaries, etc.);
- The National Court of Asylum rules on appeals against decisions concerning international protection taken by the French Office for the Protection of Refugees and Stateless Persons;
- The Court of Audit rules on financial offences committed by public officials;
- The Parking Court rules on disputes concerning parking fees.¹⁶²

202. Their decisions may be appealed before the Council of State.

2. Other courts

203. Some courts are neither judicial nor administrative.

(a) *The Jurisdictional Disputes Court*

204. The Jurisdictional Disputes Court was established under the Constitution of 1848. It is now governed by the Act of 24 May 1872, which was substantially amended by the Act of 16 February 2015 on modernization and simplification of the law and procedures in the fields of justice and home affairs. It is a joint court, with its ordinary composition being four members from the Council of State, four members from the Court of Cassation and two alternates (one each from the Council of State and the Court of Cassation). If a vote is tied, even after further deliberation, the case is considered by the extended court. In such situations, two members each from the Council of State and the Court of Cassation are added to the ordinary composition of the Court. In addition, two members of the Council of State selected from among the public rapporteurs, and two public prosecutors from the Court of Cassation, serve as public rapporteurs of the Jurisdictional Disputes Court.¹⁶³

¹⁶⁰ Code of Administrative Justice, art. R.122-21-1; European Court of Human Rights, application No. 39699/03, *Union fédérale des Consommateurs Que Choisir de Côte d'Or c/ France*.

¹⁶¹ Council of State, “*Répartition des compétences entre tribunaux et cours*” (Distribution of jurisdiction among courts and tribunals).

¹⁶² Decree No. 2024-733 of 5 July 2024 on the Parking Court and parking disputes.

¹⁶³ Jurisdictional Disputes Court website, “Composition” (Composition).

205. The Jurisdictional Disputes Court ensures respect for the principle of the separation of the administration from the judiciary. Its mandate is to resolve jurisdictional disputes between the ordinary courts and the administrative courts when:

- Neither type of court is recognized as competent to rule on a matter;
- The administration, in the person of the State representative in the department, challenges the competence of an ordinary court to try a case that has been brought before it;
- A question of jurisdiction raised in connection with a dispute has been referred to it by either an ordinary or an administrative court;
- Both types of court have handed down contradictory decisions in the same case, resulting in a denial of justice.¹⁶⁴

206. The Court may have cases referred to it, as appropriate, by the parties to the proceedings, a State representative in the department, the Council of State, the Court of Cassation or any other administrative or ordinary court hearing a matter of jurisdiction that warrants such a referral.

207. The Jurisdictional Disputes Court is competent to consider claims for compensation for harm arising from the excessive length of procedures relating to a single dispute that is before both types of court because of the applicable jurisdictional rules.¹⁶⁵

(b) *Courts reserved for members of the executive: the Court of Justice of the Republic and the High Court*

i. The Court of Justice of the Republic (Constitution, title X, arts. 68-1–68-3)

208. Governed by Organic Act No. 93-1252 of 23 November 1993, the Court of Justice of the Republic is responsible for trying members of the Government who, in the performance of their functions, commit actions defined as serious or ordinary offences under the law in force.

209. The Court of Justice of the Republic consists of three bodies: the Petitions Board, composed of seven members from the Court of Cassation, the Council of State and the Court of Audit; the Investigative Board, composed of counsellors from the Court of Cassation, responsible for taking all necessary steps to establish the truth; and an adjudication panel, composed of 15 judges, including six deputies and six senators elected by the National Assembly and the Senate, respectively, and three judges of the Court of Cassation. The members from the National Assembly and the Senate are elected after each full or partial parliamentary election.

210. The rules governing proceedings and judgments in correctional matters apply before the Court of Justice of the Republic. Prosecutorial power is exercised by the Principal State Prosecutor at the Court of Cassation, assisted by the Senior Advocate General and two advocates general designated by him or her. Any person who claims to have been harmed by a serious or ordinary offence committed by a member of the Government in the performance of his or her duties may file a complaint with the Petitions Board, which orders either the dismissal of the case or its referral to the Principal State Prosecutor at the Court of Cassation for transfer to the Court of Justice of the Republic. The jurisdiction of the Principal State Prosecutor is thus activated; he or she is required to submit to the Investigative Board an application to commence proceedings identifying the member or members of the Government concerned and specifying the allegations made. However, the Principal State Prosecutor may also bring a case to the Investigative Board of the Court of Justice of the Republic ex officio, with the approval of the Petitions Board. The value of this ex officio authority becomes apparent in cases where no one has filed a complaint with the Petitions Board, which cannot initiate an investigation on its own, even though a minister may have committed acts constituting a criminal offence in the course of his or her duties.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

- ii. The High Court (Constitution, title IX, arts. 67 and 68)

The accountability of the President of the Republic

211. Throughout his or her term of office, the President of the Republic may not be prosecuted for acts unrelated to his or her duties and carried out before or during his or her term of office; the President may be so prosecuted as of the month following the cessation of his or her functions (art. 67). This is referred to as the President's "temporary inviolability". However, whether during or after the term of office, the President may not be prosecuted for acts performed in an official capacity. This is referred to as the President's "functional immunity".

212. This functional immunity may cease in two situations:

- The President may be prosecuted before the International Criminal Court for crimes against humanity, the crime of genocide, war crimes or crimes of aggression (art. 53-2);
- He or she may be prosecuted before ordinary courts if the High Court orders his or her removal from office for "a breach of duties that is manifestly incompatible with the exercise of his or her mandate" (art. 68).

Role and functioning of the High Court

213. Established in the Constitutional Act of 23 February 2007, the High Court is the successor to the Parliamentary Court of Justice, which was previously responsible for trying the President for high treason. The High Court is a special branch of Parliament, with all of its members meeting for the purpose of removing from office, or maintaining in power, the President of the Republic in the event of "a breach of duties that is manifestly incompatible with the exercise of his or her mandate".

214. Proposals to convene the High Court must be adopted by a two-thirds majority of the members of each chamber of Parliament. Headed by the President of the National Assembly, the High Court decides on removal within one month, by secret ballot, by a two-thirds majority (Constitution, art. 68, and Organic Act No. 2014-1392 of 24 November 2014 on the application of article 68 of the Constitution).

3. The Constitutional Council (Constitution, title VII, art. 56)

(a) Composition of the Constitutional Council

215. In addition to its functions with regard to the electoral process and the status of elected officials, the Constitutional Council rules on the constitutionality of a number of norms, in particular of legislative texts, treaties and parliamentary rules. It has two types of member, namely appointed and ex officio members. The appointed members, of whom there are nine, are appointed for a non-renewable nine-year term. One third of them are renewed every three years. Three are appointed by the President of the Republic, three by the President of the National Assembly and three by the President of the Senate. In addition to these nine members, former Presidents of the Republic are lifetime members of the Council ex officio.

216. The President of the Council is appointed by the President of the Republic and, in the case of divided opinion, casts the deciding vote.

(b) The two types of constitutional review: preventive review, and the priority question of constitutionality

Reference norms for review

217. The "constitutional bloc" – the body of norms which it is the Council's responsibility to uphold and which legislators are bound to respect – is not limited to the founding text of the Fifth Republic. It also includes the norms enshrined in the Constitution, namely, the Declaration of the Rights of Man and of the Citizen of 1789, the preamble to the Constitution of 1946 and the 2004 Charter for the Environment, as well as the standards established by

the Constitutional Council through its case law, in other words, the fundamental principles recognized in the laws of the Republic and constitutional principles.

Preventive or a priori review

218. *Determination of jurisdiction*: as noted above, the scope of the law is limited to the matters set out in article 34 of the Constitution; all other matters come under the scope of regulation, in accordance with article 37.¹⁶⁶ During the legislative process, if the Constitutional Council deems that a proposal or an amendment falls outside the scope of the law or is contrary to a delegation granted by Parliament to the Government under article 38, the Government or the president of the chamber discussing the proposal or amendment may challenge the admissibility of the text. In the event of a disagreement between the Government and the president of the chamber concerned, the matter is referred to the Constitutional Council at the request of one or the other (art. 41). In addition, the Government applies to the Constitutional Council when it wishes to modify by decree legislative provisions that have been passed since the entry into force of the Constitution of 1958 (art. 37 (2)). In both cases, the Council determines, by reference to the Constitution, whether the matter covered by the text should be classified as legislative or regulatory.

219. *Determination of the constitutionality of norms*: The Constitutional Council is competent to rule on the conformity of a law with the Constitution. It must be consulted before the submission to a referendum of any bill dealing with the matters covered by article 11 of the Constitution (art. 61 (1)), before the entry into force of parliamentary rules (art. 61 (1)) and before the promulgation of organic acts (art. 61 (1)). It may be consulted prior to the enactment of ordinary legislation (art. 61 (2)) and of national legislation adopted by the Congress of New Caledonia,¹⁶⁷ and prior to the ratification or approval of international commitments (art. 54). Exceptionally, the Constitutional Council may rule on the constitutionality of previously enacted legislation, during its review of “legislative provisions that modify it, supplement it or affect its scope”, when the question has been directly referred to it.¹⁶⁸

220. Referral to the Council may be mandatory (art 61 (1)) or optional (art. 61 (2)). In the latter case, the President of the Republic, the Prime Minister, the President of the National Assembly and the President of the Senate, 60 deputies or 60 senators may refer legislation to the Council prior to enactment. Although such referrals are optional, most laws of any importance are reviewed by the Council.

221. In principle, if a norm is deemed unconstitutional, it is denied legal recognition and may not enter into force. However, in the case of an international commitment containing a clause that is unconstitutional, authorization to ratify or approve that commitment may be given only after the Constitution has been amended. The decisions of the Constitutional Council have the force of *res judicata*. They are not subject to appeal and are binding on the Government and on all administrative and judicial authorities (art. 62).

A posteriori review: the priority question of constitutionality

222. Following the constitutional reform of 23 July 2008, if, in connection with proceedings before a court, an individual alleges that a legislative provision violates the rights and freedoms guaranteed under the Constitution, the Court of Cassation or the Council of State may refer the matter to the Constitutional Council for a ruling (art. 61-1). The review of the constitutionality of a norm takes priority over the review of its compliance with the treaties to which the State is a party.¹⁶⁹

¹⁶⁶ Légifrance, Guide de légistique (Legislative Guide), [Fiche no 1.3.2. – Domaine de la loi et domaine du règlement](#) (Fact Sheet No. 1.3.2. – Scope of the law and scope of regulations), updated on 7 February 2024.

¹⁶⁷ Organic Act No. 99-209 of 19 March 1999 on New Caledonia.

¹⁶⁸ Decision No. 5-186 DC of 25 January 1985.

¹⁶⁹ Organic Act No. 2009-1523 of 10 December 2009 on the implementation of article 61-1 of the Constitution.

223. Provisions that have been declared unconstitutional under article 61-1 are repealed following the publication of the decision of the Constitutional Council, *erga omnes*. Decisions of the Constitutional Council are not subject to appeal and are binding on the Government and on all administrative and judicial authorities (art. 62). The Council of State has recognized that the State may be held liable for the application of a law that has been declared unconstitutional by the Constitutional Council.¹⁷⁰

III. Acceptance of international human rights norms

224. The Government has annexed to the common core document the reservations made to the Conventions and their accompanying explanations.

A. Acceptance of the main international human rights norms¹⁷¹

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
International Covenant on Civil and Political Rights, 1966	-	4 November 1980	Interpretative declarations: arts. 13, 14 (5), 20 (1), 19, 21 and 22 Reservations: arts. 4 (1), 9, 14 and 27
Optional Protocol to the International Covenant on Civil and Political Rights, 1966	-	17 February 1984	Interpretative declarations: arts. 1 and 7 Reservation: art. 5 (2) (a)
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989	-	2 October 2007	No
International Covenant on Economic, Social and Cultural Rights, 1966	-	4 November 1980	Interpretative declarations: arts. 6, 9, 11 and 13; art. 8
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008	11 December 2012	18 March 2015	No
International Convention on the Elimination of All Forms of Racial Discrimination, 1965	-	Convention: 28 July 1971 Art. 14: 16 August 1982 Amendment to art. 8: 1 September 1994	Interpretative declarations: arts. 4 and 15 Declarations: arts. 6 and 14
Convention on the Elimination of All Forms of Discrimination against Women, 1979	17 July 1980	Convention: 14 December 1983 Amendment to art. 20 (1): 8 August 1997	Declaration: ninth preambular para. Interpretative declarations: arts. 9 and 5 Reservation: art. 29 (1)

¹⁷⁰ Council of State, Assembly of 24 December 2019, decisions No. 425981, No.425983 and No.428162.

¹⁷¹ United Nations Treaty Collection, [Chapter IV: Human Rights](#).

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999	10 December 1999	9 June 2000	No
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	4 February 1985	Convention: 18 February 1986 Amendment to arts. 17 (7) and 18 (5) (not yet in force): 24 May 1994	Reservation: art. 30 (1)
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002	16 September 2005	11 November 2008	Interpretative declaration
Convention on the Rights of the Child, 1989	26 January 1990	Convention: 7 August 1990 Amendment to art. 43 (2): 20 June 1997	Interpretative declarations: arts. 6 and 40 (2) (b) (v) Reservation: art. 30
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000	6 September 2000	5 February 2003	Declaration
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000	6 September 2000	5 February 2003	No
Optional Protocol to the Convention on the Rights of the Child on a communications procedure, 2011	20 November 2014	7 January 2016	No

225. France has neither signed nor ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18 December 1990, which entered into force on 1 July 2003.

226. Some of the provisions of this Convention posit a number of principles that are not in conformity with domestic legislation.

227. Thus, article 1 does not distinguish between migrant workers in a regular situation and those in an irregular situation. This definition is reflected in part III of the Convention (arts. 8–35), which provides for a number of rights for migrant workers regardless of the regularity of their stay, as opposed to part IV of the Convention, which deals with “other rights of migrant workers and members of their families who are documented or in a regular situation”.

