



**International Human Rights
Instruments**

Distr.: General
23 November 2017
English
Original: French

**Core document forming part of the reports of
States parties**

France^{*, **}

[Date received: 3 November 2017]

* The present document is being issued without formal editing.

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I. Land and people

A. The land

1. France covers a territory of 551,602 square kilometres, with the exception of the overseas territorial collectivities (128,101 square kilometres) and the French Southern and Antarctic Territories (432,000 square kilometres).
2. The country comprises metropolitan France (territories in Europe), and overseas territorial collectivities. The latter are divided into two categories:
 - The overseas departments and regions (DROM): Guadeloupe, French Guyana, Martinique, Mayotte and Réunion (which replace the overseas departments, or DOM);
 - The overseas collectivities (COM): French Polynesia, Saint-Barthélemy and Saint Martin, Saint Pierre and Miquelon, and Wallis and Futuna replaced the overseas territories, or TOM.
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 36,658 municipalities (including 129 overseas).^{1 2}
4. New Caledonia, Clipperton Island and the French Southern and Antarctic Territories have a special status.

B. Population³

5. As at 1 January 2015, the population of France was 66.4 million, including 64.2 million in metropolitan France and 2.2 million in the overseas departments and regions. France accounted for 13 per cent of the population of the European Union (508.2 million).
6. As at 1 January 2016, France had 66.6 million residents, including 64.5 million in metropolitan France and 2.1 million in the overseas departments and regions.^{4 5} The population density of metropolitan France is 118 persons per square kilometre.⁶
7. Mayotte, which became an overseas department and region on 31 March 2011, was not included in the demographic balance until 2014. The overseas and special-status collectivities are not always taken into account in statistical data.

1. Population

(a) Population growth

8. The resident population in France increased by 0.4 per cent in 2015 (+ 247,000). As in previous years, population growth is largely driven by the natural growth rate (+200,000 births). The latter is, however, the lowest recorded since 1976, owing to the high level of deaths in 2015, which is the highest since the post-war period (600,000 deaths, or 7.3 per cent more than in 2014). Net migration remains relatively low (+47,000).⁷
9. **Regions:** Between 2008 and 2015, the population increased in all regions in metropolitan France, particularly in Corsica and Languedoc-Roussillon Midi-Pyrénées. These two new regions attract far more people than they lose, while at the same time the number of births is only just making up for the number of deaths.⁸ The north-east attracts few inhabitants. Alsace-Lorraine-Champagne-Ardenne and Hauts-de-France are growing the slowest due to a negative migration balance, which is barely compensated by the excess of births over deaths. In Ile-de-France, the population increased at the same rate as the national average. However, this trend was the result of a combination of two extremes: the highest natural balance in metropolitan France, and particularly negative net migration. Between 2008 and 2015, Guyana had the greatest increase in population of all the overseas departments and regions (2.2 per cent per year on average) due to a very high natural balance. Conversely, in Martinique, the population declined by 0.7 per cent per year on

average, due to a shortfall in arrivals in the territory that could not be offset by the positive natural balance.⁹

10. **Cities/municipalities:** Between 1982 and 2012, the French population increased by 9.7 million, 20 per cent of them in the Paris metropolitan area and 30 per cent in the 13 largest provincial metropolitan areas.¹⁰⁻¹¹ As at 1 January 2015, metropolitan France had 36,529 municipalities. More than half of them (54 per cent) had less than 500 inhabitants as at 1 January 2013. These 19,800 small municipalities had 4.5 million inhabitants, or 7 per cent of the population of metropolitan France, which is almost as much as the five largest municipalities combined: Paris, Marseilles, Lyons, Toulouse and Nice. In 1968, municipalities with less than 500 inhabitants represented 11 per cent of the population of metropolitan France.

11. This phenomenon is the result of an increase in the size of cities and an increase in population density. More specifically, cities of 400,000 inhabitants or more account for almost 80 per cent of the increase in urban population of the past 30 years. The attractiveness of big cities reinforces an urban system dominated in the first instance by Paris, and in the second instance by 14 urban areas of 400,000 inhabitants or more, located on the coast, along rivers and near borders. The Paris urban area today encompasses over a quarter of the urban population, as it did in 1982. In 2010, cities covered 22 per cent of the land and were home to 47.9 million people, or 77.5 per cent of the population. Between 2000 and 2010, the area covered by cities in metropolitan France grew by about 20 per cent. This growth is primarily due to the absorption into urban areas of former rural municipalities.¹² Despite this phenomenon and the expansion of outlying urban areas, in 2008 three quarters of municipalities had less than 1,000 inhabitants, while in 2009 only 11 municipalities had more than 200,000 inhabitants and 30 municipalities had more than 100,000 inhabitants.¹³⁻¹⁴ The regions of metropolitan France with the highest number of inhabitants per municipality are Ile-de-France and Provence-Alpes-Côte d’Azur, with 9,000 and 5,000 inhabitants on average, respectively, followed by Hauts-de-France, Bretagne and Pays de la Loire. Overseas, most people live in cities. In the five overseas departments and regions, the vast majority of municipalities are urban because they are often of considerable size.¹⁵

(b) Distribution of population by ethnic origin

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 distinguish on the basis of ethnic origin.

13. Under the Act of 6 January 1978¹⁶ on information technology, data files and civil liberties, the “collection or processing of personal data that reveals, directly or indirectly, the racial and ethnic origins; the political, philosophical, religious opinions; or the trade union affiliation of persons, or which concern their health or sexual life”, is prohibited.

(c) Birth rate

14. **Number:** 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.¹⁷ The lowest rate was in 1994, with 741,000 births, and the highest in 2010, with 833,000 births. In 2015, the rate was an estimated 12.0 per thousand, as opposed to 12.4 per thousand in 2014, 12.3 per thousand in 2013 and 12.6 per thousand in 2012. In the same year, 800,000 babies were born. The number of births has decreased by 2.3 per cent since 2014 (for information, it was 818,600 in 2014, 811,500 in 2013 and 821,000 in 2012). The total fertility rate in France declined slightly in 2015, to 1.96 children per woman, compared with 2.00 in 2014. France ranks second among the countries of the European Union.

15. **Age:** The fertility rates of women under 30 years of age continue to decline, and did so even more in 2015 than in previous years.¹⁸ However, the fertility rates of women aged 30–34 stabilized between 2009 and 2014, before declining again in 2015. The average age of mothers at the time they give birth continues to rise: it was 30.4 years in 2015, compared

with 30.3 years in 2014. It was already 30.1 years in 2012, for an increase of 0.7 years in 10 years. The age at the birth of the first child was then about two years earlier.¹⁹

(d) Mortality rate²⁰

16. In 2015, the mortality rate in France was an estimated 9.0 per 1,000 inhabitants, with 600,000 deaths reported (41,000 more deaths, or 7.3 per cent, than in 2014, following two years of decline). This was the highest rate since the post-war period. While the mortality rates for each age group did not change, the increase in the number of persons aged 65 years or over resulted in a higher overall mortality rate. In past years, this increase was mitigated and sometimes more than offset by declining mortality. In 2015, by contrast, mortality rates increased, particularly among the older population, as a result of unfavourable epidemiological (influenza epidemic in the first three months of 2015) and meteorological (heatwave in July) conditions.

17. In 2015, the infant mortality rate was an estimated 3.7 per 1,000 live births. This represents a slight increase (3.5 in 2014), but is still within the usual range for this indicator. Infant mortality has been relatively stable for the past 15 years. After decreasing significantly between 1950 and 2000, it is now around 3.7 infant deaths under 1 year of age per 1,000 live births.²¹ Between 2001 and 2006 the maternal mortality rate was estimated at between 8 and 12 deaths per 100,000 live births.²² It was 10.3 between 2007 and 2009.²³

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

18. **Age structure:** As at 1 January 2016, an estimated 24.6 per cent of the population was under 20 years of age, 50.5 per cent between 20 and 59 years and 24.9 per cent, 60 years or older.²⁴ However, the populations of the overseas regions are much younger than those of metropolitan France: at the end of 2015, nearly 33 per cent of inhabitants were under 20 years of age, compared with 24.4 per cent in metropolitan France.²⁵

19. **Life expectancy:** Given the mortality conditions in France in 2015, average life expectancy is 85.0 years for women and 78.9 years for men. The gap was 6.1 years, as opposed to more than 5 years in 1946.

However, life expectancy at birth is declining, both for women (by 0.4 years) and for men (by 0.3 years). This decrease is due mainly to an increase in mortality after 65 years. Since 1990, however, life expectancy at 60 years has risen. In 2015, a 60-year-old woman could expect to live another 27.3 years (vs. 25.6 in 2000), and a man of the same age, another 22.9 years (vs. 20.4 in 2000).²⁶

20. The ageing of the baby boom generation and increased longevity are the main factors behind the ageing of the population. Between 1981 and 2011, life expectancy at birth increased by 8 years for men and 6.5 years for women. However, due to the large number of deaths in 2012, it decreased slightly for women (84.8 years, or 0.2 years less than in 2011) and remained stable for men (78.4 years).

21. Life expectancy for women rose by 3.1 years over the past 20 years; for men, by 5.1 years.

22. **Dependency ratio:** In 2009, the dependency ratio was an average 89 per cent, with 16 million young people and 14 million people aged 60 years or older as against 34 million people of working age.²⁷ It is lower in employment zones that include large cities, where the economically active population is concentrated.

(f) Foreigners and immigrants

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

24. As at 1 January 2014, 65.8 million people lived in France, excluding Mayotte. Of these, 58.2 million were born in France and 7.6 million, or 11.6 per cent of the population, were born abroad. Of the 58.2 million born in France, 57.6 million held French nationality; some of them held dual nationality; and 0.6 million were foreigners. Four out of five of the

foreign persons born in France were children under 14 years of age whose parents were foreigners.²⁸ They will acquire French nationality by right no later than at the age of majority, provided they have been resident in France for at least five years since the age of 11.²⁹

25. In 2014, the annual number of acquisitions of French nationality — 105,613 new French citizens — increased over 2013, primarily due to the increased number of acquisitions of nationality by decree (+10.4 per cent) and the upturn in acquisitions by declaration by reason of marriage (+12.6 per cent). The number of advance declarations (minors born in France to foreign parents) is also rising (+3.9 per cent). Acquisition of French nationality does not necessarily entail renouncing one's nationality of origin. In 2008, an estimated one immigrant in two aged 18–50 years who becomes French retains his/her original nationality and therefore has dual nationality.

26. The share of the immigrant population in the total population increased from 8.1 per cent in early 2006 to 8.9 per cent in early 2014. The increase is mainly related to migratory flows: while 1.6 million immigrants arrived in France during this period, 500,000 left and 400,000 died there.³⁰

27. In 2012, the distribution of immigrants by continent of birth was as follows: 43.2 per cent are from Africa (2.4 million), 36.8 per cent from Europe (2.1 million), 21.6 per cent from Asia (1.2 million) and 5.6 per cent from the Americas and Oceania (319,000 persons).³¹

28. France hosted 298,902 foreign students in 2014–2015, and 295,084 in 2013–2014.³² ³³ They numbered 161,100 in 1990.³⁴

29. According to the statistical website of the French Government, in 2013 State medical assistance, intended for irregular immigrants residing in France for at least three months, was provided to 282,425 individuals, without any deductible.^{35, 36}

(g) Asylum

30. In 2015, the French Office for the Protection of Refugees and Stateless Persons handed down 61,903 decisions, excluding minors accompanying other persons, or 18.9 per cent more than in 2014. Of these, 14,060 were favourable, as opposed to 8,763 in 2014.

31. In 2015, the National Court on the Right of Asylum rendered 35,162 decisions, down 8.2 per cent from 2014.

32. The total number of decisions by the Office and the Court to grant protection status (refugee and subsidiary protection) was 19,447 in 2015, up 33.3 per cent over 2014.³⁷ Although the Democratic Republic of the Congo was the first country of origin of the requests filed in 2015, it now ranks only fourth, behind Sudan, Syria, Kosovo and Haiti. Act No. 2015-925 of 29 July 2015 on the reform of the asylum system is 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.³⁸

2. Social data

(a) Households and families

33. The number of households has continued to increase, while their size has gradually decreased. Between 1975 and 2012, the number of households rose from 17.74 million to 28.3 million, while their average size fell from 2.9 to 2.26 persons.^{39, 40, 41} In 2010, the reference person was a woman in 7.64 million households.⁴²

34. In 2012, 22 per cent of families were single-parent families, and 18.6 per cent of them were composed of a single woman with one or more children.⁴³

35. In 2015, there were 239,000 marriages in France, 231,000 of them between persons of different sexes and 8,000 between persons of the same sex. The total number of marriages is down because there were fewer marriages between persons of the same sex in 2015. In 2014, by contrast, the number of same-sex marriages more than compensated for the decrease in the number of marriages between persons of different sexes. In 2014, by

contrast, the number of same-sex marriages more than compensated for the decrease in the number of marriages between persons of different sexes.⁴⁴ People are getting married later and later in life: since 2000, the average age at first marriage has gone up by 2.4 years for men and 2.9 years for women, reaching 32.6 years for men and 30.9 years for women in 2014.⁴⁵

36. In 2013, the year in which Act No. 2013-404 of 17 May 2013 legalizing same-sex marriage was adopted, 41 per cent of couples were female couples. In 2015, the figure was 48 per cent. The age at same-sex marriage, however, is declining. Men who married in 2013 were about 50 years old on average; in 2015, about 45. Women married at an average 43 years of age in 2013 and 40 years in 2015. In 2015, same-sex marriages represented 3.3 per cent of all marriages, as opposed to 4.4 per cent in 2014.⁴⁶

37. In 2014, there were 123,537 divorces in France, more than half of them by mutual consent. Not counting Mayotte, there were 1,400 fewer divorces than in 2013. Since 2005, less than two marriages have been celebrated for every divorce.⁴⁷

38. The share of children born out of wedlock is rising, as the number of marriages is decreasing over the long term while the birth rate is increasing. In 2015, 59.6 per cent of children were born out of wedlock, as opposed to 47.4 per cent in 2004 and 37 per cent in 1994.^{48, 49}

(b) Contraception and abortions

39. 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.⁵⁰ In 2010 only 7.7 per cent of women aged 15–49 years who were at risk of unplanned pregnancy said they were not using any contraception.⁵¹

40. According to the National Institute for Demographic Research, the number of abortions has remained stable since 1975.⁵² According to the government information website created in late 2013, 222,500 abortions are performed in France every year, involving 1.5 per cent of women aged 15–49 years.⁵³ Abortions have been allowed since 2000 up to the 12th weeks of pregnancy. Since 2013, contraception has been free for girls aged 15–18, and abortions are free for all women. The National Institute for Statistics and Economic Studies (INSEE) noted in 2009 that it was primarily young women aged 20–24 years who were having abortions.⁵⁴ The authorities are continuing to undertake sex education and produce information on contraception, including through the creation of the government website. In late 2013, following the referral by the Minister of Women's Rights, the High Council for Gender Equality made 40 recommendations to the Government on how to improve access to abortions.⁵⁵

(c) Diseases and death

41. The main causes of death in 2013 were cancer (28.7 per cent), a disease of the circulatory system (25 per cent), a disease of the respiratory system (6.6 per cent), a disease of the digestive system (4 per cent), mental and behavioural disorders (4 per cent), an infectious or parasitical disease (1.9 per cent), suicide (1.7 per cent), traffic accidents (0.5 per cent) and other causes accounting for up to 13 per cent of all deaths.⁵⁶ The two leading causes of death among children aged 0–15 years were perinatal infections and congenital malformations and chromosomal abnormalities.⁵⁷

42. Chronic diseases affect nearly 20 per cent of the French population and are still a major cause of death and disability. With the increase in life expectancy, the incidence of most of these diseases has been steadily rising.⁵⁸ They include cancer, diabetes and high blood pressure, which affect 66 per cent of people aged 50 years and older; obesity, which affects 17 per cent of those aged 18–74; and cardiovascular and respiratory diseases.⁵⁹

43. The two most serious communicable and non-communicable diseases are tuberculosis, with 8.2 cases per 100,000 inhabitants (2009), and Legionellosis, with 1.9 cases per 100,000 inhabitants (2009).