228. The rights guaranteed in part III include guarantees concerning conditions of employment and remuneration (art. 25), social security (art. 27) and medical care (art. 28), which require States to apply to such workers the principle of equal treatment with nationals,

without linking such treatment to the regularity of their stay. For example, article 25 (3) of the Convention specifically provides that States Parties should take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from the principle of equality of treatment in respect of work, employment and remuneration by reason of any irregularity in their stay or employment, which would have the effect of removing any incentive to regularize their stay. Moreover, the application of the principle of equal treatment with nationals is still limited to nationals of European Union member States and nationals of third countries who are long-term residents (see below).

229. Similarly, article 31 of the Convention, which provides for “respect for the cultural identity of migrant workers and members of their families”, could be interpreted as conflicting with the constitutional principle of the unity and indivisibility of the Republic. In pursuance of the constitutional principles of the equality of rights of citizens and the unity and indivisibility of the nation, encompassing both the territory and the population, France endorses the idea that the affirmation of an identity is the result of a personal choice and not of applicable criteria that a priori define a given group.

230. Furthermore, as the Convention covers matters over which the European Union has competence, member States no longer have the right to accede to it unilaterally. For this reason, to date, no European Union member State has signed this Convention.

231. It should be stressed, however, that French domestic law already protects the rights of migrant workers. Persons in a regular situation thus enjoy national protection similar to that provided for by the Convention. In addition, the rights of migrant workers in an irregular situation are not disregarded insofar as the fundamental rights of such persons are guaranteed under the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and other international human rights instruments to which France is a party, such as the European Convention on the Legal Status of Migrant Workers of 1983 and the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97).

232. France is engaged in a continuous and constructive dialogue with organizations and States concerned with this issue. For example, France actively supports the work of the International Organization for Migration, particularly on issues of human rights violations in the context of migrations. France also participates actively in the Global Forum on Migration and Development.

B. Acceptance of other international human rights norms

1. Acceptance of other United Nations instruments¹⁷²

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	11 December 1948	14 October 1950	No
Slavery Convention, 1926	-	28 March 1931	No
Protocol amending the Slavery Convention, 1953	14 January 1954	14 February 1963 (acceptance, no ratification required)	No

¹⁷² [United Nations Treaty Collection](#).

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1950	-	19 November 1960	No
Convention relating to the Status of Refugees, 1951	11 September 1952	23 June 1954	Interpretative declaration: arts. 17 and 29 (2)
Protocol relating to the Status of Refugees, 1967	-	3 February 1971	No
Convention relating to the Status of Stateless Persons, 1954	12 January 1955	8 March 1960	Interpretative declaration: art. 10 (2)
Convention on the Reduction of Statelessness, 1961	31 May 1962	Explanation for non-ratification contained in the annex to the common core document	
Rome Statute of the International Criminal Court, 1998	18 July 1998	9 June 2000	Interpretative declarations: arts. 8 (2) (b) and (c) Declaration: art. 87 (2)
United Nations Convention against Transnational Organized Crime, 2000	12 December 2000	29 October 2002	No
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000	12 December 2000	29 October 2002	No
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000	12 December 2000	29 October 2002	No
International Convention for the Protection of All Persons from Enforced Disappearance, 2006	6 February 2007	23 September 2008	No

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Convention on the Rights of Persons with Disabilities, 2006	30 March 2007	18 February 2010	Interpretative declaration: art. 15 Declaration: art. 29
Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006	23 September 2008	18 February 2010	No
Convention against Discrimination in Education, 1960 (adopted by UNESCO)	-	11 September 1961	No

233. France has neither signed nor ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, which was adopted in New York on 26 November 1968 and entered into force on 11 November 1970.

234. In addition, it has signed, but not ratified, the European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes, which was adopted by the Council of Europe on 25 January 1974.

235. However, domestic law provides for the non-applicability of statutory limitations to crimes against humanity, including genocide (Criminal Code, art. 213-5).

236. War crimes are criminalized under articles 461-1 ff. of the Criminal Code,¹⁷³ and have been since the enactment of the Act of 9 August 2010 on adapting domestic criminal law to take into account the establishment of the International Criminal Court. Although such crimes are not imprescriptible, the limitation periods for criminal proceedings and the enforcement of sentences have been extended by the Act. The statute of limitations for war crimes is thus no longer 10 years, but 30 years; for less serious war-related offences, it has been increased from 3 to 10 years.

2. Acceptance of ILO Conventions¹⁷⁴

237. France has ratified 129 ILO conventions and 2 ILO protocols, including the following instruments:

<i>International instrument</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Remarks</i>
Weekly Rest (Industry) Convention, 1921 (No. 14)	3 September 1926	No
Forced Labour Convention, 1930 (No. 29)	24 June 1937	No
Labour Inspection Convention, 1947 (No. 81)	16 December 1950	No
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	28 June 1951	No

¹⁷³ Criminal Code, art. 461-1.

¹⁷⁴ International Labour Organization, [Ratification of fundamental instruments by country](#).

<i>International instrument</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Remarks</i>
Migration for Employment Convention (Revised), 1949 (No. 97)	29 March 1954	Has excluded the provisions of annex II
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	26 October 1951	No
Equal Remuneration Convention, 1951 (No. 100)	10 March 1953	No
Social Security (Minimum Standards) Convention, 1952 (No. 102)	14 June 1974	Has accepted parts II and IV–IX
Abolition of Forced Labour Convention, 1957 (No. 105)	18 December 1969	No
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	5 May 1971	The Convention also applies to persons employed in the establishments specified in art. 3 (1)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	28 May 1981	No
Equality of Treatment (Social Security) Convention, 1962 (No. 118)	13 May 1974	Has accepted branches (a)–(d), (f), (g) and (i)
Employment Policy Convention, 1964 (No. 122)	5 August 1971	No
Labour Inspection (Agriculture) Convention, 1969 (No. 129)	28 December 1972	No
Minimum Wage Fixing Convention, 1970 (No. 131)	28 December 1972	No
Holidays with Pay Convention (Revised), 1970 (No. 132)	No	-
Minimum Age Convention, 1973 (No. 138)	13 July 1990	Minimum age specified: 16 years
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No	-
Labour Relations (Public Service) Convention, 1978 (No. 151)	No	-
Occupational Safety and Health Convention, 1981 (No. 155)	No	In the process of ratification
Workers with Family Responsibilities Convention, 1981 (No. 156)	16 March 1989	No
Indigenous and Tribal Peoples Convention, 1989 (No. 169)	No	Explanation for non-signature and non-ratification contained in the annex to the common core document

<i>International instrument</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Remarks</i>
Worst Forms of Child Labour Convention, 1999 (No. 182)	11 September 2001	No
Maternity Protection Convention, 2000 (No. 183)	No	
Private Employment Agencies Convention, 1997 (No. 181)	28 October 2015	
Safety and Health in Agriculture Convention, 2001 (No. 184)	26 January 2021	
Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)	27 April 2004	
Work in Fishing Convention, 2007 (No. 188)	28 October 2015	
Violence and Harassment Convention, 2019 (No. 190)	12 April 2023	No

3. Acceptance of the Conventions of the Hague Conference on Private International Law¹⁷⁵

<i>International instrument</i>	<i>Ratification and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Convention relating to the settlement of the conflicts between the law of nationality and the law of domicile, 1955	No (signed on 25 July 1955)	No
Convention on the law applicable to maintenance obligations towards children, 1956	2 May 1963	Notification on the extension of the territorial scope of application of the Convention
Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children, 1958	26 May 1966	Notification on the extension of the territorial scope of application of the Convention
Convention concerning the powers of authorities and the law applicable in respect of the protection of minors, 1961	11 September 1972	Notification on the withdrawal of the reservation provided for in art. 15
Convention on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions, 1965	No	No
Convention on the Law Applicable to Maintenance Obligations, 1973	19 July 1977	No
Convention on the Recognition of Divorces and Legal Separations, 1970	No	No

¹⁷⁵ Hague Conference on Private International Law, Member & Parties – France.

<i>International instrument</i>	<i>Ratification and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, 1973	19 July 1977	No
Convention on the Civil Aspects of International Child Abduction, 1980	16 September 1982	Declaration: art. 39 Reservations: arts. 24 and 26
Convention on Celebration and Recognition of the Validity of Marriages, 1978	No	No
Convention on the Law Applicable to Matrimonial Property Regimes, 1978	26 September 1979	No
Convention on International Access to Justice, 1980	22 December 1982	Declaration: art. 33 Reservations: arts. 1 and 7
Convention on the Law Applicable to Succession to the Estates of Deceased Persons, 1989	No	No
Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, 1993	30 June 1998	Declarations: arts. 22 (4), 23 (2), 25 and 45 (1)
Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, 1996	15 October 2010	Interpretative declaration: arts. 23, 26 and 52, read together Declarations: arts. 34 (2) and 52 (1)
Convention on the International Protection of Adults, 2000	18 September 2008	Declaration: art. 32 (2)
Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, 2007	1 August 2014 (as a result of accession by the European Union)	Declaration: France is bound by the Convention as a result of its approval by the European Union Declarations of the European Union: arts. 59 (3), 2 (3) and 11 (1) (g) Reservation of the European Union: art. 44 (3) Unilateral declaration of the European Union, extending the application of chapters II and III to maintenance obligations between spouses and former spouses and indicating the possibility, in the future, of extending the application of the Convention as a whole to all maintenance obligations arising from a family relationship, parentage, marriage or affinity

<i>International instrument</i>	<i>Ratification and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Protocol of 23 November 2007 on the law applicable to maintenance obligations	1 August 2013 (as a result of its approval by the European Union)	Declaration of the European Union: art. 24
Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters	1 September 2023 (as a result of its approval by the European Union)	Declaration of the European Union

4. Acceptance of the Geneva Conventions and other treaties on international humanitarian law¹⁷⁶

<i>International instrument</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949	28 June 1951	No
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949	28 June 1951	No
Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949	28 June 1951	No
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949	28 June 1951	No
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977	11 April 2001	Reservations and interpretative declarations
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977	22 February 1984	Declaration explaining the reasons for refusing to accede to Protocol I
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)	17 July 2009	No
Convention on the Rights of the Child, 1989	7 August 1990	Interpretative declarations: arts. 6 and 40 (2) (b) (v) Reservation: non-applicability of art. 30

¹⁷⁶ International Committee of the Red Cross, [Treaties and States Parties > France](#).

<i>International instrument</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000	5 February 2003	Declaration on the voluntary enlistment of recruits aged 17 years with the consent of legal representatives
Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 1987	23 July 1998	No

C. Acceptance of regional human rights instruments¹⁷⁷

238. Within the Council of Europe, France has ratified 146 agreements,¹⁷⁸ many of them related to human rights.

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Statute of the Council of Europe	5 May 1949	4 August 1949	No
Convention for the Protection of Human Rights and Fundamental Freedoms, 1950	4 November 1950	3 May 1974	Declaration: art. 56 Reservations: arts. 5, 6 and 15 (1)
Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty, 1983	28 April 1983	17 February 1986	No
Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the Abolition of the Death Penalty in All Circumstances	3 May 2002	10 October 2007	No
European Social Charter (Revised), 1996 and Additional Protocol to the European Social Charter providing for a System of Collective Complaints, 1988	3 May 1996 and 22 June 1989	7 May 1999	No

¹⁷⁷ Council of Europe, "State".

¹⁷⁸ Council of Europe, Treaty Office, [Complete list of Council of Europe treaties](#).

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
Charter of Fundamental Rights of the European Union, 2000	7 December 2000	Ratified on 14 February 2008 and entered into force on 1 December 2009, in conjunction with the Treaty of Lisbon	No
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987	26 November 1987	9 January 1989	No
European Convention on the Exercise of Children's Rights, 1996	6 June 1996	19 September 2007	Declaration: art. 1 (4) Interpretative declaration: art. 2 (b)
Council of Europe Convention on Action against Trafficking in Human Beings, 2005	22 May 2006	9 January 2008	Reservations: art. 31 (1) (d) and (e)
Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence	11 May 2011	4 July 2014	Declaration: art. 10 Reservations: arts. 44 and 58
Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	24 June 2013	3 February 2016	No
Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	2 October 2013	12 April 2018	Declaration: art. 10
Council of Europe Convention against Trafficking in Human Organs, 2015	25 March 2015	18 January 2023	Reservations: art. 10 (1) and (4)

IV. Legal framework for the protection of human rights at the national level

A. Protection in national law of the rights enshrined in international treaties

1. Guaranteed rights

(a) *Rights guaranteed by the constitutional bloc*

239. The preamble to the Constitution of 4 October 1958 reaffirms the commitment of the French people to the Declaration of the Rights of Man and of the Citizen of 1789, as confirmed and enlarged upon in the preamble to the Constitution of 1946. All these texts have constitutional rank. The Constitution also recognizes the equality of citizens before the

law without distinction as to origin, race or religion, as well as freedom of belief (art. 1), freedom to form political associations (art. 4), individual security or freedom (art. 66) and prohibition of the death penalty (art. 66-1).

240. Through its case law, the Constitutional Council has also affirmed the constitutional rank of human rights and fundamental freedoms:

- The dignity of the human being;
- Various components of freedom: individual freedom, freedom of movement, the right to privacy, freedom of expression, freedom of communication, freedom of association, the right to organize, the right to strike, freedom of education and research, the right of ownership;
- Various components of equality: equality before tax law, equality between men and women;
- Social rights: the right to work, the right to health, the right to adequate housing;
- The rights of foreigners, the right of asylum;
- Guarantees of the rights of parties before the courts: independence of the judiciary, legality of offences and penalties, non-retroactivity of the harshest criminal law, rights of defence, presumption of innocence, necessity and proportionality of penalties, individualization of penalties.

(b) *Rights guaranteed under the law*

241. Legislative provisions have expanded and strengthened the protection of certain rights in conformity with the international treaties ratified by France.

i. Condemnation of crimes against humanity

242. France has ratified the Convention on the Prevention and Punishment of the Crime of Genocide.

243. Crimes against humanity (Criminal Code, art. 211-1 ff.), advocating such crimes (Act of 29 July 1881 on freedom of the press, art. 24) and denying their existence (Act of 29 July 1881 on freedom of the press, art. 24 bis) are punishable, respectively, by life imprisonment; 5 years' imprisonment and a fine of €45,000; and 1 year's imprisonment and/or a fine of €45,000. Criminal proceedings in respect of these crimes, and the sentences handed down, are not subject to a statute of limitations (Code of Criminal Procedure, art. 7 (4) and Criminal Code, art. 133-2 (3)).