44. In 2009, the incidence of AIDS was 2.2 per 100,000 inhabitants. There were an estimated 152,000 persons living with HIV/AIDS (including 50,000 who did not know they

had it); 6,700 persons recently diagnosed with HIV/AIDS; 1,450 new cases of AIDS; and 46,000 deaths since 1995.⁶⁰ Men having sex with men, and persons infected through heterosexual sex and who were born abroad (three fourths of them in sub-Saharan Africa), are still the two most affected groups, each of them accounting for 40 per cent of new cases of HIV/AIDS in 2011. Between 2010 and 2011 the number of serologic tests increased 4 per cent, which suggests that recommendations made in late 2010 to expand the screening test have been followed by health professionals.⁶¹

(d) School enrolment and literacy

45. At the start of the 2014 school year, 6.8 million pupils (children aged 2–10 years) were enrolled in primary school, or 0.4 per cent more than the previous year. At the same time 5.5 million students were enrolled in public and private secondary schools, under the supervision of the Ministry of National Education, or 0.4 per cent more than the previous year.⁶² Also at the start of the 2014 school year, 2,470,700 students were enrolled in higher education, or 1.7 per cent more than in 2013. Enrolment in higher education thus increased for the sixth consecutive year, to an unprecedented level. This year, the number of foreign students increased at a slightly lower rate (1.3 per cent).

46. Enrolment rates. In 2013, the enrolment rate for children aged 2–10 years ranged from 11.9 per cent at 2 years to 98.6 per cent at 10 years (with a rate of 100 per cent for children aged 4–7 years). For children aged 11–17 years, the rate ranged from 98.9 per cent at 11 years to 90.3 per cent at 17 years. For students aged 18–25 years, the rate ranged from 77.4 per cent at 18 years to 11.1 per cent at 25 years.⁶³

47. In 2010, 12.8 per cent of young people aged 18–24 years who had not gone past the lower secondary were considered to have dropped out of school (10.3 per cent were girls and 15.4 per cent boys). The rate was 8.5 per cent in 2014 (7.4 per cent for girls and 9.5 per cent for boys). Some 77.4 per cent of the 25–64 age group completed at least the upper secondary.

48. Student/classroom ratio. In 2012, there were an average 22.7 pupils per class in primary school; 25.1 students per class in lower secondary school (*collège*); and 9.9 students per teacher in upper secondary school (*lycée*).⁶⁴

49. According to the National Agency to Combat Illiteracy, in 2013 there were 2.5 illiterate persons in metropolitan France, or 7 per cent of the 18-to-65-year-olds who had been educated in France, compared with 9 per cent in 2004.^{65, 66} Illiteracy was declared the “national priority concern for 2013”.

3. Economic data

(a) GDP, BNP, economic growth rates and consumer price index

50. In 2015, the gross domestic product (GDP) of France was 2,183.6 billion current euros, or 14.9 per cent of the GDP of the European Union.⁶⁷

51. In 2014, the GDP of France was 2,132.4 billion current euros (15.3 per cent of the GDP of the European Union), or €1,907.7 billion at purchasing power parity (PPP) (13.9 per cent of the GDP of the European Union at PPP). It was growing at 0.2 per cent in constant euros, after two years of moderate growth (0.2 per cent in 2012, 0.7 per cent in 2013). GDP per capita was €29,290 at PPA.⁶⁸

52. Gross national income (GNI) was €2,174.5 billion, and gross national disposable income (GNDI), €2,122.7 billion.⁶⁹

53. In 2015 the growth rate was 1.1 per cent.⁷⁰ The Organisation for Economic Co-operation and Development (OECD) is forecasting 1.3-per-cent growth in 2016 and 1.6 per cent in 2017.⁷¹

54. The consumer price index rose by 0.1 per cent over 2014, compared with a 0.7-per-cent increase the previous year.⁷²

(b) Public-sector debt and deficit

55. A public-sector deficit of €84.1 billion, or 3.9 per cent of GDP, was reported to the European Commission for 2014. It had decreased by €2.3 billion since 2013. A public debt burden of €2,037.8 billion, or 95.6 per cent of GDP (3.3 per cent more than in 2013), was reported, along with net public-sector debt of €1,849.9 billion, or 86.7 per cent of GDP.^{73, 74}

(c) Public-sector social expenditure and official development assistance

56. In 2014, public-sector social expenditure amounted to 31.9 per cent of GDP.

The figure was 31.5 per cent in 2012. More specifically, in the same year, public-sector expenditure on health represented 9 per cent of GDP; social welfare benefits, 29.5 per cent; education, 6.8 per cent; and housing, 22.5 per cent.^{75, 76, 77, 78}

57. In 2014, net official development assistance amounted to €8,005 billion, or 0.37 per cent of GNI, making France the fourth largest global contributor to such assistance.⁷⁹

(d) Household consumption expenditures

58. In 2014, households spent 24 per cent of all their consumption expenditures on housing, furnishings, heating and lighting; 10 per cent on food; 3.2 per cent on health; and 0.7 per cent on education.⁸⁰

(e) Poverty

59. The poverty threshold traditionally used in Europe and in France, in particular by INSEE, is set at 60 per cent of the median standard of living. In 2012, the threshold was set at €1,004 per month, and in 2013, €1,000 per month. In 2013, the poverty rate at the 60-per-cent threshold was 14 per cent, which concerned 8.6 million persons.⁸¹ The most affected are young people (19.6 per cent of children under 18 years of age, and 18.6 per cent of 18-to-29-year-olds, live below the poverty line.) For older persons (aged 75 years or older), the figure is 8.7 per cent. Women are also more affected than men: 14.3 per cent of women live below the poverty line, compared with 13.6 per cent of men.

60. In 2016, the Fondation Abbé Pierre estimated that about 3.8 million people in France are inadequately housed.⁸²

61. There are a number of statutory minimum income benefits (earned income supplement, disabled adults allowance and related supplements, minimum old-age pension and supplementary disability allowance) for the most disadvantaged individuals and to reduce inequality.⁸³

(f) Employment and unemployment

62. In 2014 in metropolitan France, the economically active population comprised 28.6 million persons aged 15 years or older. Some 25.8 million of them were employed and 2.8 million were unemployed, as defined by the International Labour Office (ILO). The unemployment rate was 9.9 per cent. The employment rate for the 15–64 age group was 71.4 per cent. The feminization of employment has increased since the 1990s: between 1990 and 2014, the employment rate for women aged 15–64 living in metropolitan France rose from 58.2 per cent to 67.5 per cent.⁸⁴

63. In the past decade and a half the proportion of unionized employees has stood at around 8 per cent of the economically active population, or has edged even lower. The unionization rate was 7.7 per cent in 2013.⁸⁵ Despite the low number of members, trade union organizations are fairly widely present in the workplace. Some 56 per cent of employees reported in 2005 that one or more trade unions were present in the workplace, compared with 50.3 per cent in 1996.⁸⁶

(g) Wages

64. The minimum wage (SMIC) 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 2016, it was increased to €9.67 gross per hour (€7.54 net), or €1,466.62 gross (€1,121.71 net) per month for a 35-hour working week.⁸⁷

65. In 1990, executives earned 3.12 times more per year than workers. In 2013, workers in the private sector earned €1,686 net per month; executives, €4,072, or 2.42 times more.⁸⁸ The average net income from wages in the private sector in 2013 was €1,934 for women, or 19 per cent less than men, who earned an average of €2,389.⁸⁹ This gap was 28 per cent in 2010 and 32.1 per cent in 1990. The persistence of this gap is explained by a level of average hourly wages that is 18 per cent lower than that of men, and by the fact that women worked on average 13 hours less per year.⁹⁰

4. Indicators on crime and the administration of justice

(a) Pretrial detention

66. For ordinary offences, 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.⁹¹ The maximum duration of detention depends mainly on the offence for which the individual is being prosecuted and length of the sentence already served. It is 4 months if the individual has not previously been prosecuted and is serving 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, conspiracy, procuring, extortion or crimes committed by an organized group) and is serving a prison sentence of at least 10 years, the maximum duration of pretrial detention may be extended to 2 years.

67. For criminal offences, 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.⁹² The maximum duration of detention depends mainly on the offence for which the individual is being prosecuted and length of the possible sentence. It is 2 years where the individual is liable to a prison sentence of 20 years or less, and 3 years in other cases. However, for the same reasons as for ordinary offences, the maximum duration of pretrial detention may be extended to 2 or 4 years.⁹³

68. France has a procedure in place by which full mandatory compensation is offered for material and moral damage in the event of wrongful detention, i.e. during proceedings which end in a discharge, release or final acquittal.⁹⁴ Once a conviction has been handed down, compensation is possible in the event of excessively lengthy detention.⁹⁵

(b) Findings, charges and convictions

(i) Findings (2014)

69. In 2014, 374,214 offences against the person (physical abuse, sexual violence, criminal threats or threats of misdemeanours) were registered by the National Police in metropolitan France, including 103,468 violent robberies, 17,941 acts of sexual violence and 803 voluntary and involuntary homicides (932 in 2015).⁹⁶ The number of offences against the person registered by the National Police has risen by 7.3 per cent since 2008, but 90 per cent of the increase over five years was the result of annual variations in 2009 and 2010.⁹⁷

70. The homicide rate in France was one of the lowest in the world in 2013: 1.1 per 100,000 inhabitants in metropolitan France and 1.2 in France as a whole.⁹⁸ The rate was 2 per 100,000 in 1996 and 1.4 per 100,000 in 2008;⁹⁹ since 2009, it has stabilized at 1 to 1.2. In the period 2008–2013, the number of homicides declined by 18.7 per cent.¹⁰⁰

71. The National Police reported 17,941 acts of sexual violence in 2014. The number of rapes reported that year increased considerably over previous years. Rapes of adults were up by 12.5 per cent (compared with a 1.5-per-cent drop in 2013 and a 0.6-per-cent decrease in 2012), while rapes of minors rose by 5.3 per cent (compared with a 3.4-per-cent rise in 2013 and a 0.6-per-cent increase in 2012). In 2014, the National Police reported 3,768 cases of rape of adults and 3,238 cases of rape of minors.¹⁰¹

(ii) Charges (2012)

72. The total number of persons against whom charges were brought by the National Police, with the exception of offences against the laws on foreigners, decreased by 3.3 per cent between 2011 and 2012, accounting for 684,136 accused that year. The number of persons charged by the National Police with offences against the person is declining in particular — by 4.3 per cent (or 6,666 fewer accused). Some 90 per cent of that decline is accounted for by a decrease in the number of persons accused of physical violence resulting neither from a robbery nor from a settling of scores between criminals (-4.7 per cent, or 6,048 fewer accused). The number of persons accused of sexual violence is also falling, but at a much lower rate (1.1 per cent, or 97 fewer accused).¹⁰²

(iii) Convictions (2014)

73. In 2014 there were 584,000 convictions. They concerned 494,000 convicted persons, since an individual may be convicted several times in one year. Those 584,000 convictions, however, involved more than 878,000 offences. Indeed, several offences may be covered by a single conviction.¹⁰³

74. With respect to offences, some 34.3 per cent were for traffic violations. These were followed by crimes against property (robbery, concealment, embezzlement, disruption), accounting for one offence in five. Concealment and robbery represented the lion's share of such crimes (74 per cent).

75. With respect to crimes, rape accounted for 44 per cent (1,300 cases). Other offences against persons were intentional homicide (14.2 per cent) and aggravated assault (11.7 per cent). Aggravated crimes against property accounted for nearly 27.4 per cent of crimes; terrorism, about 1.2 per cent; and other crimes, including drug trafficking, 1.2 per cent.¹⁰⁴

76. The number of settlements has fallen since 2012 (by 5.3 per cent). This procedure, which was established in 2004, is used for perpetrators who have admitted to infractions and misdemeanours, including those related to road traffic and transport or the use of narcotic drugs. A penalty is proposed by the prosecutor: a fine (66.5 per cent) or an alternative sanction (suspension of driver's licences, unpaid work, civic education courses, etc.). In 2014, 65,700 settlements were approved by courts and entered into the criminal record. Some 49.7 per cent of them involved road traffic.¹⁰⁵

77. However, the number of prisoners has risen since 2008, along with an increase in the number of prison sentences and in the length of those sentences, particularly following the Act on minimum sentences. Such sentences were provided for under former articles 132-19-1 and 132-19-1-2 of the Criminal Code, which apply respectively to repeat offenders and to perpetrators of certain serious offences against the person, even if they are not repeat offenders. Under these minimum sentences, if the conditions imposed by the aforementioned articles were met, the court was required to impose a sentence of a minimum length. That mechanism was abolished by Act No. 2044-986 of 15 August 2014 on the individualization of sentences and strengthening of criminal sanctions.

78. Under article 66-1 of the Constitution and the Act of 9 October 1981, no one shall be condemned to the death penalty.

(c) Prison population (2014)

79. As at 1 January 2015, standard prison occupancy was 57,841, and there were 77,291 incarcerated persons. Of these, however, 11,021 were serving adjusted sentences (i.e., they were serving day parole, under electronic supervision or in unsupervised settings). This meant that only 6,620 individuals were actually incarcerated. Among all those incarcerated, 60,742 had been convicted and 16,549 were awaiting trial. Some 81 per cent of them held French nationality, and 19 per cent were foreigners.

80. Among those incarcerated and convicted (both detained and non-detained), 26.1 per cent were convicted of wilful violence, 14.7 per cent of drug offences, 12.8 per cent of sexual violence, 11 per cent of aggravated theft or robbery, 8.4 per cent of fraud, 8.9 per cent of simple larceny, 5.8 per cent of murder, 5.7 per cent of homicide or involuntary bodily harm, 0.5 per cent of offences against the laws on foreigners and 7.5 per cent of

other crimes. Among those incarcerated and convicted (both detained and non-detained), 17.2 per cent were serving a sentence of less than 6 months; 19.2 per cent, a sentence of between 6 months and 1 year; 28.9 per cent, between 1 and 3 years; 11.7 per cent, between 3 and 5 years; and 23 per cent, 5 years and more. Of the latter category, which comprised 8,123 individuals, 3.1 per cent were serving a sentence of between 5 and 10 years; 66.8 per cent, between 10 and 20 years; 24.2 per cent, between 20 and 30 years; and 5.9 per cent, a life sentence.¹⁰⁶

81. In 2014, the prison service reported 94 suicides in detention (and an additional 16 in extra-custodial settings) and 1,033 attempted suicides.¹⁰⁷

(d) Police and security forces

82. In 2012, there were 143,000 police officers, compared with 148,855 in 2008.¹⁰⁸ This decrease is due to the establishment of the 2008 rule prohibiting the replacement of one out of every two staff members.¹⁰⁹ Since the abolition of that rule in 2013, 480 new posts have been created for police officers and gendarmes.¹¹⁰

83. Since July 2012, 64 high-priority safety zones have been created, affecting 1.6 million French people, in order to combat entrenched delinquency. A decline in delinquency has already been reported in several of these zones.¹¹¹

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

84. In 2015, the total staff of the judiciary was 78,941 (3.2 per cent more than in 2014); of the judicial system, 31,641 (1.9 per cent more than in 2014).¹¹²

85. In 2015, there were 62,073 lawyers, or 93 per 100,000 inhabitants.¹¹³

86. In 2014, there were 6,935 professional judges assigned to courts, or 10.5 per 100,000 inhabitants. In addition, 510 professional judges were occasionally trying cases, or 0.8 per 100,000 inhabitants; they are experienced legal professionals who are present because citizens have asked for local and prompt administration of justice. There were also 24,921 lay judges, who serve primarily in courts specialized in labour law and trade law.¹¹⁴ In all, 22,360 laypersons are working for the courts.

87. In 2014, 1,882 prosecutors were serving in prosecution services, or 2.8 per 100,000 inhabitants.¹¹⁵

(f) Judicial and legal budget

88. In 2015, the total annual budget allocated to the judicial system as a whole was €7.9 billion under the initial Finance Act, plus €109.8 million under the anti-terrorism plan. Legal fees totalled €444 million (supplemented by €7 million from the anti-terrorism plan); legal aid, €375.4 million (including €43 million in extrabudgetary resources). The granting of legal aid is subject to means-testing and to citizenship or residence in France. In 2015, there were 989,576 recipients. Any person receiving legal aid is automatically exempt from the payment of legal fees. France is one of the States members of the Council of Europe to have instituted legal aid that is both plentiful and of good quality; it is also one of only two such States, along with Luxembourg, to provide free access to all courts.¹¹⁶ Indeed, the assessment of €35 for legal aid between 2011 and 2013 was abolished as from 1 January 2014 under the 2014 Finance Act and the decree on the abolition of the assessment.¹¹⁷

(g) Proportion of victims compensated, by type of crime

89. Crime victims may be compensated for the harm they have suffered through the payment of damages by the offender. Should victims encounter difficulties in recovering the amount of compensation ordered, they may have recourse to civil enforcement procedures, for example by calling on a bailiff.

90. Victims may also turn to various mechanisms for compensation extended in the name of national solidarity, depending on the nature of the offence and/or harm suffered. Aside from 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 per cent of the admissible claims are rejected by the commissions. Some 15,381 cases were dealt with by the commissions in 2015 (49 per cent related to bodily injuries, 17 per cent to sexual assaults, 9 per cent to rapes, 4 per cent to theft, 4 per cent to fraud, 3 per cent to murders and 3 per cent to burnt vehicles). A total of €271.8 million was awarded in 2015 through this mechanism, while €55.7 million was recovered from perpetrators or insurance companies. It takes an average 12 months to process claims. An agreement is reached between the parties in almost half of the cases, which thus require no intervention by a court. Approximately 30 per cent of the commissions' decisions are appealed.