244. In January 2012, a specialized unit to combat crimes against humanity and war crimes was established within the Paris ordinary court.¹⁷⁹ As at 31 December 2023, 97 preliminary inquiries were under way and 80 judicial investigations had been opened. Furthermore, on 7 November 2013, a central office for combating crimes against humanity and hate crimes was established in the criminal investigation service.¹⁸⁰ The office is also competent to search for individuals suspected of committing such acts, where they are likely to be on French territory or the French courts have jurisdiction over them. As at 31 December 2023, the counter-terrorism unit of the Paris ordinary court was handling 383 judicial investigations and 306 preliminary inquiries related to terrorism. In 2023, it conducted 57 trials.¹⁸¹

ii. Right to life

245. France has acceded to the European Convention on Human Rights, article 2 of which protects the right to life. It has ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Protocol

¹⁷⁹ Act No. 2011-1862 of 13 December 2011 on the distribution of litigation cases and on the streamlining of certain legal procedures, art. 22; and Code of Criminal Procedure, arts. 628–634.

¹⁸⁰ Decree No. 2013-987 of 5 November 2013 on the establishment of a central office to combat crimes against humanity and hate crimes; and Code of Criminal Procedure, art. D8-1.

¹⁸¹ Paris ordinary court, *Rapport d'activité 2023 (2023 Annual Report)*.

No. 6 to the European Convention on Human Rights concerning the Abolition of the Death Penalty, and Protocol No. 13 to that Convention concerning the Abolition of the Death Penalty in All Circumstances.

246. The death penalty was abolished under Act No. 81-908 of 9 October 1981. Abolition was enshrined in the Constitution (art. 66-1) by Constitutional Act No. 2007-239 of 23 February 2007 on the prohibition of the death penalty.

iii. Freedom from torture and inhuman or degrading treatment

247. France has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its Optional Protocol and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

248. As required by the United Nations Convention against Torture, article 72 of Act No. 85-1407 of 30 December 1985, incorporated into the Code of Criminal Procedure (art. 689-2), introduces the rule of the universal jurisdiction of domestic courts in respect of torture. This means that the French criminal courts have jurisdiction over offences committed outside French territory, whether or not the perpetrator of an act of torture is a French national.

249. Acts of torture and barbarity are punishable by 15 years' imprisonment, which penalty may be increased in the event of aggravating circumstances. Where other serious offences are committed before, during or after such acts, the sentence will be life imprisonment (Criminal Code, art. 221-1 ff.). Under French legislation, the commission of a serious offence with the use of torture is punishable by life imprisonment (Criminal Code, art. 222-2); this also applies in cases of rape (art. 222-26) and murder (art. 221-2). Aggravating circumstances include the commission of such offences by a person vested with public authority or responsible for providing a public service (Criminal Code, arts. 222-3 (7), 222-8 (7), 222-10 (7), 222-12 (7) and 222-13 (7)).

250. Combating violence against women is a top priority for the Government, as part of efforts to achieve gender equality, identified as the "great cause" of the successive presidential terms of office since 2017. Preventing and combating violence against women is one of the Government's 60 priority policies and is monitored through seven targeted indicators, with a report published in the Public Action Results Barometer.

251. Following five interministerial plans, the national round table on domestic violence, held from 3 September to 25 November 2019, marked a turning point that allowed the Government to strengthen and expand efforts to prevent and combat domestic violence, with the aim of developing new measures within the framework of a systemic, comprehensive and coordinated response involving all relevant ministries. The national round table led to the implementation of 54 measures, including:

- The lifting of doctor-patient confidentiality in cases of immediate danger to the victim;
- The establishment of emergency response channels to handle cases of domestic violence promptly and effectively;
- The confiscation of knives and firearms from perpetrators of violence as soon as a complaint is filed;
- The widespread use of electronic monitoring bracelets to track the locations of abusive spouses;
- The introduction of a risk assessment matrix within police and gendarmerie departments;
- The roll-out of a complaints procedure in hospitals;
- The establishment of 30 care centres for perpetrators of violence;
- The issuance of 6,000 "serious danger telephones".

252. Building on the national round table, new impetus is being generated under the Interministerial Plan for Gender Equality 2023–2027, whose first pillar is devoted to combating all forms of violence against women, particularly sexual violence. This

component consists of 53 ambitious measures, in addition to those adopted by the national round table.

253. The four “flagship” measures outlined in this part of the Plan, which are currently being implemented throughout France, are as follows:

- The establishment of expert units in all jurisdictions to ensure a consistent judicial response from all specialized actors dealing with a given family situation;
- The issuance of immediate interim protection orders by the family court judge, within 24 hours and without hearing the opposing party, in cases of emergency and danger (Act No. 2024-536 of 13 June 2024, strengthening protection orders and establishing immediate interim protection orders);
- The roll-out of specialized units for the care of women victims of violence, known as *maisons des femmes/santé*, which are attached to existing healthcare institutions, with the goal of having one such unit for each department by 2025;
- Prior to a gradual nationwide roll-out by 2027, the piloting in 2024 in five departments of the “Nouveau Départ” (Fresh Start) package, designed to remove barriers for victims seeking to leave an abusive partner, supplemented with the emergency financial assistance established under Act No. 2023-140 of 28 February 2023.

254. Since 2018, the legislative framework has been strengthened by the adoption of the following laws:

- The Act of 23 November on housing, planning and digital technology reform, which has made it easier for women victims of domestic violence to find shelter by ending the joint liability of tenants;
- The Act of 28 December 2019 on action against domestic violence, which established a system for the use of electronic monitoring bracelets and expedited the procedure for obtaining a protection order, reducing it to six days;
- The Act of 30 July 2020 on the protection of victims of domestic violence, which significantly strengthened protections for victims by authorizing the lifting of doctor-patient confidentiality when the violence poses an immediate threat to the victim’s life. “Forced suicide” has been recognized as an aggravating circumstance in cases of emotional abuse within a couple;
- The Act of 24 January 2023 on the orientation and programming of the Ministry of the Interior;
- The Act of 28 February 2023, which created universal emergency assistance, in the form of a non-repayable grant or interest-free loan, for victims of domestic violence, allowing victims who leave the marital home to cover their immediate expenses while looking for a long-term living arrangement;
- The Act of 18 March 2024 on protection and support for children who are victims and co-victims of domestic violence (see below);
- The Act of 13 June 2024, which strengthened protection orders and established immediate interim protection orders to protect victims from the moment they report violence to the authorities.

255. The Interministerial Task Force to Protect Women against Violence and to Combat Human Trafficking, established in 2013, is responsible for collecting, analysing and disseminating information and data on this subject; promoting the efforts of public and private actors involved in combating violence against women; and developing an awareness-raising and training plan for professionals on violence against women.¹⁸²

256. The authorities give due consideration to the protection of children against domestic violence. On 21 November 2022, the Government established an interministerial committee for children, which has made combating all forms of violence against children one of its

¹⁸² Government website, “[Arrêtons les violences](#)” (Stop violence).

priorities. The purpose of this committee is to coordinate the measures taken by relevant ministries to ensure greater effectiveness and efficiency in their implementation.

257. In addition, Act No. 2022-140 of 7 February 2022 on child protection, introduced various provisions aimed at better protecting children from violence. The Act establishes the principle that minors engaged in prostitution are at risk and require material, educational and psychological support from the departmental council responsible for child protection. It requires all institutions and departments that care for minors to implement a policy to prevent and combat ill-treatment as defined in the Act, and mandates the adoption of a national risk assessment framework in order to ensure consistency and improve practices in this area. It also strengthens the framework for vetting the good character of individuals working in medical and social services and family care officers. Under article 26, the Act provides that a juvenile court judge may, on his or her own initiative or at the request of the president of the departmental council, when the best interests of the child require it, request the appointment of an ad hoc administrator for children not capable of discernment. Act No. 2024-233 of 18 March 2024 on protection and support for children who are victims and co-victims of domestic violence extends the automatic suspension of parental authority and visiting and housing rights of parents who have been prosecuted or investigated for sexual assault, incestuous rape or any other serious offence committed against their child.

258. The Plan to Combat Violence against Children 2023–2027 consists of 22 measures designed to protect children, prevent offending and recidivism, improve care for victims, support parents, mobilize civil society, equip professionals and develop knowledge to better prevent violence and improve child protection.¹⁸³ The first National Plan to Combat Child Prostitution, launched on 15 November 2021, is structured around five priorities: public awareness, identification, protection, enforcement and management. These five priorities have been translated into 13 actions, whose implementation involves, in particular, the Ministry of Justice. These actions have been consolidated under the fourth pillar of the National Strategy to Combat Prostitution and Sexual Exploitation, launched on 2 May 2024. The objectives set forth under this pillar are to improve awareness, prevention and identification of cases of child sexual exploitation; to better guide, support and care for victims; to deepen knowledge of the issue; and to improve coordination of the institutional response.

259. The Office for Minors was established within the National Directorate of the Criminal Investigation Service by Decree No. 2023-829 of 29 August 2023. Faced with an increase in attacks on minors, the Office aims to improve efficiency in terms of how the criminal justice system deals with such violence. Its work involves developing an operational doctrine for all investigators, producing criminal analysis to enhance understanding of this type of crime and, eventually, establishing intermediary services, branch offices and detachments.

iv. Right to be free from slavery

260. France has ratified the Slavery Convention, amended by the Protocol of 1953.

261. The act of reducing a person to slavery is considered a crime against humanity under French law and is punishable by 20 years' imprisonment. Sexual exploitation of an enslaved person is also punishable by 20 years' imprisonment. The term of imprisonment may be increased to 30 years if the crime is accompanied by other serious offences. Aggravating circumstances may result in a life sentence (Criminal Code, art. 224-1 A ff.).

262. The Foundation for the Remembrance of Slavery was established in 2019 and is recognized as a public benefit institution. Its work is supported by the State. Its goals are to establish colonial slavery as a major event in French history, to raise awareness of its multiple political, cultural and human legacies and to use this knowledge to combat racism and discrimination.¹⁸⁴

¹⁸³ Government, Plan to Combat Violence against Children 2023–2027 : 22 Measures for Action.

¹⁸⁴ Website of the [Foundation for the Remembrance of Slavery](#).

v. Right not to be discriminated against

General provisions

263. France has ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. Article 14 of the European Convention and article 21 of the Charter prohibit any kind of discrimination.

264. Act No. 72-546 of 1 July 1972 on action to prevent racism punishes incitement to discrimination; defamation of an individual based on his or her origin or membership or non-membership of a particular ethnic, national, racial or religious group; and injurious behaviour directed against an individual for those same reasons. Act No. 2001-1066 of 16 November 2001 deals with combating discrimination in a wide variety of situations: upon hiring, in the imposition of punishment or termination, in the workplace, in access to the social security scheme and during voter registration. Act No. 2003-88 of 3 February 2003 established harsher penalties for racist, antisemitic and xenophobic offences. These provisions have been introduced into the Criminal Code.

265. Article 225-1 of the Criminal Code punishes discriminatory conduct towards natural persons and towards legal persons on account of their members. The scope of punishable behaviour is particularly broad, since it concerns discrimination on grounds of origin, sex, marital status, pregnancy, physical appearance, vulnerability resulting from an apparent or known economic situation, family name, place of residence, state of health, loss of autonomy, disability, genetic characteristics, morals, sexual orientation, gender identity, age, political opinions, trade union activity, status of whistle-blower or facilitator or associate thereof, ability to express oneself in a language other than French, and membership or non-membership, actual or supposed, of a particular ethnic group, nation, race or religion.

266. Combating discrimination in employment and ensuring equal access to employment for everyone, regardless of national, racial, ethnic or religious background, continues to be a priority for the French authorities. Article 225-2 of the Criminal Code enumerates discriminatory behaviours linked to the world of work, which may include:

- Refusing to provide a good or a service;
- Hindering a person in the normal pursuit of an economic activity;
- Refusing to hire, discipline or dismiss a person;
- Making the provision of a good or service subject to a discriminatory condition;
- Making an offer of employment, internship or training subject to a discriminatory condition;
- Refusing to accept a person for an internship.

267. Such behaviours are punishable by 3 years' imprisonment and a fine of €45,000.

268. Discriminatory defamation and insults, discriminatory statements and incitement to discrimination are punishable, regardless of whether they are committed in private settings, publicly or through the press (Criminal Code, art. 225-18, R624-3 ff. and R625-7; and Act of 29 July 1881 on freedom of the press). Where serious or ordinary offences are committed with a discriminatory motive, an aggravating circumstance will apply, leading to an increase in the penalty (Criminal Code, art. 132-77).

269. Article 432-7 of the Criminal Code is intended to punish discriminatory behaviour by public officials, or generally by anyone vested with public authority or by a citizen entrusted with the provision of a public service. It renders liable to correctional penalties any person vested with public authority or responsibility for providing a public service who discriminates within the meaning of article 225-1 of the Criminal Code by denying a legally conferred right or hindering the normal pursuit of any economic activity.

270. Combating racial discrimination, xenophobia and antisemitism is a priority for government action. In this regard, the Interministerial Delegation to Combat Racism,

Antisemitism and Hatred of Lesbian, Gay, Bisexual and Transgender Persons has drawn up the following action plans to combat discrimination:

- The National Plan to Combat Racism, Antisemitism and Origin-related Discrimination 2023–2026,¹⁸⁵
- The National Plan for Equality and against Anti-LGBT+ Hatred and Discrimination 2023–2026.¹⁸⁶

271. In addition, the National Consultative Commission on Human Rights produces an annual report on action taken to combat racism, antisemitism and xenophobia, which it submits to the Prime Minister. In 2022, an ambassador for LGBT+ rights was appointed to reaffirm France’s commitment to the universal decriminalization of homosexuality and the defence of LGBT+ rights, and to provide support to civil society organizations.

Associations and discrimination

272. The Act of 1 July 1901 on associations provides for the legal dissolution of any association whose statutes or activities are contrary to the law; it follows that any association whose statutes or activities are contrary to the Act of 1 July 1972 on action to prevent racism is liable to dissolution.