91. 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 2015, 72 per cent of the cases handled by the Service involved compensation of less than €1,000 and resulted in full restitution. In the remaining 28 per cent of cases settlement equivalent to 30 per cent of the total was paid, involving a minimum of €1,000 and a maximum of €3,000. In January 2016, the Service recovered 19 per cent of the amounts paid out in 2014 and 3 per cent of the remaining amounts owed to victims for cases opened in 2014.

92. 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 terrorism and other offences, for acts of terrorism. In 2015, for example, 986 cases were opened and €23.4 million paid out by the latter fund to victims of terrorist acts.¹¹⁸

93. The French Government has provided as an annex a series of tables and graphs describing the principal demographic, economic and social indicators of France.

II. General political framework

94. The French tradition of commitment to human rights has been doubly enshrined: in the Declaration of the Rights of Man and of the Citizen of 1789, concerning civil and political rights, and in 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, have constitutional value. They have taken root over the ages to become a part of the French institutional and intellectual heritage, and have more recently been enriched by France'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. The French constitutional framework

1. Main features of the French political system and regime

95. 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 an indivisible, secular, democratic and social republic. The language of the Republic is French (art. 2 of the Constitution). France is a unitary State, with a single political power held at national level, but it is also a devolved and decentralized State, in which the territorial collectivities have specific competences.¹¹⁹

96. 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 President of the Republic by direct universal suffrage, combined with a flexible separation of powers, means that the Government is often characterized as a mixed or semi-presidential regime.

97. In practice, in times of concordance between the presidential majority and the majority in the National Assembly, the regime becomes presidential. In times of cohabitation between a President of the Republic and an opposition political majority in the National Assembly, the regime becomes parliamentary. 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 and legislative elections that followed, 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 (parliamentary 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.¹²⁰

98. National sovereignty is vested in the people, and not in a group or an individual (art. 3). In principle, the people exercise it 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, cantonal, municipal or European elections) or indirect (senatorial elections). Election may be on a majority or proportional basis; uninominal, plurinominal or list-based; in a single round or in two rounds.

2. Voters, political parties and elections

99. All French nationals aged 18 years and older 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. As at 1 March 2015, there were 44.6 million registered French voters. These figures do not include the overseas departments and territories. The number of voters registered on the electoral rolls of France was relatively stable between 2014 and 2015, following a significant increase between 2013 and 2014 (1.1 per cent). However, there were fewer voters than in 2012, when the presidential and parliamentary elections were held. The number of voters depends heavily on the presence and nature of ballots.¹²¹ At the end of 2013, approximately 3 million French people of voting age were not registered, but this figure has decreased following the wave of registrations in anticipation of the elections. Unregistered French voters were predominantly men, young people, with low levels of education, foreign-born and living in urban areas.

100. In 2012, among French people of voting age, only 67 per cent of foreign-born foreign nationals, and 85 per cent of foreign-born French nationals, were registered to vote. Once they were registered, however, they voted as much as French-born French nationals.¹²² Persons registered to vote in the overseas departments and regions and the overseas communities voted less than those registered in metropolitan France.

101. European Union citizens may vote and stand in municipal and European elections. As at 1 March 2014, 281,000 European Union citizens were registered to vote.¹²³ In 2008, during the most recent municipal elections, 220,000 European Union citizens were registered to vote; there were 1,206 European candidates in municipalities of at least 3,500 inhabitants, and 244 elected officials were Europeans.¹²⁴

102. The role of political parties was enshrined in the 1958 Constitution (art. 4), which since 1999 has also mandated them to promote equal access of women and men to electoral mandates and elective posts. The Act of 11 March 1988 on the financing of political parties states that they are formed and exercise their activities freely, that they have legal personality and that they may take legal action.¹²⁵ According to the National Commission on Political Campaign Accounts and Financing, as at 30 June 2013 there were 402 registered parties. Of these, 285 were accredited and 55 were eligible for government grants (which amounted to €70 million).¹²⁶ In 2014, 13 were represented in the French Parliament and/or the European Parliament.¹²⁷

103. All French elections are held in accordance with the legally defined time frame.

104. The rates of voter registration and turnout fluctuate from one election to another depending on household moves (the leading cause of failure to register to vote), but also on

what is at stake in the election. Registrations rise during presidential election campaigns, elections which voters consider crucial.

105. Because of what is at stake, and because of the amount of media coverage they receive, there is usually greater participation in presidential elections than parliamentary elections. In 2012, approximately 80 per cent of registered French voters took part in the presidential election, and about 56 per cent in the parliamentary elections.^{128, 129} In addition, 62.13 per cent of registered French voters took part in the second round of municipal elections in 2014; 42.43 per cent in the European elections in 2014; 49.98 per cent in the second round of departmental elections in 2015; and 58.41 per cent in the second round of regional elections in 2015.^{130, 131, 132, 133}

106. The competent body to adjudicate in the event of disputes as to the regularity of parliamentary, senatorial and presidential elections and of referendums is the Constitutional Council. Thus, following the parliamentary elections of June 2012, the Council was seized with 108 complaints filed by candidates or voters, as well as 238 referrals from the National Commission on Political Campaign Accounts and Financing.¹³⁴ The Council also had to rule on four challenges to the list of presidential candidates.¹³⁵ Complaints about the European Parliament and regional election results are heard solely by the Council of State. Challenges to municipal and departmental election results are heard by the administrative courts.¹³⁶

3. Associations

107. Freedom of association is enshrined in the Act of 1 July 1901 and is a constitutional principle.¹³⁷ In 2010, there were 1.3 million active associations.¹³⁸ An association may be formed freely, without prior authorization or notification: it is enough for two or more persons to draft its statute (specifying inter alia the name and object 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 of establishment: the association must not disturb public order, and the sharing of benefits among members is prohibited.

108. 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.¹³⁹ 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. Once the receipt has been issued, the prefect may bring the case to court only if he/she believes that the object of the association is illegal.¹⁴⁰

109. An association may be recognized as being in the public interest. This allows it to issue receipts for grants received from its donors, which can then receive tax reductions. If an association is in the public interest, it may subsequently be recognized as being of public utility 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, minimum annual resources of an estimated €46,000, financial disinterest). An association of public utility may receive donations and legacies in addition to gifts.¹⁴¹ In 2015, approximately 1900 associations were recognized as being of public utility.¹⁴²

110. 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.¹⁴³ However, there is no official list of French NGOs.¹⁴⁴

4. Media

111. According to the Médiamétrie study “Media in Life”, in 2014 the French had an average of 44.4 daily multimedia and media contacts per person, compared with 33.9 in 2005, or a 31-per-cent increase in 10 years.¹⁴⁵

112. *Press.* In 2012, there were over 4,700 print media with a certain degree of stability and a minimum circulation.¹⁴⁶ Nearly 4.9 billion copies were distributed in 2012.¹⁴⁷

113. The specialized mainstream media accounts for 52 per cent of all print media, 28 per cent of all circulation and 38 per cent of publishers' revenue. Specialized technical and industry publications comprise more than 30 per cent of press publications but only 3 per cent of circulation and 9 per cent of revenue. Conversely, local daily newspapers covering general-interest news and politics accounted for just over 1 per cent of all publications, but 36 per cent of circulation and one third of revenue.¹⁴⁸

114. In 2014–2015, 63 per cent of the population over 15 years of age (32.8 million people) read at least one daily newspaper or one magazine each day.¹⁴⁹ Of these, 18 million read regional newspapers, 8.2 million read national daily newspapers and 4.8 million read free publications.¹⁵⁰

115. The circulation of the paid press has been shrinking for several years: between 1995 and 2005, it lost 3 million readers, and 852 million fewer copies were sold.¹⁵¹ Circulation of the free press, by contrast, has increased: it rose 27 per cent between 2005 and 2006. As to magazine circulation, it has remained steady: in 2006, 97.2 per cent of the French read at least one magazine a month, a world record.¹⁵²

116. *Television.* At the end of 2014, 33 national television channels and 46 local channels (3 fewer than in 2013) were broadcasting digital terrestrial television (TNT) in metropolitan France. Of the other broadcasting networks, 208 national television channels (3 more than in 2013) and 87 local channels (19 less) were declared or authorized by the Supreme Audiovisual Council.¹⁵³

117. Almost all French households (95.7 per cent) had at least one television set in 2014. Slightly more than half of all households had more than one television set, although the rate for multimedia equipment has been declining over the past five years.¹⁵⁴

118. Also in 2014, the French watched television for an average three hours and 41 minutes per day, or five minutes less than in 2013 and nine minutes less than in 2012. TF1 remains by far the most-watched channel in France, with an audience share of 22.9 per cent in 2014.¹⁵⁵ That share has nevertheless fallen by almost 10 percentage points since the launch of 12 new free TNT channels in 2005. France 2 is the second most-watched channel, with a 14.1-per-cent audience share, while M6 is in third place, with 10.1 per cent. The audience share of terrestrial channels has been shrinking since 2005. The share of the new free TNT channels launched in 2005 (excluding local channels) continued to grow until 2012 (22 per cent), after which it stabilized in 2013 and then decreased in 2014 (21 per cent).¹⁵⁶

119. In 2012, the free national television channels broadcast more than 160,000 hours of programmes.¹⁵⁷

120. *Radio.* France is one of the best-endowed countries in the world in terms of FM radio stations. Both their great diversity (public/private, national/local) and their number reflect a balanced and careful regulation of the variety of available stations.

121. In 2014, 854 private operators used frequencies assigned by the Supreme Audiovisual Council (over 5,000 frequencies in all), including five national general-interest radio stations and 25 national specialized radio stations. Publicly run stations represent 4 per cent of private operators and use 51 per cent of the frequencies assigned to them. Stations run by associations account for 68 per cent of operators and 21 per cent of frequencies. The seven stations in the Radio France group share about 2,400 frequencies, of which one fourth are reserved for France Inter.¹⁵⁸

122. RTL was the number-one radio station in France in terms of audience share between September and October 2014 (11.6 per cent). It was followed by France Inter (9.2 per cent) and Europe 1 (7.5 per cent). General-interest radio stations garnered almost 41 per cent of audience share during this period, compared with 33 per cent for music stations and 15 per cent for local stations.¹⁵⁹

123. In September and October 2014, the French spent 2 hours and 50 minutes per day listening to the radio, a figure that has been relatively stable for the past 10 years.¹⁶⁰

124. *Internet.* In 2013, there were 41.2 million Internet users in France.¹⁶¹ In 2014, 82 per cent of the French over 12 years of age had a computer (up from 74 per cent in 2009), and a

similar proportion had Internet access, nearly all of them (98 per cent) via broadband, as opposed to just two out of three in 2009. Nearly one of every two French persons had a smartphone (46 per cent), and more than one in four (29 per cent) had a tablet.¹⁶²

125. According to an INSEE study, in 2012 three of every four people living in metropolitan France had used the Internet during the previous three months, compared with only 56 per cent in 2007. The digital divide is narrowing between the classes: almost all executives have been using the Internet since 2007, while four of every five workers did so in 2012 and one out of two workers five years earlier. The manner of its use differs according to age, with younger people remaining the best equipped, but that use has been spreading widely. Many online functionalities are gaining in use. Demand for online purchases and sales has also been rising in recent years.¹⁶³

126. These changes have been accompanied by the accelerated development of mobile Internet: in 2012, 40 per cent of those residing in France had already surfed on the Internet, outside their homes, using a laptop, a mobile phone or a handheld device, compared with 10 per cent five years earlier.

B. The institutional framework: the separation of powers

1. The executive

(a) The Head of State¹⁶⁴

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

128. To that end, the President is vested with various powers that can be either powers of the office or shared powers, in which case they require the intervention of another body.

(i) Powers of the office

129. The powers of the office are those which the President of the Republic exercises without the countersignature of the Prime Minister and, if applicable, the other ministers concerned.

Guarantee and arbitration powers

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

131. In judicial matters: The President of the Republic is responsible for the independence of the judiciary; he/she is assisted in this task by the Supreme Council of Justice (art. 64).

Emergency powers (art. 16)

132. For the President of the Republic 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 honouring of its international commitments, and the regular operation of constitutional government authorities must be interrupted. Should article 16 be applied, the President of the Republic takes such measures as are required by the circumstances in order to ensure that the authorities have the means to fulfil their mission.

Prerogatives concerning relations with other institutions

133. With the Government: The President of the Republic appoints the Prime Minister and terminates this appointment (art. 8); he/she convenes, approves the agenda and presides over the Council of Ministers (art. 9).

134. With Parliament: The President of the Republic communicates with Parliament by messages and may take the floor before Parliament meeting as a full assembly (art. 18). He/she may freely dissolve the National Assembly, although he/she must first consult the Presidents of the two chambers and the Prime Minister (art. 12).

(ii) *Shared powers*

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

Diplomatic and military prerogatives

136. Treaties are negotiated on behalf of the President of the Republic and it is he/she who ratifies them, with parliamentary authorization when necessary (art. 52). He/she accredits ambassadors (art. 14). The President is head of the Armed Forces (art. 15), but armed forces are at the disposal of the Government (art. 20), and any declaration of war must be approved by Parliament (art. 35). The President presides over 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

137. On the recommendation of the Prime Minister, the President of the Republic appoints and terminates the appointment of ministers (art. 8). He/she makes appointments to civil and military posts, sometimes following decisions of the Council of Ministers and sometimes following public consultations with the relevant standing committees of the two parliamentary assemblies (art. 13).

138. He/she signs ordinances as well as decrees deliberated by the Council of Ministers (art. 13).

Prerogatives concerning relations with Parliament

139. 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/she opens and closes all extraordinary sessions (art. 30). He/she may request further deliberation on legislation prior to its enactment (art. 10).

Prerogatives concerning relations with the judiciary

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

Prerogatives concerning relations with the people: referendums

141. 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 the members of Parliament (art. 89). In principle, Parliament adopts the draft amendment, which is then approved by the people in a referendum. However, the draft amendment may also be adopted definitively by the Parliament, meeting as a full assembly, by a majority of three fifths of the votes cast. The power of amendment is not unlimited: amendments which violate the integrity of the territory (art. 89 (4)), or which result in an alteration of the republican form of government (art. 89 (5)), are prohibited.

142. Legislative referendums: The President of the Republic may, on the recommendation of the Government or of the two chambers, submit to referendum any bill dealing with government structure; national economic, social or environmental policy

reforms; or the public services that administer it; or any bill authorizing the ratification of a treaty which, while not unconstitutional, would affect the functioning of institutions (art. 11).

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

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

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

(b) The Government

146. The Government, the second organ of executive power, 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.

147. The Government determines and conducts the nation's policy and to that end has at its disposal the administration and the power to use armed force (art. 20). The Prime Minister guides the action of the Government and, with the exception of those powers granted to the President of the Republic, is vested with regulatory power (art. 21). The power to table legislation rests concurrently with the Government and with members of Parliament (art. 39). The Government prepares and executes financial legislation. It proposes legislative referendums (art. 11) and declares a state of emergency (art. 36).

2. The legislature

148. Legislative power is vested in Parliament, which is composed of the National Assembly and the Senate. The division of jurisdiction between the legislature and the regulatory authorities is established in articles 34 and 37 of the Constitution. Parliament has, in particular, an exclusive mandate to enact legislation relating to civic rights, citizens' fundamental guarantees of public freedoms, the definition of serious crimes and other major offences and the penalties applicable. The sessions of Parliament are open to the public.

149. Parliament monitors the action of the Government and evaluates public policies (art. 24).

(a) The National Assembly

150. 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 districts defined within each department. However, on points of law the deputies represent the whole nation.

151. Deputies are elected by a uninominal majority vote in two rounds.¹⁶⁵

152. The 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 lose all force if the ratification bill is not laid before Parliament by the date fixed in the enabling Act.

153. The Assembly reviews and adopts the budget and financial legislation; it exerts control over the Government's actions by holding ministers to account; it has the power to authorize the ratification of certain treaties and to authorize the declaration of war. It takes part in the constitutional amendment process; most of these powers are wielded jointly by the Senate.

154. Some 155 women were elected in the legislative elections of June 2012. They now represent 27 per cent of deputies, the highest rate to date, as they accounted for 19.5 per cent in 2007, 13 per cent in 2002 and 9.5 per cent in 1997.¹⁶⁶

(b) The Senate

155. The 348 senators are elected for a six-year term by indirect universal suffrage, by 150,000 electors (deputies, senators, regional councillors, departmental councillors, councillors of the Assembly of Corsica, French Guiana and Martinique, municipal council delegates). The electors are the only ones for whom voting is compulsory, under penalty of a fine of 100 euros.