273. The Code of Criminal Procedure provides that associations which have been duly registered for at least five years at the time of the events concerned and which are committed by their statutes to combat, inter alia, discrimination based on sex, morals, sexual orientation or gender identity (art. 2-6), discrimination based on national origin or racial, ethnic or religious hatred (art. 2-1) or crimes against humanity (art. 2-4) may bring criminal proceedings for indemnification in respect of various offences committed on discriminatory grounds.

274. Act No. 90-615 of 13 July 1990 established an offence intended to combat certain forms of falsification of modern history. The Act defines optional, supplementary penalties for racially motivated crimes and grants anti-racism associations the right of reply in the press and on radio and television whenever a person has been subjected to offensive or defamatory allegations on the basis of his or her origin or membership or non-membership of a particular ethnic, national, racial or religious group.

Combating discrimination against women

275. France has ratified the Convention on the Elimination of All Forms of Discrimination against Women. The preamble to the Constitution of 27 October 1946, which ranks as constitutional law, stipulates that “all human beings, without distinction as to race, religion or religious belief, possess individual and inviolable rights” and, in particular, that “the law guarantees for women, in all domains, equal rights with men”.

276. The State Secretariat for Gender Equality prepares and carries out government policy on women’s rights, parity and equality in all areas. It is responsible for promoting measures to enforce women’s rights in society, to eliminate all forms of discrimination against them and to bolster guarantees of equality in the political, economic, professional, educational, social, health and cultural spheres. In these areas, it prepares, with other relevant ministries, measures to ensure respect for women’s rights and the effective protection of women who are victims of violence, and measures to combat violence against women and sexual violence. The Interministerial Committee on Gender Equality oversees the implementation of the measures defined by the Government.

277. The Interministerial Plan for Gender Equality 2023–2027 is composed of 161 measures organized into four priority areas, which guide the actions of ministries:

¹⁸⁵ Interministerial Delegation to Combat Racism, Antisemitism and Hatred of Lesbian, Gay, Bisexual and Transgender Persons, [National Plan to Combat Racism, Antisemitism and Origin-related Discrimination 2023–2026](#).

¹⁸⁶ Ministry responsible for gender equality and the fight against discrimination, [National Plan for Equality and against Anti-LGBT+ Hatred and Discrimination 2023–2026](#).

- Combating violence against women;
- Women's health;
- Professional and economic equality;
- A culture of equality.

278. The third pillar of the Plan, on professional and economic equality, addresses six objectives with a view to generally strengthening public policy in this area:

- Strengthen State action vis-à-vis companies to encourage virtuous practices;
- Accelerate gender equality in the civil service;
- Reduce inequalities related to parenthood;
- Promote gender diversity in careers and women's employment;
- Support women entrepreneurs;
- Ensure a tax system that favours equality.

279. Since 2019, the Government has made professional and economic equality between women and men a priority in both the private and public sectors. It has taken steps to reduce pay gaps, promote women's access to leadership positions, further advance gender diversity in careers and support women's employment and entrepreneurship.

280. Introduced under Act No. 2018-771 of 5 September 2018 on the freedom to choose one's professional future, the professional equality index measures the gender pay gap. Each year, companies with at least 50 employees must calculate and publish their gender equality index on their website. If a company's score is below 75 points, it must put in place corrective measures to reach at least 75 points within three years. If a company does not publish its score or fails to take corrective measures, or if such measures prove ineffective, it is liable to a financial penalty of up to 1% of its annual payroll.

281. In addition, Act No. 2023-623 of 19 July 2023 on strengthening women's access to positions of responsibility in the civil service introduced a professional equality index across the three branches of the civil service (State, local and hospital civil service).

282. These professional equality indices are expected to change by 2026 owing to the implementation of the European Union Pay Transparency Directive.

283. To advance women's economic empowerment, 10 years after the adoption of Act No. 2011-103 of 27 January 2011 on the balanced representation of women and men in boards of directors and supervisory boards and gender equality in the workplace, Act No. 2021-1774 of 24 December 2021 on accelerating economic and professional equality introduced new provisions that promote the fair representation of women in the economy and the world of work by establishing a threshold of 40% women in senior management positions at companies with more than 1,000 employees by 2029.

284. Furthermore, with regard to the civil service and public institutions, the system of gender-balanced appointments to senior and executive management, introduced under Act No. 2012-347 of 12 March 2012 on access to permanent employment and the improvement of employment conditions of contractual personnel in the civil service and action to combat discrimination, was supplemented by Act No. 2019-828 of 6 August 2019 on civil service reform and subsequently by Act No. 2023-623 of 19 July 2023 on strengthening women's access to positions of responsibility in the civil service. Beginning in 2026, the target for new appointments will rise from 40% to 50% for both genders.

285. The Ministry responsible for gender equality has also taken steps to promote women's employment and entrepreneurship. In 2021, the Government and the public investment bank Bpifrance signed a framework agreement on women's entrepreneurship for the period 2021–2023, which was translated into regional action plans. The Ministry of Gender Equality, the Ministry of Labour and the public employment service signed a framework agreement to promote women's employment for the period 2021–2024.

286. Regarding equal access to elected office, article 1 of the Constitution of 1958 stipulates that “the law shall foster equal access of women and men to elected office and positions and to professional and social responsibilities”. Since 2000, France has enacted several laws requiring the balanced representation of women and men in elections: the Act of 6 June 2000 in support of equal access of women and men to electoral mandates and elected positions; the Act of 31 January 2007 on promoting equal access for women to electoral mandates and elected positions; the Act of 17 May 2023 on elections of departmental, municipal and commune councillors; the Act of 14 February 2014 prohibiting the holding of local executive office concurrently with a seat in the National Assembly or the Senate; the Act of 4 August 2014 on substantive equality between women and men; and Act No. 2019-1461 of 27 December 2019 (known as the “Engagement and Proximity” Act). Together, these laws, which combine incentives and obligatory measures, have enabled significant progress towards gender parity in national and local elections.

287. Regarding equal access to education, gender equality is promoted in national education policy. The principle of co-education is an integral part of the Education Code.

288. The Ministry of Education and Youth has signed agreements with several associations in order to encourage young girls to embark on scientific careers. The interministerial agreement for equality between girls and boys and women and men in the education system for the period 2019–2024, concluded by the then State Secretariat for Gender Equality and the Fight Against Discrimination, the Ministry of Education and Youth, the Ministry of the Armed Forces, the Ministry of Higher Education and Research, the Ministry of Culture and the Ministry of Agriculture and Food, has five objectives: to steer equality policy as close to pupils and students as possible; to train all staff on equality; to instil a culture of equality and mutual respect in young people; to combat violence against women and sexual violence; and to move towards greater gender diversity in academic tracks and programmes.

289. The fourth pillar of the Interministerial Plan for Gender Equality 2023–2027 has the objective of promoting a culture of equality, including through the following measures:

- The launch in 2022 of the “Girl-Boy Equality” (Égalité filles-garçons) label in schools, with the goal of having all secondary schools participate in the initiative by 2027;
- Support for 10,000 young women wishing to pursue higher education in technology and digital fields under the “Tech for All Women and Girls” (Tech pour toutes) programme, addressing all identified barriers (financial resources, self-confidence, networks);
- Sensitization of textbook publishers to issues of gender equality and representation of women in textbooks across all subjects;
- The launch of a call for projects to promote gender equality in activities organized during after-school and extracurricular hours;
- Support for the creation of a feminism museum.

1. Emergency powers

290. Intended essentially for exceptional circumstances, these powers temporarily modify the manner in which certain public freedoms may be exercised. They basically involve a temporary transfer of authority, circumscribed by numerous guarantees. They do not in any way alter the laws protecting fundamental human rights, from which there can be no derogation under any circumstances. French law defines emergency powers very strictly.

(a) *State of emergency*

291. Governed by the Act of 3 April 1955, amended by the Act of 20 November 1955, a state of emergency may be declared by the Cabinet in the event of imminent danger arising from serious disturbances of public order or from events which by virtue of their nature and seriousness are deemed to be public disasters. Extension of a state of emergency beyond 12 days may be authorized only by law. The police are granted extended powers, accompanied by specific safeguards. Since the enactment of the Act of 20 November 2015,

the National Assembly and the Senate must be promptly informed of the steps taken by the Government during the state of emergency and may request any additional information in the context of the monitoring and evaluation of such measures. The Act of 20 November 2015 also specifies that administrative measures taken under a state of emergency are subject to oversight by the administrative courts. Act No. 2016-987 of 21 July 2016 amended some of the measures foreseen in the Act of 3 April 1955 to adapt them to new factual and legal developments. A state of emergency has been declared on seven occasions since 1955, notably following the terrorist attacks that struck the Paris region on 13 November 2015.

(b) *State of siege*

292. Under article L2121-1 of the Defence Code, a state of siege may be declared in cases of imminent danger arising from a foreign war or an armed insurrection. By virtue of article 36 of the Constitution, such a decision must be taken by the Cabinet and the state of siege may be extended beyond 12 days only when authorized by Parliament. The declaration of a state of siege entails the transfer of police powers and powers relating to the maintenance of law and order from civilian to military authority. In addition, an exceptional jurisdiction for certain offences of a sufficient degree of seriousness¹⁸⁷ is granted to military tribunals (Defence Code, art. L2121-3). No state of siege has been declared under the Fifth Republic.

(c) *Article 16 of the Constitution of 4 October 1958*

293. This text provides that, “where the institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfilment of its international commitments are under serious and immediate threat and the regular operation of constitutional government is interrupted, the President of the Republic shall take the measures required by circumstances, after official consultation with the Prime Minister, the Presidents of the National Assembly and the Senate and the Constitutional Council. He shall so inform the nation in a message. Such measures must be inspired by the desire to provide the constitutional authorities, as promptly as possible, with the means of exercising their functions. The Constitutional Council shall be consulted in this matter. Parliament shall convene automatically. The National Assembly may not be dissolved during the exercise of emergency powers. After 30 days of emergency powers, the Constitutional Council may be requested by the President of the National Assembly, the President of the Senate, 60 deputies or 60 senators, to examine whether the conditions set forth in the first paragraph are still being met. The Council shall take its decision by public announcement as soon as possible. It shall proceed automatically with its examination and take a decision in the same manner after 60 days of emergency powers or at any time thereafter”.

294. Subject to certain substantive and procedural requirements, article 16 extends the powers of the President of the Republic. This does not, however, imply an uncontrolled exercise of power: regulatory or individual decisions are administrative acts and as such are subject to review by the administrative courts in the event of an application to have them set aside.

295. France has entered a reservation with respect to the application of article 4 (1) of the International Covenant on Civil and Political Rights governing states of exception, since the conditions under which a State may take measures derogating from its obligations under the Covenant are much broader than the provisions of article 16 of the Constitution and the laws governing the state of siege and the state of emergency. In order to avoid differing interpretations, the reservation entered by France states that “the circumstances enumerated in article 16 of the Constitution in respect of its implementation, in article 1 of the Act of 3 April 1878 and in the Act of 9 August 1849 in respect of the declaration of a state of siege, in article 1 of the Act of 3 April 1955 in respect of the declaration of a state of emergency and which enable these instruments to be implemented, are to be understood as meeting the

¹⁸⁷ These offences may be the abduction or false imprisonment of a person; destruction of or damage to property, causing danger to persons; a violation of the fundamental interests of the nation; the prevention by a person vested with public authority of the enforcement of the law; the commission of acts of corruption; armed rebellion; forgery of currency, treasury bills or marks of public authority; or participation in a criminal association.

purpose of article 4 of the Covenant”. The reservation also specifies the interpretation which may be given to measures taken by the President of the Republic in implementation of article 16. The words “to the extent strictly required by the exigencies of the situation” cannot limit the power of the President of the Republic to “take the measures required by circumstances”.

B. Incorporation in national law of international human rights instruments and their invocation before national courts

1. The commitment of France to be bound by international instruments

296. Once an international commitment has been negotiated and signed by the competent constitutional authority (or on its behalf by a person with powers of attorney signed by that authority), ratification by the President of the Republic or approval by the Government (Constitution, art. 52), may be preceded, on the one hand, by an authorization emanating from Parliament or from the people and, on the other, by a decision of the Constitutional Council finding the commitment to be in conformity with the Constitution.

(a) Possible procedures prior to ratification or approval

i. Authorization by Parliament to ratify or approve

297. Article 53 of the Constitution provides that certain categories of treaty or agreement may be ratified or approved only with the authorization of Parliament. These categories include peace treaties, trade agreements, treaties or agreements relating to international organization, those committing the finances of the State, those modifying legislative provisions, those relating to the status of persons and those involving the cession, exchange or acquisition of territory. In addition, the Government may submit any other treaty to Parliament. Parliament votes on a law authorizing ratification or approval, and not a law that proceeds with ratification or approval.

298. It should be noted that the third paragraph of article 53 of the Constitution requires the consent of the population concerned in the event of a cession, exchange or acquisition of territory.

299. The President of the Republic promulgates the Act that authorizes, or does not authorize, ratification.

300. Following this authorization, the executive remains free to ratify or approve the international instrument and to attach reservations to such ratification or approval.

ii. Authorization by the people to ratify

301. In two cases, ratification or approval may be preceded by a referendum rather than by parliamentary authorization:

- Under article 11 of the Constitution, the President of the Republic may, on a recommendation from the Government or on a joint motion of the two chambers, submit to referendum any government bill that “provides for authorization to ratify a treaty which, although not contrary to the Constitution, would affect the functioning of institutions”;
- Pursuant to article 88-5 of the Constitution, the President of the Republic is obliged to submit to referendum any “bill authorizing the ratification of a treaty on the accession of a State to the European Union”. However, under the second paragraph of that article, recourse to such a referendum may be dispensed with in favour of a vote in Parliament, which may, “by passing a motion adopted in identical terms in each chamber by a three-fifths majority”, authorize the ratification in accordance with the procedure laid down in the third paragraph of article 89 on constitutional review.

iii. A priori constitutional review of international instruments

302. The Constitutional Council may be requested by the President of the Republic, the Prime Minister, the President of either chamber of Parliament, or 60 deputies or 60 senators

to verify the conformity of the international instrument with the Constitution. The Council then reviews the internal and external consistency of the international instrument. If the Council declares that an international commitment contains a clause that is unconstitutional, authorization to ratify or approve that commitment may be given only after the amendment of the Constitution (art. 54). However, the President of the Republic may also ratify a treaty with a reservation concerning the unconstitutional clause.

(b) *Ratification or approval of international instruments*

303. Once the authorization has been given, under article 52 of the Constitution, treaties are ratified by the President of the Republic, who issues a ratification decree containing the countersignature of the Prime Minister and the Minister for Foreign Affairs (Constitution, art. 19). Under the same article of the Constitution, agreements are, in turn, subject to approval by the Government, after the President has been informed.

2. Introduction or entry into force of treaties in domestic law

304. Article 55 of the Constitution establishes the monist system, according to which the provisions of international instruments are introduced directly into French law without having to be reflected as national provisions.

305. Once an international instrument has been signed and ratified, it is materially introduced into the French legal system by a decree published in the Official Gazette. Under article 3 of Decree No. 53-192 of 14 March 1953 on the ratification and publication of international commitments undertaken by France, the publication of treaties “that may, through their implementation, affect the rights or obligations of individuals” is mandatory. In principle, an international instrument will not be published until it is in force at the international level.

306. International instruments that have not been published may not be invoked against individuals and, generally speaking, are not applicable in the French legal system.

307. The decree on the publication of an international instrument is signed by the President of the Republic, the Prime Minister and the Minister for Foreign Affairs, to the exclusion of any other minister. However, in the case of international labour conventions, the Minister of Labour is also called upon to sign the decree. The decree enters into force on the day following its publication in the Official Gazette.

308. All international instruments produce their effects in the domestic legal order upon their entry into force.

309. Under article 5 of Decree No. 53-192 of 14 March 1953, the denunciation by France of an international instrument published pursuant to article 3 of the decree must be published in the same manner as the international instrument.

310. Only the French versions of texts published in the Official Gazette are authoritative. Translations of French law available on the website Légifrance have no legal weight and are provided solely for information.

3. Applicability of treaties in domestic courts

311. It is up to the judicial and administrative courts to determine whether the provisions of an international instrument may be invoked by parties (Council of State, Litigation Section, *GISTI*, 23 April 1997).

312. On the one hand, under article 55 of the Constitution, in order for an international instrument to produce effects in the French legal system, it must have been duly ratified and published and be subject to reciprocal application by the other parties. However, the requirement of reciprocity does not apply to international human rights instruments.

313. On the other hand, the provision in the treaty which the party is invoking must be of direct effect and must accordingly meet several criteria.

314. It should not require domestic enforcement measures, and it must be “self-executing”. It should therefore be accurate, complete and unconditional. However, in some cases, the

adoption of domestic implementing legislation is necessary. Some treaties allow the States Parties to choose the implementation modalities for certain provisions by specifically providing for one or more alternatives; others unambiguously require implementing legislation.

315. Provisions aimed solely at governing relations between States Parties are not considered to have direct effect, although the intention expressed by the parties and the content, terms and general thrust of the international instrument invoked must be taken into account. Direct effect may not be excluded merely because the provision stipulates that States are bound by an obligation defined therein, since the provision might also create rights for individuals.

4. Review of the compatibility of treaties

316. Article 55 of the Constitution gives treaties and agreements that have been duly ratified or approved and published a higher status than both prior and subsequent law (Court of Cassation, Mixed Chamber, *Société des cafés Jacques Vabre*, 24 May 1975; and Council of State, *Nicolo*, 20 October 1989). These international instruments are, however, ranked below the Constitution (Council of State, Assembly, *Sarran, Levacher et autres*, 30 October 1998; and Decision No. 2004-505 DC of 19 November 2004, *Traité établissant une Constitution pour l'Europe*).

317. While the Constitutional Council has declined to acknowledge its jurisdiction to adjudicate the compatibility of laws with international instruments (Decision No. 74-54 DC of 15 January 1975, *IVG*), it has stated that it is up to the various organs of the State, including ordinary and administrative courts, to ensure their implementation within their respective spheres of competence (Decision No. 86-216 DC of 3 September 1986, *Loi relative aux conditions d'entrée et de séjour des étrangers en France*).

318. Drawing on the consequences of the applicability of international instruments in the domestic legal order and their primacy over domestic laws, the courts set aside all legislative provisions that are contrary to a treaty in the course of litigation, *inter partes*. Legislative provisions do, however, remain in force vis-à-vis other subjects of law. In addition, the courts have considered that State responsibility could be invoked in the event that a law is in violation of treaty norms (see, inter alia, Council of State, Assembly, *Gardedieu*, 8 February 2007).¹⁸⁸

C. Remedies available for violations of fundamental rights, and systems for victims' compensation and rehabilitation

319. In the performance of their duties, several French courts have jurisdiction over disputes relating to human rights violations, whether such rights are enshrined in international instruments ratified by France or enshrined in the Constitution and legislation of France.

1. Remedies for violations of human rights

320. It is primarily the domestic courts that are called upon to monitor respect for human rights and to punish violations. There are, however, non-judicial procedures for protecting rights and freedoms.

(a) Judicial remedies

321. With regard to infringements of freedoms, jurisdiction is shared as follows: administrative courts have jurisdiction over all administrative decisions and actions; criminal courts have exclusive jurisdiction in criminal matters; and civil courts have jurisdiction in

¹⁸⁸ Council of State, Assembly, 8 February 2007, *Gardedieu*: "The responsibility of the State by virtue of the laws may be engaged ... because of its obligations to ensure respect for international conventions by public authorities, to make reparation for all damages resulting from the intervention of a law in breach of the international commitments of France."

cases involving infringements by one individual of another's freedom where no criminal penalties are applicable.

i. Remedies before the administrative courts, the guardians of civil liberties

322. The administrative courts have jurisdiction over all administrative decisions and actions. Individuals who have suffered an illegal infringement of one of their freedoms by the public authorities may seek the annulment of the decision by applying to an administrative court to have it set aside; they may also seek reparation for injuries or damages. Application to set aside an administrative decision is a procedure readily accessible to persons who have suffered as a result of such a decision. Such applications can be made, even in the absence of legislation, in reference to any administrative action; entitlement to seek such a remedy cannot be waived. All individuals, whether nationals or foreigners, are thus entitled to appeal against an administrative action, even if their interest in seeking annulment is purely a matter of principle. Applications may be lodged without a lawyer at all levels of the courts. Petitioners must base their applications on one of four grounds: lack of jurisdiction, procedural irregularity, misuse of powers, or illegality. Any annulment granted by the administrative court is universally applicable and has effect from the date that the contested decision was taken. In addition, there are emergency procedures, including the urgent application for interim measures to protect a fundamental freedom (*référé-liberté*), under which the administrative judge rules within 48 hours on whether there has been a serious and manifestly unlawful infringement of a fundamental freedom.

323. Administrative courts are competent to rule on, inter alia, restrictions imposed by the public authorities on the freedom of assembly and demonstration, rights and freedoms of civil servants, administrative police powers, administrative records, the legal framework on foreign nationals, certain aspects of the practice of wiretapping, the functioning of the prison authorities and conditions of detention.

ii. Remedies before the ordinary courts, the guardians of individual liberties

324. Article 66 of the Constitution provides that no one may be arbitrarily detained. The judiciary upholds this principle under the conditions determined by law. Its role is to safeguard individual freedoms, in both disputes between individuals and disputes between citizens and government.

325. In particular, the ordinary courts are competent to uphold individual liberties in relations between private persons. The ordinary courts protect the freedom of the individual in all its forms (freedom of movement, independence of will, contractual freedom, right to privacy, freedom of residence, confidentiality of correspondence, etc.). They may award damages, annul contracts, void contractual provisions and declare inadmissible evidence obtained in breach of the other party's liberty.

326. In addition, an action for damages may be brought before the ordinary courts if an administrative act involved the improperly taking possession of immovable property (expropriation), infringing an individual freedom or unlawfully extinguishing a right of ownership (patently illegal action by an administrative authority). In addition, the criminal courts may interpret regulatory and individual administrative decisions and assess their legality when the outcome of criminal proceedings depends on such an assessment (Criminal Code, art. 111-5). It is also the criminal courts that try persons vested with public authority or responsible for providing a public service who are accused of infringements of an individual freedom (Criminal Code, art. 432-4).

iii. Remedies before the Constitutional Court, the guardian of the Constitution

327. The Constitutional Council, in the course of its review of the constitutionality of laws and its consideration of priority questions of constitutionality, checks texts submitted to it, including those relating to human rights, for conformity with the Constitution.

328. As mentioned above, with the establishment of the priority question of constitutionality, judicable parties may apply to the Constitutional Council indirectly through a referral made by the Court of Cassation or the Council of State (Constitution, art. 61-1) [see section II A 3 supra].

iv. Remedies before the European Court of Human Rights, the guardian of the European Convention on Human Rights

329. Mention should also be made of the role of the subsidiary mechanism for the protection of human rights foreseen by the European Convention on Human Rights, ratified by France on 3 May 1974. France recognized on 2 October 1981 the right of individual remedy as established under the Convention (art. 34). Referral to the European Court of Human Rights does not have suspensive effect and does not exempt applicants from the implementation of the domestic decisions rendered against them. The European Court is not a court of appeal against domestic decisions, which it may not revoke.

330. For a complaint to be admissible by the European Court, the applicant must have exhausted all available domestic remedies, must have lodged the application to European Court no later than four months after the final domestic decision and must have alleged, before the domestic courts, violations of one or more provisions of the European Convention; the damage must be significant, and the application must not be manifestly ill-founded or abusive (European Convention, art. 35 (1); and rules of procedure of the European Court, rule 47).

331. The review of a final criminal judgment may be requested on behalf of any person convicted of a crime, where the European Court has ruled that the conviction was imposed in violation of the European Convention.¹⁸⁹ A request for review may be filed within one year of the European Court judgment. In civil matters, only decisions handed down in relation to personal status may be reviewed following a finding of a violation by the European Court.¹⁹⁰

(b) *Non-judicial remedies*

i. Discretionary administrative remedies¹⁹¹

332. Individuals who are not satisfied with an administrative decision concerning them may request its annulment by applying directly to the public authority that took the decision (*recours gracieux*) or to a higher authority (*recours hiérarchique*).

333. As a general rule, discretionary administrative remedies are an option in any dispute between a private person and the State, irrespective of who took the decision, its form and its content. Article L231-1 of the Code of Relations Between the Public and the Administration provides that, if a public authority fails to respond to a request within two months, the request will be considered to have been accepted. The list of procedures concerned is available online.¹⁹² However, there are exceptions to this rule. Sometimes a legislative or regulatory provision may require judicial remedies to be preceded by administrative remedies. This is particularly the case with income tax collection, appeals against the refusal of entry visas to France, and access to administrative documents. The purpose of this mechanism is to reduce the volume of cases brought before the administrative courts. Regardless of whether the remedy is optional or mandatory, once it has been pursued, citizens have an additional period of two months in which to bring the case to the administrative courts.

ii. Applications to the Defender of Rights¹⁹³

334. A specific non-judicial mechanism for the protection of liberties was established initially through the Office of the Ombudsman, which was created by the Act of 3 January 1973. Incorporated into the Constitution on 23 July 2008 and established by the organic law and the ordinary statute of 29 March 2011, the Defender of Rights succeeded that office, also assuming the functions of the Children's Ombudsman, the National Commission on Security Ethics and the High Authority to Combat Discrimination and Promote Equality. The

¹⁸⁹ Code of Criminal Procedure, art. 622-1.

¹⁹⁰ Judicial Code, art. L452-1.

¹⁹¹ H. Oberdorff, *Droits de l'Homme et libertés fondamentales* (Human Rights and Fundamental Freedoms) (LGDJ, ed. Lextenso, 2011), pp. 210–211.

¹⁹² Service public website, Directorate of Legal and Administrative Information, "[Démarches silence vaut accord](#)" (Silence procedures).

¹⁹³ Defender of Rights website, [application form](#).

Defender of Rights is an independent constitutional authority (Constitution, title XI bis). His or her appointment to a non-renewable six-year term, made by the President of the Republic, is put to a vote of the National Assembly and the Senate.

335. Any natural or legal person, regardless of nationality or place of residence, may apply directly to the Defender at no cost, provided that the matter originated in France. The person presenting the application may allege:

- Lack of respect for the rights of the citizen by the State;
- Discrimination against him or her, regardless of whether the alleged perpetrator is a private person or a public entity;
- A breach of professional ethics by persons providing security services;
- Failure to respect the human rights of children. Children, young persons under 18 years of age, their legal representatives, members of their family, medical and social services and children's rights associations are authorized to apply to the Defender of Rights;
- A whistle-blower protection issue.

336. The Defender of Rights seeks to settle disputes amicably and is vested with investigatory authority; his or her inquiries may not be blocked on grounds of administrative confidentiality. His or her representatives in the departments and in prisons may directly address local disputes before them. He or she may propose mediation or transaction, issue an injunction if his or her recommendations are not implemented, and be heard by any court. In addition, consideration of a particular case may give rise to proposals for public service reform. The Defender of Rights also publishes an annual report.

iii. Right of petition¹⁹⁴

337. The right of petition, including the right to petition the National Assembly (rules of procedure of the National Assembly, rule 147 ff.), the Economic, Social and Environmental Council (Constitution, art. 69), the deliberative assembly of a local authority (Constitution, art. 72-1), the European Parliament (Treaty on the Functioning of the European Union, arts. 20, 24 and 227) and the European Commission (Treaty on European Union, art. 11 (4)), is available to all. Any individual reporting a violation of human rights or seeking amendment of a law in force may apply directly to one of the supreme authorities of the State. The existence of other, more effective means of protecting rights, as mentioned previously, explains the infrequent and declining use of this remedy. However, both individually and collectively, citizens are increasingly using petitions that have not been legally formalized, such as those available through Internet websites and social networks.

2. Victim compensation and support system

(a) *Victim compensation system*

i. Compensation for harm caused by a private person

338. Harm may result from the non-performance or improper performance of a contract, from accidental damage or from the commission of a crime. Damages are financial compensation ordered by a court to remedy both pecuniary and non-pecuniary harm, provided that the harm is certain and direct. Compensation may be provided for the loss incurred, the loss of profit and the loss of a significant opportunity, as long as they appear to be certain.