156. The Senate represents the territorial collectivities of the Republic, with the number of representatives varying in accordance with the population of each entity. The voting system varies according to the number of senators to elect in each district: uninominal or majority two-round plurinominal (election of one or two senators), or proportional list (election of three or more senators).

157. 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 decide. The Senate plays a role in Parliament's monitoring of the Government's actions, but it may not follow up on its observations by challenging the authority of the Government.

3. Institutional balance

158. Institutional balance is ensured by the Constitution of 4 October 1958, through a flexible separation of the executive and the legislature.

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

160. Two traditional procedures ensure that the Government's authority can be challenged: 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 and on a policy statement; failure to obtain a majority then means that the Government must resign. On one occasion during each session of Parliament, it 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.

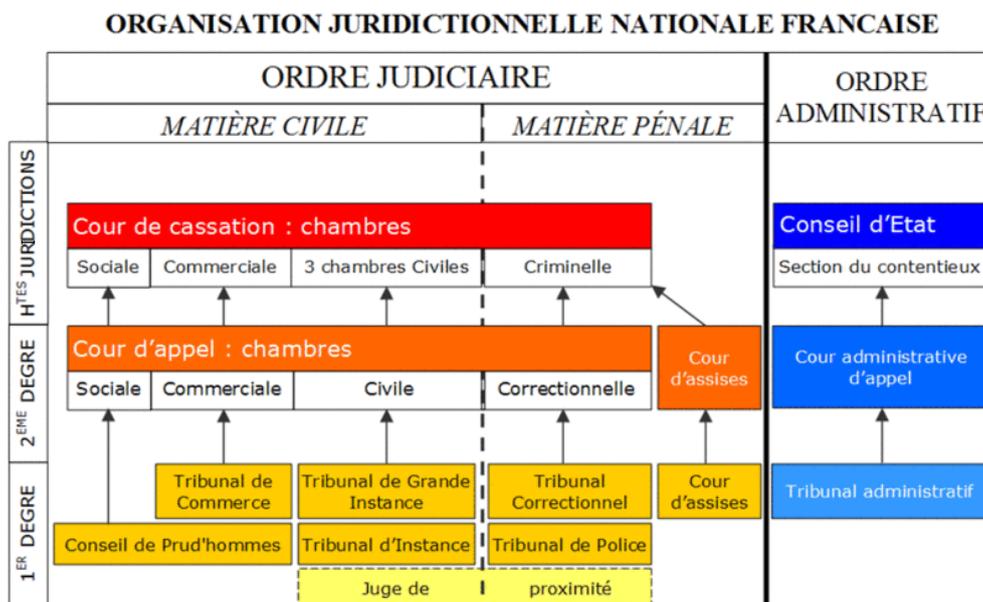
161. The President's authority may also be challenged. If he/she fails to perform his/her duties, and does so in a manner that is patently incompatible with the exercise of the presidential mandate, he/she may be removed from office by Parliament sitting as the High Court (art. 68).

162. 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/she may exercise without a countersignature. If the Assembly is dissolved, general elections are held no less than 20 or more than 40 days later. The new Assembly may not be dissolved during the following year.

C. Jurisdictional bodies

1. Organization of the French courts

163. 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. Within each of these types there is a higher court and a Court of Cassation.

(a) **Hierarchy of courts in France**¹⁶⁷

164. It should be noted that the administrative courts presented above are in addition to the specialized administrative courts: the regional courts of auditors, the Court of Audit, the Disciplinary Offences (Budget and Finance) Court, the courts of professional associations, the National Court on the Right of Asylum, the departmental welfare commissions, the disciplinary sections of professional associations, etc.^{168, 169}

(b) **The ordinary courts**(i) *Jurisdiction of the ordinary courts*

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

166. 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, disputes between social security agencies and their beneficiaries, and disputes between farm owners and farmers are examined by specialized courts. The judges of these courts are composed in part of lay judges, who are not professional judges. These courts are composed of lay judges, either entirely (labour court, commercial court) or in part (social security tribunal, joint agricultural tenancy tribunal). Criminal courts try persons accused of criminal offences (infractions, misdemeanours or serious crimes) and can impose penalties that vary in accordance with the gravity of the offence, ranging from fines to life imprisonment without parole.

167. Because of the right to review by a higher court, judicable parties may contest a decision handed down by an ordinary court before a different ordinary court. This new court is a court of appeal, except in cases where the court of first instance was a court of assizes, which cases are tried a second time in a new court of assizes. The court of appeal conducts de facto and de jure reviews of the case. 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.

Civil courts of first instance

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

169. The non-specialized civil courts include the following:¹⁷⁰

- Local courts, which are competent to handle disputes where the value of the claim is less than €4,000;
- District courts, which are competent to handle disputes where the value of the claim is between €4,000 and €10,000, and disputes over consumer credit, disputes between tenants and owners, professional election-related disputes and those associated with the exercise of servitudes;
- Courts of major jurisdiction, which are general courts competent to handle disputes where the value of the claim is greater than €10,000 and disputes which are not reserved by law for a specialized court. Courts of major jurisdiction also have exclusive competence for certain disputes, regardless of the amount of the claim, in cases involving family matters, personal status, real estate law, patents and possessory actions.

170. The courts with special jurisdiction comprise:

- Commercial courts: specialist, professional bodies composed of judges elected in a two-part ballot;
- Labour courts: elected, joint bodies which seek solutions through conciliation to disputes arising from any labour contract between employers or their representatives and the wage-earners they employ. They hand down decisions on disputes in which efforts at conciliation prove unsuccessful;
- Social Security tribunals: these rule on disputes arising from the application of social security legislation and regulations that do not inherently derive from other matters at litigation;
- Joint agricultural tenancy tribunals: they are competent to handle disputes between lessors and agricultural leaseholders concerning the application of titles 1 and 4 of the Rural Code.

Criminal courts of first instance

171. The investigating magistrate is a judge from the court of major jurisdiction who is responsible for gathering the necessary information on the facts before him/her. If, following the 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/her for trial. The investigation may be mandatory, optional or non-existent depending on the gravity of the offence. The liberty and custody judge is a senior magistrate who participates in the investigation to decide on the detention or release of the accused, if he/she is detained preventively.

172. The local court is competent to try infractions of the first four categories, while the police court, a special type of district court with a single judge, is competent to try more serious infractions. The criminal court, a special type of court of major jurisdiction, is competent to try misdemeanours, and the Court of Assizes, to try felonies.

173. The Court of Assizes is a non-standing court located either at the seat of the court of appeal or at the seat of the court of major jurisdiction of the administrative seat of the department. It is competent to try crimes committed by adults and minors aged 16–18 years, but its composition and sentencing are subject to different rules (see below). In first instance, the Court of Assizes is made up of three professional judges and six jurors chosen by lot. Crimes of terrorism, military crimes and drug trafficking crimes are tried by a special court of assizes. Jurors are replaced in such courts by professional judges.

174. Courts with special jurisdiction are responsible for trying minors:

- The juvenile court, composed of a juvenile court judge and two other judges, chosen from among individuals aged 30 years and older who are recognized for their competence in relation to children's issues. It is competent to try the more serious infractions, misdemeanours committed by anyone under 18 years of age, and crimes committed by persons who were under 16 years of age at the time of the events in question.

- The juvenile court judge, whose competence is the same as that of the juvenile court except that he/she may not impose penalties.
- The assize court for juveniles, composed of three judges: the president of the Court of Assizes and two other judges, who are generally juvenile court judges. It has jurisdiction over crimes committed by persons who were aged 16–18 years at the time of the events in question.

Military courts

175. In civil matters, the army tribunals dispense military justice to troops stationed outside France.

176. In criminal matters and in peacetime, specially constituted criminal courts and courts of assize are competent within the jurisdiction of each court of appeal to try military crimes and misdemeanours or those committed by military personnel (Code of Military Justice), as well as crimes against the security of the State (Code of Criminal Procedure).

177. In wartime, *tribunaux territoriaux des forces armées* (which exercise military justice within French territory) and *tribunaux militaires aux armées* (which exercise military justice outside of French territory) may be established.

Courts of appeal and their composition, the courts of second instance

178. The courts of appeal are the only courts that can hear appeals against decisions handed down subject to appeal by any civil or criminal court of first instance, whether of general or special jurisdiction, within their districts.

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

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

181. Since 1 January 2001, it has been possible to contest the decisions handed down by a court of assizes.¹⁷¹ Appeals are lodged before another court of assizes, this time made up of nine jurors; this court re-examines the case as to the facts and the law.