339. Direct victims and their beneficiaries, considered indirect victims, may be compensated.

340. The principle is that of full reparation for the harm caused by the perpetrator.

¹⁹⁴ Vie publique website, “[Le droit de pétition en huit questions](#)” (The right of petition in eight questions), 14 April 2023.

341. However, some victims of crime may not be compensated, including in cases where the perpetrator is unknown or insolvent. In accordance with the principle of the socialization of risk, the State is responsible for compensation in such cases, even though it is not at fault. Thus, under certain conditions, victims may access various modes of public compensation, through indemnification funds (the Guarantee Fund for Victims of Terrorist Acts and Other Offences, the Mandatory Third Party Liability Insurance Guarantee Fund, etc.) and regimes (disability and work accident pension regime, compensation scheme for riot damage, etc.). The two most important indemnification funds will be discussed here.

Guarantee Fund for Victims of Terrorist Acts and Other Offences

342. This Fund is for crime victims who have been unable to obtain compensation for harm suffered, including in cases where the perpetrator is unknown or insolvent, where he or she was suffering from a mental disorder when committing the offence, or where the acts are statute-barred, subject to amnesty or not being tried by the criminal courts. The injured party must submit a claim for damages to the Indemnification Commission for Victims of Offences attached to each ordinary court. Victims or their beneficiaries may obtain:

- Full compensation for harm resulting from offences against the person if the acts resulted in death, permanent disability or total incapacity to work for a month or more, or if the acts constitute an offence of rape, sexual assault, trafficking in persons or sexual abuse of a minor aged 15 years or under;
- Compensation of up to three times the ceiling fixed for receiving partial legal aid (€4,767 in 2024) in the event of minor offences against the person and material loss resulting from theft, fraud, embezzlement, extortion, or destruction of or damage to property;¹⁹⁵
- Full compensation for offences against the person resulting from a terrorist act. Furthermore, if the victim is deceased, his or her beneficiaries may receive compensation for material and non-material damage.

Mandatory Third Party Liability Insurance Guarantee Fund

343. This Fund compensates victims of traffic and hunting accidents if the perpetrator is unidentified or uninsured or if the perpetrator's insurer is insolvent. In all other cases, it is the insurance companies that are responsible for compensation. The victim's insurer or, in the absence of an insurer, the victim or his or her beneficiaries, may apply to the Fund. There is no limit on the amount that can be awarded for bodily injury. However, compensation by the Fund for damage to property may not exceed €1,300,000 per claim.¹⁹⁶

344. If a victim does not meet the criteria for access to the Guarantee Funds, and the offender does not voluntarily pay the amount due to the victim, the victim may apply to the Collection Assistance Service for Victims of Offences in order to obtain payment of part or all of the amount due according to the seriousness of the offence and to obtain assistance in recovering the amount. The Service pays the amount awarded by the courts to the victim and then undertakes to recover that amount, to which a fine is added, from the offender.¹⁹⁷

ii. Compensation for harm caused by a public authority

345. Harm caused by a public authority is compensable if it is attributable to an act of this authority and if it is certain and direct. In cases of no-fault liability, it must also be serious and specific.

¹⁹⁵ Service public website, Directorate of Legal and Administrative Information, "[Victimes d'infraction : indemnisation par le fonds de garantie des victimes](#)" (Victims of crime: compensation through the Guarantee Fund for Victims of Terrorist Acts and Other Offences).

¹⁹⁶ Guarantee Funds website, "[Le Fonds de garantie des assurances obligatoires de dommages](#)" (Mandatory Third Party Liability Insurance Guarantee Fund); and Insurance Code, art. A421-1-1.

¹⁹⁷ Service public website, Directorate of Legal and Administrative Information, "[Aide aux victimes d'infraction pénale pour recouvrer les dommages et intérêts](#)" (Assistance to victims of crime in recovering damages).

Compensation for fault liability of a public authority

346. Compensation is possible for human rights violations arising from the fault of a public authority. The following examples may be cited:

- Compensation for unlawful arrest or detention (Criminal Code, art. 432-5 and 432-6). Any action not carried out in the prescribed manner and place and consisting in the arrest or detention of an individual or allowing or acquiescing to a deprivation of liberty except as provided for by law constitutes an infringement of freedom which may give rise to the recognition of criminal liability of the perpetrators and the award of damages by the court ruling on civil claims.
- Compensation for failings in the public justice system (Judicial Code, art. L141-1; and administrative case law). The State must make reparation for harms caused by the improper administration of the public justice system. Ordinary judges have jurisdiction to rule on claims based on article L141-1 of the Judicial Code, and administrative judges to rule on matters that call into question the functioning of administrative courts.

347. As with compensation for harm caused by a private person, the rule is that of full reparation. Compensation may take the form of either a lump sum or an annuity, and the Council of State has determined that the court may index the annuities it grants.

Compensation for presumed fault liability of a public authority

348. A regime of liability for presumed fault of a public authority has been introduced in some areas. This regime is victim-oriented, as it requires the public authority to prove that it was not at fault. Examples include users of public infrastructure who suffer harm while using said infrastructure, and patients in public hospitals who contract a healthcare-associated infection.

Compensation for no-fault State liability

349. Certain types of harm are caused by the State without its responsibility being engaged. There are two types of compensation for such harm: compensation for actual harm suffered, and lump sum compensation fixed by law (for example, under the disability and work accident pensions regime or the war damages system or by the National Office of Compensation for Medical Accidents). With certain exceptions, victims may not seek to replace the application of such compensation schemes with a direct assessment of the harm suffered.

350. The following examples may be cited of human rights violations caused by the State without its responsibility being engaged:

- Compensation for harm caused by a criminal conviction. This is granted where a retrial establishes the innocence of an individual convicted of an ordinary or serious offence (Code of Criminal Procedure, art. 626-1);
- Compensation awarded to an individual held in pretrial detention in the course of proceedings that conclude with a final decision to dismiss a case or to discharge or acquit a defendant, where such detention has caused manifestly abnormal and particularly severe harm (Code of Criminal Procedure, art. 149 ff.).

351. Regardless of whether the harm was caused by a private person or a public authority, victims may obtain payment of part of the amount claimed or that they intend to claim if the existence of the obligation invoked by the person entitled to receive damages against the person liable is not seriously contestable. This possibility is extended through an interim payment (Code of Civil Procedure, art. 835, second para.; and Code of Administrative Justice, art. R541-1).

(b) Victim support mechanisms

352. Victim support offices, which are present in almost every ordinary court, are run by victim support associations that provide information, guidance and assistance to victims of

crime throughout criminal proceedings.¹⁹⁸ Interviews conducted in these offices are free of charge and are confidential. Victim support offices can guide victims towards the appropriate compensation scheme and provide them with free, personalized legal, social and psychological support.

353. Justice and law centres attached to legal information offices (see para. 422) also provide support to victims.

354. A free national hotline (116 006) proposes personalized counselling for all victims, who are then referred to victim support associations. The 3919 helpline provides support and guidance to women victims of violence, while the 119 number is dedicated to child protection.

355. Each court has a judge with special responsibility for victim support: the victims judge, who also presides over the Indemnification Commission for Victims of Offences. This figure, established in 2007, ensures that the legal rights of victims are taken into account while respecting the balance between the rights of the parties.¹⁹⁹ Under the authority of the presiding judge and in cooperation with the State prosecutor, he or she participates in the development and implementation of coordinated victim support mechanisms within the court's jurisdiction.

D. Recognition of the jurisdiction of the European Court of Human Rights

356. France ratified the European Convention on Human Rights on 3 May 1974 and recognized the right of individual remedy as established under article 34 of the Convention on 2 October 1981 (see paras. 329–331).

357. As the host country and given its commitment to human rights, France is deeply committed to defending the European Court system. In 2023, the Court issued 26 judgments, in 12 of which it found at least one violation, and 838 decisions in which it declared applications inadmissible or struck them out of its list, in cases concerning France. When a violation is found, the Government implements enforcement measures to prevent its recurrence. The Committee of Ministers of the Council of Europe supervises the execution of judgments.

358. In the *Mamatkulov v. Turkey* judgment of 4 February 2005, the European Court of Human Rights affirmed the binding nature of interim measures adopted under rule 39 of its Rules. The Council of State has found that a decision taken in violation of an interim measure ordered by the European Court constitutes a serious and manifestly unlawful infringement of a fundamental freedom.²⁰⁰

V. Framework within which human rights are promoted at the national level

A. Role of Parliament and local authorities in the promotion and protection of human rights

359. Commitment to fundamental rights is a demonstrable part of French culture and is expressed in all decisions made by the authorities. This commitment can be seen in all programmes and measures put in place both locally and nationally. While civil and political rights are something of a national prerogative, economic, social and cultural rights can be and are addressed in numerous regional, departmental and local programmes and initiatives.

360. As part of the decentralization of State authority, for example, municipalities are responsible for social policy and for preschool and primary schools (except for defining the

¹⁹⁸ Ministry of Justice, “*Bureau d’aide aux victimes*” (Victim Support Office).

¹⁹⁹ Code of Criminal Procedure, art. D47-6-1.

²⁰⁰ Council of State, Interim relief judge, Decision No. 489817 of 7 December 2023.

content of education and managing teachers), including the promotion of human rights in this area (early childhood and childhood programmes, access to housing, etc.).

361. Departments bear the main responsibility for social assistance. The social services provided by the departments, which account for more than half of their operating budgets on average, primarily include:

- Children: child welfare services, maternal and child protection, adoption, support for families in financial difficulty;
- Persons with disabilities: housing and social integration policies, disability compensation benefits, departmental centres for persons with disabilities, housing assistance;
- Older adults: establishment and management of nursing homes, policies to help older adults remain in their own homes (personalized autonomy allowance) and housing assistance;
- Insertion of recipients of the guaranteed income supplement: benefit payments and insertion policies.

362. Regions are responsible for ongoing vocational training and learning, which makes it possible to integrate young people in difficulty.²⁰¹

363. Innovative practices for active learning about democracy and human rights have also been developed in the Children’s Parliament, municipal children’s councils and regional youth councils. The Children’s Parliament meets annually in the National Assembly following extensive preparations and very careful organization. The symbolic value of this meeting is all the more significant as the “child deputies” are elected by their peers and the adult deputies adopt in their name the bills that are passed by the Children’s Parliament. This parliamentary form of human rights and citizenship education enables children to exercise their right to participate in society, in keeping with the spirit of the Convention on the Rights of the Child.

B. Role of national human rights institutions

364. The independent administrative authorities are State institutions that are not subject to government oversight and that are mandated by the legislature to provide a public service of general interest.²⁰²

365. Only the principal authorities with competence affecting the protection and promotion of human rights will be mentioned here.

1. National Consultative Commission on Human Rights

(a) Background

366. A decree of the Ministry of Foreign Affairs dated 17 March 1947 established the Consultative Commission for the Codification of International Law and the Defence of the Rights and Duties of States and of Human Rights. At the time, the Commission had 10 members (lawyers, academics, diplomats). This initial Consultative Commission was in particular mandated to elaborate a draft universal declaration of human rights. On 30 January 1984, the 1947 Consultative Commission was transformed into the National Consultative Commission on Human Rights. It is mandated to advise the Minister for Foreign Affairs on French efforts to promote human rights the world over. In 1986, its mandate was extended to national-level human rights issues. The Commission’s 64 members, who include representatives of major organizations, Parliament and the relevant ministries, as well as prominent figures in the field of human rights, are appointed for a term of three years. In 1989, the Commission was attached directly to the Prime Minister’s Office. It was

²⁰¹ Vie publique website, Directorate for Legal and Administrative Information, “Les collectivités territoriales” (Local authorities).

²⁰² Légifrance, “Autorités administratives indépendantes” (Independent administrative authorities).

empowered to take up any matter falling within its jurisdiction. Its independence, explicitly recognized at the time, was subsequently enshrined in Act No. 2007-292 of 5 March 2007.

(b) *Mandate and membership*

367. The Commission holds as a basic principle that a lasting reduction in ignorance of and disregard for human rights can be brought about only through ongoing institutional activity – on the part of the legislative, executive or judicial authorities – combined with practical social action in the field. The Commission has a number of missions.

i. Fostering dialogue between the State and civil society and the coordination of their activities

368. Such dialogue and coordination are made possible by the composition of the Commission, which monitors both the representation of political institutions and civil society and the diversity of beliefs and opinions. A deputy and a senator, appointed by the Presidents of the two chambers of Parliament, make it possible to liaise with the legislative authorities. A representative of the Economic, Social and Environmental Council enables liaison with that Council. These members are appointed by the Prime Minister for the duration of their terms.

369. The Defender of Rights contributes the experience of his or her office in dealing with the country's national and local administrations. Civil society is represented by:

- 23 national associations concerned with the promotion and protection of various aspects of human rights;
- Representatives of the seven main confederations of trade unions;
- 30 prominent individuals representing the Catholic, Muslim, protestant and Jewish faiths, or coming from academia, the diplomatic corps and the Bar Association, including several independent experts from international organizations.

370. These members are appointed for a term of three years by order of the Prime Minister, following consultation with a committee composed of the Vice-President of the Council of State and the Chief Justices of the Court of Cassation and the Court of Audit. Representatives of the Prime Minister and the ministers concerned may also participate, in an advisory capacity, in the Commission's work.

ii. Advising the Prime Minister and the Government

371. The Commission serves the dual purpose of exercising oversight and of making proposals, both upstream of government action – while bills and draft regulations, policies and programmes are being formulated – and downstream, checking to ensure that human rights have indeed been respected. For example, under article 1 of Act No. 2007-292 of 5 March 2007, as amended, “the National Consultative Commission on Human Rights shall provide advice and make proposals to the Government in the areas of human rights, international humanitarian law and humanitarian action. It shall assist the Prime Minister and other relevant ministers by advising them on all matters of general interest, whether national or international, within its sphere of competence”. It thus contributes to the preparation of reports that France submits to international organizations. The Commission may also take up matters independently: “It may, on its own initiative, publicly draw the attention of Parliament and the Government to measures it considers conducive to the protection and promotion of human rights.” Its opinions are made public. It is free to decide which international and national issues it will examine.

372. Its broad scope has enabled it to express opinions on bills and administrative provisions and to submit proposals on such issues as severe poverty, the right of asylum, the social rehabilitation of drug addicts, secularism, AIDS testing, bioethics, reform of the Code of Criminal Procedure, human rights education, business and human rights, wiretapping and police files, as well as nationality law and the control of immigration. It publishes an annual report on combating racism, antisemitism and xenophobia.

iii. Participating in human rights education and training

373. Under Decree No. 2007-1137 of 26 July 2007 on the composition and activities of the National Consultative Commission on Human Rights, the Commission contributes to human rights education. For example, it monitors the work of international human rights bodies, which it publicizes, and follows the work in this area of the Human Rights Council and the United Nations committees, as well as the committees of the Organization for Security and Cooperation in Europe and the Council of Europe. It also offers training courses, organizes symposiums and participates in numerous seminars as part of its human rights education mission.

iv. Raising awareness of the human rights situation

374. At the national level, the Commission publishes an annual report on combating racism, antisemitism and xenophobia. At the international level, it informs international bodies about the human rights situation in France.

2. Defender of Rights²⁰³

375. The office of Defender of Rights, incorporated into the Constitution on 23 July 2008 and established by the organic law and the ordinary statute of 29 March 2011, is an independent constitutional authority (Constitution, title XI bis). The appointment of the Defender to a non-renewable six-year term, made by the President of the Republic, is put to a vote of the National Assembly and the Senate.

376. The Defender of Rights has five missions:

- Promoting and protecting the rights of users of public services;
- Promoting and protecting the rights of the child;
- Combating all forms of discrimination prohibited by law and promoting equality in employment, housing, education and access to goods and services;
- Ensuring that persons providing security services comply with professional ethics;
- Guidance and protection for whistle-blowers.

377. The Defender of Rights takes a number of measures to promote rights in these areas. The Defender's two main areas of activity are reviewing individual complaints and conducting outreach.

378. Individual complaints may be settled informally or may result in a recommendation, a request for punishment or submissions to national or European courts.

379. The Defender of Rights provides educational information on the right to non-discrimination and equality through awareness-raising pamphlets that help people understand discrimination and foster greater access to citizens' rights, as well as through awareness-raising and distance-learning modules available online. The Defender of Rights is present on social media. In addition, the Defender of Rights was behind the production of feature-length and short films on discrimination, which can be used to reach out to the general public or specific audiences (young people, women and employers, for example) and thus help familiarize them with their rights.

380. The Defender of Rights maintains an ongoing dialogue with civil society, using mechanisms such as ad hoc consultations and joint committees (persons with disabilities, LGBT+ persons and others).

381. He or she publishes guides identifying issues to watch for, builds on innovative practices and offers advice on preventing discrimination to all relevant stakeholders.

382. The Defender of Rights leads training activities to help the relevant stakeholders change their practices. He or she issues opinions and recommendations meant for the authorities and makes proposals for changes to laws or legal provisions.

²⁰³ Defender of Rights website.

383. The Defender of Rights coordinates studies and research in his or her areas of expertise to shed greater light on discrimination, the forms of discrimination and the consequences of discrimination with a view to developing relevant new policy instruments.

3. National Commission for Information Technology and Civil Liberties²⁰⁴

384. The National Commission for Information Technology and Civil Liberties was established pursuant to Act No. 78-17 of 6 January 1978 to ensure, in view of growing computerization, the protection of personal data. Under article 1 of the Act, information technology “must not violate human identity, human rights, the right to privacy or individual or public freedoms”. The Act applies to the processing, automated or not, of personal data meant to be included in a filing system, whether in the public or the private sector. All data processing is subject to rules fixed by law and monitored by the Commission. The Commission, an independent administrative authority, has 18 members (six judges and prosecutors, four parliamentarians, five public figure, two members of the Economic, Social and Environmental Council and one member of the Commission on Access to Administrative Documents), who are appointed every five years: 12 are chosen by their peers and 6 are appointed by the Government and Parliament. They are independent of any other authority.

385. The Commission is vested with broad powers: before proceeding with some automated processing of personal data, including data pertaining to State security, defence or public safety, or data used to prevent, investigate, provide evidence of or prosecute criminal offences, the Government, the Administration, the State, local authorities, public institutions and private corporations managing a public service must obtain an opinion from the Commission, which is to be published. Failure to follow this procedure gives rise to administrative or criminal sanctions. Automated data processing by private sector entities and, in contexts other than those mentioned above, by the aforementioned entities must be declared to the Commission in advance. For some types of automated data processing, authorization must be obtained from the Commission. On such occasions, the data processing is scrutinized to ensure its conformity with the law. For the most widely used types of data processing, in both the public and the private sectors, the Commission, exercising its regulatory authority, adopts simplified standards.

386. The Commission is also empowered to accept complaints and petitions. In response to complaints or on its own initiative, the Commission may exercise broad oversight and verification authority by inspecting data-processing procedures on site. It may, where appropriate, refer a matter to the subsidiary legal group and impose sanctions (warnings, reminders of legal obligations, monetary penalties or injunctions) (Act No. 78-17 of 6 January 1978, art. 16). This procedure does not rule out referral to the Public Prosecution Service (Code of Criminal Procedure, art. 40).

387. The Commission must inform and counsel individuals on their rights and obligations and must itself keep abreast of the effects of computerization on private life, the exercise of freedoms and the functioning of democratic institutions. It may propose ways of adapting the means of protecting freedoms to the development of computerized procedures and techniques. The Commission submits an annual report, which is subsequently made public, to the President of the Republic and Parliament.

4. Regulatory Authority for Audiovisual and Digital Communication²⁰⁵

388. The Regulatory Authority for Audiovisual and Digital Communication was established on 1 January 2022 as a result of the merger of the French Broadcasting Authority, founded in 1989, and the High Authority for the Distribution of Works and the Protection of Rights on the Internet, founded in 2009.

389. Article 1 of the Act of 30 September 1986, as amended by the Act of 15 November 2013 on the independence of public audiovisual communication, provides that “the exercise of this freedom may be limited only to the extent required, on the one hand, by respect for the dignity of the individual, for the freedom and property of others and for the pluralistic

²⁰⁴ Commission website.

²⁰⁵ Regulatory Authority website.

nature of the expression of thoughts and opinions and, on the other, by the protection of children and adolescents, the protection of public order, the needs of national defence, the requirements of the public service, technical constraints intrinsic to the means of communication and the need to develop audiovisual production”.

390. The Regulatory Authority, an independent public authority, is composed of nine people: the Chair and eight other members, four of whom are men and four of whom are women. Five separate entities appoint these nine people, the aims being to ensure that they are independent and promote a diversity of backgrounds.

391. The Chair is appointed by the country’s President; three members are nominated by the President of the National Assembly and three by the President of the Senate with the assent of a three-fifths majority of the respective cultural affairs commissions; one is nominated by the Vice-President of the Council of State and one by the Chief Justice of the Court of Cassation. The term of office of six years is non-revocable and non-renewable. One third of the membership of the Regulatory Authority is renewed every two years.

392. Under article 3-1 of the Act of 30 September 1986, as amended, the Regulatory Authority guarantees “the exercise of freedom of electronic communication”. It ensures the equal treatment (of users) and the independence and impartiality of public audiovisual communication, seeks to promote free competition and non-discriminatory relations between media service providers and distributors, and ensures the quality and diversity of programmes, the development of national audiovisual creation and production, including in their overseas dimension, and the promotion of musical diversity; it also defends and promotes the country’s cultural and linguistic heritage, which consists of the French language and the regional languages. The Regulatory Authority guarantees the integrity, independence and diversity of information. It fosters social cohesion, combats discrimination in the field of audiovisual communication and seeks to ensure that audiovisual programming reflects the diversity of French society. It ensures that women’s rights are respected.

393. The allocation of frequencies for any new over-the-air, digital or satellite radio or television broadcasting service is subject to the conclusion of an agreement between the Regulatory Authority, acting on behalf of the State, and the applicant. Television or radio stations wishing to broadcast in France must complete the necessary formalities with the Regulatory Authority. These formalities are of several kinds: signing of an agreement in exchange for permission to use frequencies in the case of a terrestrial service, and signing of an agreement or a simple declaration in the case of a service disseminated by other means (such as television and radio stations broadcasting on the Internet and digital television and radio).

394. The Regulatory Authority is competent to impose penalties on public and private radio and television stations. Anyone may submit a complaint to it. Any penalty is preceded by a formal notice. A rapporteur appointed by the Vice-President of the Council of State is notified by the Chair if the person who has been served with a formal notice fails to comply with it. The rapporteur determines whether the facts of which he or she has been apprised warrant the imposition of penalties. If so, the rapporteur may, on completion of his or her investigation, recommend that the Regulatory Authority impose one of the penalties provided for by law or its agreement with the broadcaster. It is then incumbent on the Regulatory Authority to decide whether to impose a penalty. The penalty should take into account the seriousness of the rules violation. The Regulatory Authority may also appeal to the administrative or judicial authorities with jurisdiction over competition and antitrust matters and online communication services that, in violation of article 227-24 of the Criminal Code, allow minors access to pornographic content.

395. In addition to its general oversight role, the Regularity Authority has consultative and regulatory powers. Its consultative powers follow from its broad mandate in the field of communication. It is thus involved, at various levels, in the elaboration of legislation and may make proposals. Its regulatory powers cover such areas as the granting of authorization to use the frequency bands or frequencies that it has been entrusted with allocating or assigning and the implementation of measures to ensure proper signal reception.

396. Lastly, the Regulatory Authority is called upon to address issues related to the activities of online platforms, in particular in the areas of combating misinformation and

online hate speech. It ensures that platforms comply with their reporting and moderation obligations in a transparent and even-handed manner.

5. Inspector General of Places of Deprivation of Liberty

(a) *Status of the Inspector General*

397. In the wake of the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 18 December 2002, French lawmakers created, pursuant to Act No. 2007-1545 of 30 October 2007, a post for an inspector general of places of deprivation of liberty, who was to be assisted by numerous associates (judges and prosecutors, hospital practitioners, outside professionals and others).

398. The Act of 30 October 2007, in which the Inspector General is defined as an independent authority (art. 1), sets out the conditions of the Inspector General's independence from the Government, in particular by proscribing the acceptance by the Inspector General of instructions from any authority in his or her area of competence. This independence is also ensured by the non-renewal of the single six-year term for the post and the security of the Inspector General's tenure. In addition, the Inspector General may not be prosecuted, investigated, arrested, detained or put on trial for the opinions he or she issues or for the actions he or she takes in his or her official capacity (art. 2). Strict rules under article 2 on the incompatibility of functions strengthen the independence of the Inspector General vis-à-vis the political sphere (the incumbent may not hold elected office), economic interests (the position is incompatible with any other activity or profession) and even the incumbent's own future (the mandate is non-renewable).

399. Although, as is customary for "senior posts" in France, the Inspector General is, as stated in the Act (art. 2), appointed by the President of the Republic, this appointment is made solely "on account of his or her professional competence and knowledge" and after consultation with the legal committees of both the National Assembly and the Senate.²⁰⁶ In particular, no one may put an end to the Inspector General's six-year term but the Inspector General himself or herself, by resigning or being prevented from serving out the term (as a result of serious illness).

400. The Inspector General is also independent of other independent authorities.

401. The Act likewise ensures that the institution is managed independently: the Inspector General chooses his or her associates; the institution has its own budget, approved by Parliament, which, although it is separate, is combined with that of other independent authorities to highlight its special nature; unlike administrative jurisdictions, it is not required to seek advance authorization for its expenditures, which are reviewed after the fact by the Court of Audit simply to ensure that all financial transactions are properly recorded.

402. In 2022, the Inspector General had a budget of €6 million.²⁰⁷

(b) *Missions of the Inspector General*

i. Visits to places of deprivation of liberty

403. The Inspector General promotes and protects the rights of detained persons. His or her primary mission is to visit places of deprivation of liberty throughout French territory with a view to ensuring that persons deprived of their liberty are treated humanely and that their inherent human dignity is respected.²⁰⁸ The Inspector General visits prisons, health facilities, police custody facilities, administrative and customs-service detention centres, holding areas at ports and airports, juvenile correctional facilities and any vehicle used for the transfer of

²⁰⁶ Under article 13 of the Constitution and Act I No. 2010-838 of 23 July 2010 on the implementation of the fifth paragraph of article 13 of the Constitution.

²⁰⁷ Inspector General of Places of Deprivation of Liberty, *Rapport d'activité 2023* (2023 Annual Report).

²⁰⁸ Website of the Inspector General of Places of Deprivation of Liberty.

persons deprived of their liberty. During these visits, the Inspector General may meet in private with the persons he or she deems it necessary to interview.

404. Under Act No. 2014-528 of 26 May 2014 amending Act No. 2007-1545 of 30 October 2007 establishing an inspector general of places of deprivation of liberty, the bounds of the authority of the Inspector General were expanded to include monitoring the implementation of expulsion orders against foreign nationals until they are handed over to the authorities of the receiving State, whether or not it is a State member of the European Union. The Act also strengthens the powers of the Inspector General by mandating the automatic publication of his or her opinions, the protection of persons who have submitted information and the criminalization of obstruction of his or her missions.

405. After an investigation, the Inspector General communicates his or her findings to the competent authority, which should respond within a specified time frame. He or she must inform the State prosecutor of the criminal offences that have been reported and may also turn to the competent disciplinary authority. The Inspector General formulates opinions and recommendations, which are made public, and proposes legislative and regulatory amendments.

406. Any natural or legal person (association, NGO and the like) whose mission is the protection of human rights may bring to the attention of the Inspector General any acts or situations that constitute a violation of the fundamental rights of a detained person. The Inspector General may also take up cases on his or her own initiative.

407. In addition to the persons encountered locally during investigations and visits, the Inspector General is in regular contact with the professional organizations of the public officials concerned, professional bodies of doctors and lawyers, public service schools and staff training institutes, national associations whose purpose is to intervene in places of deprivation of liberty or to defend and promote the rights of persons deprived of their liberty, and representatives of religious denominations present in places of deprivation of liberty. He or she also gathers, as regularly as possible, the views and contributions of quantitative and social science researchers who study places of deprivation of liberty.

ii. Information and training on the rights of detained persons

408. The Inspector General submits an annual activity report to the President of the Republic and to Parliament. The report is made public. In addition to an overview of activities, the report contains several thematic analyses.

409. The Inspector General makes his or her reports and other information available to the public on the institution's website.

410. The Inspector General participates in vocational training on the human rights of persons deprived of their liberty, intervening annually in training institutes for public officials (National School of Prison Administration, National Public Service Institute, National School for the Judiciary, National Police Officers Academy, National Gendarmerie Officers College).

6. High Council for Gender Equality²⁰⁹

411. The High Council for Gender Equality was established by decree of the President and the Prime Minister on 3 January 2013. It was incorporated into the Act on equality and citizenship of 27 January 2017, under which it was given a new mandate – namely, to produce an annual report on sexism in France. According to the decree pursuant to which the Council was established, the Council's mission is to ensure consultation with civil society and promote public debate on the broad outlines of women's rights and equality policy.

412. It contributes to the evaluation of public policies on gender equality by assessing the gender impact studies of laws, collecting and circulating studies of gender equality and formulating recommendations and opinions meant for the Prime Minister.

²⁰⁹ Website of the High Council for Gender Equality.

413. The Council may be asked by the Prime Minister or the Minister responsible for gender equality to consider any issue. It may take up any matter that can contribute to its mission.

414. The new High Council, the composition and responsibilities of which are outlined in the amended decree of 9 July 2021, now considers a wide range of issues related to gender equality: women's rights and the fight against sexism and gender-based violence, for one, and, for another, professional equality (assumption of the responsibilities of the High Council for Professional Equality).

415. There are currently 96 people, all prominent figures, on the High Council for Gender Equality, including representatives of civil society, elected officials, qualified public figures and researchers.

7. Interministerial Delegation to Combating Racism, Antisemitism and Hatred of Lesbian, Gay, Bisexual and Transgender Persons

416. The Interministerial Delegation was established in February 2012. It provides advisory and coordination services to government ministries and is the primary point of contact for institutional and civil society actors working to defend human rights and combat racism, antisemitism and anti-LGBT+ hatred.

C. Dissemination of human rights instruments

1. Dissemination of norms at the national level

417. As French is one of the official languages in which the international human rights instruments to which France is a Party have been drafted (at the United Nations and the Council of Europe), the dissemination of these instruments is facilitated.

418. The publication of these instruments in the country's Official Gazette is, as described in detail above, automatic, a prerequisite for their entry into force, just as for laws and regulations. The country's ratification of these instruments (art. 53 of the Constitution) is subject to parliamentary approval, which provides a special opportunity for public debate and broad dissemination of the substance of the adopted texts not only through institutional channels (such as reports of Parliament), but also through the media.

419. Lastly, the role of the national institutions and machinery responsible for ensuring respect for human rights is noteworthy because their primary mission is to provide information to the public or persons involved in judicial proceedings and because this provision of information, as an indispensable part of their activities, is a natural outgrowth of their principal functions, taking the form of public announcements and published reports and studies.

2. Access to the law within specialized agencies

420. By adopting the Act of 10 July 1991 on legal aid, the legislature provided for support for access to the law. The aim of the public policy on access to the law is to develop a network of community-based services in order to ensure that all persons, including those most in need, have equal access to the law, enabling them to know and exercise their rights. This policy, led at the national level by the Department for Access to the Law and Justice and for Victim Support, is supported at the local level by the Departmental Councils for Access to the Law and implemented at legal information offices.

(a) Department Councils for Access to the Law

421. The Departmental Councils, chaired by the president of the ordinary court in the administrative seat of each department, are responsible for defining and implementing policy on access to the law at the departmental level. They identify local needs, draw up and disseminate an inventory of all the measures that have been taken, assess the quality and effectiveness of the mechanisms they support and promote new initiatives. In addition, at various locations, specialized legal consultations are made available at no charge to people

in need of specific types of help (such as older people and households at risk of eviction from rental housing).²¹⁰

(b) *Legal information offices*

422. Established under Act No. 98-1163 of 18 December 1998, the justice and law centres, of which there are 150, were incorporated into the network of legal information offices in 2020. Legal information offices are located in various places (including local social welfare centres, the local public service hubs known as France Services and correctional facilities). They offer services focused on access to justice and may be open to everyone or reserved for specific groups of people (young people, for instance, hospital patients, detainees and others). Countrywide, there are 3,029 legal information offices, including 150 justice and law centres.

423. Legal professionals and other experts, including lawyers, notaries, judicial officers, association legal advisers, legal advisers and coordinators of the Departmental Councils, court-appointed mediators and representatives of the Defender of Rights provide services or consultations at the legal aid offices. In 2020, the Ministry of Justice signed a performance agreement with the High Council of Notaries to increase their participation.

424. One of the missions of the justice and law centres is to provide support, assistance and legal information to persons involved in judicial proceedings, give victims a special hearing and help them during the legal process. Free legal information and advice are provided at the centres by legal professionals, institutional actors and associations. Information on alternative dispute resolution or the status of proceedings can also be provided. In 2023, more than 1.4 million people were served at the 150 justice and law centres.²¹¹

D. Human rights education for young people

425. Human rights education is critical to the formation of a citizenry aware of its rights. It is dispensed through curricula and educational activities based on the Universal Declaration of Human Rights and the fundamental treaties.

426. The curricula take account of vital questions for society: racism, antisemitism, xenophobia, the contributions of successive waves of immigration, relations with others, gender equality, an understanding of the world's diversity and sustainable development.

427. There is also a moral and civic education curriculum in primary, lower secondary and upper secondary schools that focuses specifically on civil rights education.

428. The René Cassin Human Rights Prize has been awarded since 1988 by the National Consultative Commission on Human Rights and the Directorate General of School Education to the best projects on a human rights theme submitted by students from primary, lower secondary and upper secondary schools. The prizes for the 2023 school year were awarded for work on defenders of the environment and access to water.²¹²

429. Lastly, the National Commission for Information Technology and Civil Liberties has signed a partnership agreement with the Ministry of Education and Youth to familiarize students and teachers with these issues and foster responsible digital citizenship, including in respect of the protection of personal data.²¹³

²¹⁰ Ministry of Justice, "Faciliter l'accès au droit" (Providing access to the law).

²¹¹ Ministry of Justice, "Les maisons de justice et du droit en 2022" (Justice and law centres in 2022).

²¹² National Consultative Commission on Human Rights, "Édition 2023 du Prix des droits de l'Homme" (2023 human rights prize).

²¹³ Éduscol, "Ressources pour des usages responsables d'internet" (Resources for responsible Internet use).

E. Human rights training for public officials and other professionals

1. Training of legal professionals

430. The Human Rights Institute of the Paris Bar Association is an association created in 1979 by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Association's law society. The Institute's main objective is to train legal professionals, including lawyers, judges and prosecutors, on international human rights law and international human rights mechanisms. This training is provided by bar associations and legal training institutes as well as in seminars, symposiums and conferences in France and abroad. The Institute also provides training in universities, the National School for the Judiciary and foreign bar associations.²¹⁴

431. Moreover, the International Institute of Human Rights, together with bar associations and management schools, organizes specialized training on international and European human rights law. This training is part of the continuing education of practitioners.²¹⁵

2. Training of trainee judges and prosecutors and trainee civil servants

432. In cooperation with the National Consultative Commission on Human Rights, the National School for the Judiciary and the National Public Service Institute have developed training in this area.

433. In cooperation with the National Consultative Commission on Human Rights, the National School for the Judiciary and the National Public Service Institute have developed training in this area. The core modules of the training for all senior civil servants include the module "French Values and Principles of Public Service", which addresses discrimination, racial discrimination in particular, under the value "equality." Trainee judges and prosecutors (judicial trainees) take several modules during their training in which racism and racial discrimination are addressed. Worthy of mention are the modules on the following topics:

- Migrants;
- Combating online hate;
- Radicalization;
- Education to combat antisemitism.

434. The National School for the Judicial Protection of Young People, too, provides training on the rights of the child to all its students in initial education and, at its regional training hubs, as part of its in-service programmes. It also offers a wide range of training programmes on issues related to trafficking in persons, child prostitution and violence against children.

435. Similarly, the National School of Court Clerks organizes training and awareness-raising activities on the topics of equality, diversity and preventing and combating discrimination and violence against women, including sexual violence, as part of the initial training for court clerks and directors of court administration services and as part of its in-service education offerings.

3. Teacher training

436. The core curriculum for training future teachers in the national higher institutions of teacher training and education includes a component on secularism and French values that is designed to transmit and share the principles of democratic life and the values of France – liberty, equality, fraternity; secularism; and rejection of all forms of discrimination.²¹⁶ Relations with non-profit organizations that partner with the education system have been

²¹⁴ Paris law society, "Barreau de Paris solidarité" (Paris Bar Association solidarity).

²¹⁵ International Institute of Human Rights.

²¹⁶ Ministry of Education and Youth, "Devenir enseignant – Après une licence 3 : le master MEEF" (Becoming a teacher: after a bachelor's degree – the Master's Programme in Teaching, Education and Training).

strengthened after the signing of agreements designed to bolster civic education, anti-discrimination and historical memory initiatives.²¹⁷

4. Training for human rights professionals

437. France has sought to promote human rights training for law enforcement officials in order to prevent any violation of the rights of persons held for questioning or placed in holding facilities. All police and gendarmerie personnel are concerned, regardless of unit or rank.

438. The initial training of police cadets, for example, covers human rights as part of education on ethics, civil liberties and fundamental rights. Practical exercises on dealing with the public and on identity checks stress the behaviour and attitudes of police officers for each of the categories of people they deal with (victims, witnesses and perpetrators). Police lieutenants take one course called “Ethics, discernment, psychology” and another called “Civil liberties and human rights”. Training of police commissioners includes the study of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment as well as fundamental human rights.

439. These topics are also covered in training for gendarmes, at several points in courses on ethics. The courses are supplemented by presentations given by the Interministerial Delegation to Combat Racism, Antisemitism and Hatred of Lesbian, Gay, Bisexual and Transgender Persons and victim advocacy groups. Approximately 8,800 non-commissioned officers are taking courses on these topics in school in 2024. The curriculum is integrated into all modules related to professional skills, in particular during practical, scenario-based exercises (such as interacting with the public, situations involving victims and interviews conducted by the Criminal Investigation Service); there is a focus on skills related to the use of coercive measures or the use of force. In the final phase of the initial training, each of these topics is covered again in a mandatory distance-learning module. This module includes the course on these topics developed by the Defender of Rights. On multiple occasions throughout an officer’s career, training on assisting victims and addressing discriminatory offences is reviewed and expanded on in continuing education courses, seminars and mandatory distance-learning programmes (including a course, which has been available online since September 2024, on the experience of victims and other members of the public who seek assistance).

440. The heads of administrative holding centres receive specific training on regulations governing how to question foreigners in an irregular situation and the relevant judicial and administrative procedures, as well as respect for the fundamental rights of persons in holding centres.

441. The Inspector General of Place of Deprivation of Liberty participates in vocational training on the human rights of persons deprived of their liberty, intervening annually in training institutes for public officials (National School of Prison Administration, National Public Service Institute, National School for the Judiciary, National Police Officers Academy, National Gendarmerie Officers College). In addition, the Defender of Rights partners with public (the National Police, the Gendarmerie and municipal police forces) and private (railway security and Paris area mass transit security) forces of law and order to provide training on professional ethics and the prevention of discrimination.²¹⁸

442. The French Office for the Protection of Refugees and Stateless Persons has expanded its specific efforts in the area of trafficking in persons. The Office has a unit to combat trafficking in persons that is staffed by specialized agents who conduct tailored interviews with self-identified and suspected victims of trafficking. The unit’s strategy was updated in 2021, taking into account developments in the law, such as the possibility of denying asylum protection to, or withdrawing it from, persons involved in trafficking, and vice versa.

443. The 450 staff members of the Office responsible for reviewing asylum applications receive both initial and in-service training on issues related to serious human rights violations,

²¹⁷ Ibid., “Les valeurs de la République à l’école” (The values of the Republic in schools).

²¹⁸ Defender of Rights, “Formation” (Training).

including trafficking in persons, sexual orientation and gender identity, torture and trauma, and violence against women. These training sessions attracted a total of 684 participants in 2023. Similarly, some 200 interpreters working with the Office have received training on these topics.

444. The Centre Primo Levi provides training to professionals from institutions that work with victims of torture. The members of this association intervene in reception centres for asylum-seekers, medical and psychological centres and medical, psychological and educational centres; they also work with psychologists, social workers, reception centre directors and doctors.²¹⁹

5. Budget allocations and trends

445. Human rights are integrated into every sphere of activity in which the State operates. As a result, budgets for human rights do not appear separately in the national budget; instead, they are included in a wide range of spending categories, such as education, health, justice, social solidarity, integration and equality.²²⁰

6. Development cooperation and assistance

446. To address the consequences of the global crises currently affecting every continent, France formally adopted the Framework Act on Inclusive Development and the Fight against Global Inequality on 20 July 2021. The Act has seven main areas of focus:

- Greater investment in the preservation of global public goods;
- Resources set aside for clearly defined priorities;
- Stronger partnerships to ensure real impact on the ground;
- Improved management to help achieve the Government's strategic priorities;
- A modernized evaluation system to improve the monitoring of results;
- Ways of making France a more attractive host country for international organizations;
- Establishment of a system for the restitution of what are termed ill-gotten gains.

447. In addition, France remains committed to its international efforts in the priority areas of health, the climate and biodiversity, education and gender equality.

VI. Reporting process at the national level

448. The preparation of reports submitted to treaty bodies is overseen by a number of ministries, depending on their respective areas of responsibility. The ministry or other institution responsible for coordinating the preparation of the reports consults the relevant ministries, as well as the independent administrative authorities responsible for the protection of human rights, and the national human rights institution (the National Consultative Commission on Human Rights).

²¹⁹ Centre Primo Levi, "Se former" (Training).

²²⁰ Government website, budget.gouv.fr.