The Court of Cassation, the highest court

182. The Court of Cassation, the highest court in the judicial hierarchy, ensures the precise and uniform application of the law by means of its review on points of law of decisions handed down in courts of last resort.

(ii) *The principle of the independence of the judiciary (Title VIII of the Constitution)*

183. The independence of the judiciary, a constitutional principle, is guaranteed under the Constitution (art. 64). The independence of the judiciary derives largely from the status of judges, particularly sitting judges.

184. Sitting judges are irremovable; their irremovability is guaranteed under article 64 of the Constitution, as iterated in article 4 of the Judicial Service (Organization Act) Ordinance No. 58-1270 of 22 December 1958 (amended). They may not be assigned to a new post, even in the case of a promotion, without their agreement. They may also not accept instructions from others, arriving at their decisions freely within the limits set by law. In most cases, the judicable party is entitled to appeal against their decisions.

185. Article 5 of the ordinance of 22 December 1958 concerns public prosecutors. They are not judges. Part of the public prosecutor's office, they instigate criminal proceedings and enforce the law. On criminal matters they intervene to represent the public interest, and on civil matters to 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 hierarchical superiors (the government procurator for the courts of major jurisdiction, the procurator general for the 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, and in hearings they enjoy unconstrained freedom of speech.¹⁷²

(iii) *Supreme Council of Justice*

186. Established by the Constitution, the Supreme Council of Justice is involved in the appointment of judges by submitting a proposal to the President of the Republic (for judges on the Court of Cassation, the first President of the court of appeal or the President of the court of major jurisdiction), or by issuing a certified opinion (in the case of other judges) or an opinion (in the case of public prosecutors other than procurators general).

187. Authority to initiate disciplinary proceedings is vested in the Minister of Justice alone. Under the French Constitution of 4 October 1958 as amended by the Constitutional Act No. 93-952 of 27 July 1993 amending the Constitution and by the Judicial Service (Amendment of Status) Organization Act of 5 February 1994, 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 faces disciplinary action. The (adversarial) proceedings are conducted behind closed doors. 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 hands down 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**

188. The administrative courts, the administrative courts of appeal and the Council of State hear disputes between private persons and public authorities (Government, territorial collectivities, independent authorities or public institutions). Checks on administrative action safeguard the principle of legality, which is a basic pillar of administrative law and the condition sine qua non of the rule of law. The principle of separating 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 jurisdiction follows from the *summa divisio* of French law (public law and private law) and corresponds to the French conception of the separation of powers.

189. 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 delegated justice: the decisions of the Council of State were not enforceable as long as they had not been signed by the Head of State. The Act of 24 May 1872 gave final form to the system of so-called delegated justice: the decisions of the Council of State are henceforth enforceable from the moment of their reading, and the Head of State no longer has to sign them.¹⁷³ Since then, administrative courts have rendered their judgements “in the name of the French people”. The Constitutional Council has, moreover, incorporated the principles of the independence of administrative law (Decision No. 80-119 DC of 22 July 1980, para. 6) and of the sole competence of administrative law to set aside acts of the authorities (Decision No. 86-224 DC of 23 January 1987, para. 15) into the “constitutional bloc”, recognizing them as fundamental principles under the laws of the Republic. In addition to that basic reform, legislative, regulatory and jurisprudential developments since 1872 have followed the trend of strengthening the independence and quality of administrative justice (recruitment, status of the members of the administrative courts, organization and composition of litigation units, etc.). This independence is not challenged by the exercise of administrative functions by the Council of State acting as a council of the executive, since the members of the Council of State who have participated in the deliberations on an opinion (administrative function) may not participate in ruling on appeals against actions taken on the basis of such an opinion (judicial function).¹⁷⁴

190. The organization of the administrative courts has changed significantly since 1889. The original jurisdiction of ordinary law has been transferred since 1953 from the Council of State to the administrative courts, and since 1987 the appellate jurisdiction of ordinary law has been transferred from the Council of State to the administrative courts of appeal. Since then the Council of State has functioned mainly as a Court of Cassation. It rules on the legal correctness of decisions handed down by the administrative courts of appeal and the specialized administrative courts, and on decisions of the administrative courts in certain simple or repetitive disputes established by decree (disputes relating to driving permits, pensions, appraisal or evaluation of staff, etc.).¹⁷⁵ It has original and final jurisdiction in certain matters defined by law (e.g. applications to quash decrees, regulatory acts adopted by ministers, disputes relating to regional and European elections).¹⁷⁶ Similarly, its appellate jurisdiction is limited to litigation relating to municipal and cantonal elections and to the review of preliminary rulings on the legality or interpretation of acts falling under the jurisdiction of administrative courts of first instance.¹⁷⁷

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

- The Supreme Council of Justice and the disciplinary sections of professional societies rule on disciplinary measures against the conduct of members of certain professions (architects, auditors, doctors, dentists, pharmacists, midwives, veterinaries, etc.);
- Departmental commissions and the central social welfare commission, as well as the departmental courts and regional military disability pension courts, rule on social matters;
- The National Court on the Right of Asylum rules on decisions on international protection taken by the French Office for the Protection of Refugees and Stateless Persons;
- The regional chambers of accounts and the Court of Audit, as well as the sanctions commission of the Financial Markets Regulator, are financial courts.¹⁷⁸

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

2. The special courts

193. Some courts are neither judiciary nor administrative.

(a) The Jurisdiction Disputes Court

194. The Jurisdiction Disputes Court was established under the Constitution of 1848. It is now governed by the Act of 24 May 1872, which was substantially modified 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: its ordinary composition is four members of the Council of State, four members of the Court of Cassation and two alternates (one member of the Council of State and one member of the Court of Cassation). If a vote is tied, and after further deliberation, the case is considered by the extended court. In this case, two members of the Council of State and two members of the Court of Cassation are added to the ordinary composition. In addition, two members of the Council of State appointed as public rapporteurs, and two public prosecutors from the Court of Cassation, serve as public rapporteurs of the Jurisdiction Disputes Court.¹⁷⁹

195. The Jurisdiction Disputes Court ensures respect for the principle of separating the administration from the judiciary. Its mandate is to resolve jurisdiction disputes between the ordinary courts and the administrative courts:

- When no type of court is recognized as competent to rule on a matter;
- When the administration, in the person of the State representative within the department, challenges the competence of an ordinary court to try a case that is before that court;

- When a question of jurisdiction raised in connection with a dispute has been referred to it by either an ordinary or an administrative court;
- When both types of court have ruled and handed down contradictory decisions resulting in a denial of justice.¹⁸⁰

196. The Court may have cases referred to it, as appropriate, by the parties to the proceedings, a State representative within the department, the Council of State, the Court of Cassation, or the court that rules after the other type of court has considered itself not competent, or any court seized with a dispute that raises a serious problem involving the separation of the types of court.

197. The Jurisdiction Disputes Court is competent to consider claims for compensation for damage arising from the excessive length of procedures relating to a single dispute that is before both types of court because of the jurisdictional rules applicable.¹⁸¹

(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 (arts. 68-1 to 68-3 of the Constitution)

198. Governed by Organization 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 crimes under the law in force.

199. The Court of Justice of the Republic comprises 15 judges: 3 senior judges from the Court of Cassation, 1 of whom serves as its president, plus 12 members who are elected in equal number by the National Assembly and the Senate from among their members after each full or partial parliamentary election. The procurator general of the Court of Cassation serves as the State prosecutor. He/she is assisted by the senior advocate-general and two advocates-general designated by the procurator-general.

200. Anyone who claims to have been harmed by a crime committed by members of the Government in the performance of their functions may lodge a complaint with an appeals permission board. This board orders either the dismissal of the proceedings or their transmittal to the procurator-general of the Court of Cassation for referral to the Court of Justice of the Republic. The procurator-general of the Court of Cassation may also intervene on his/her own initiative subject to the approval of the appeals permission board (art. 68-2).

(ii) The High Court (Title IX, arts. 67–68 of the Constitution)

The accountability of the President of the Republic

201. Throughout his/her term of office, the President of the Republic may not be prosecuted for acts unrelated to his/her duties and conducted before or during his/her term of office; the President may be so prosecuted as of the month following the cessation of his/her functions (art. 67). The term “temporary inviolability” has been used with respect to the President of the Republic. However, whether during or after the term of office, the President may not be prosecuted for acts performed in an official capacity. The term “functional immunity” has been used with respect to the President of the Republic.

202. This functional protection could cease in two situations:

- He/she may be prosecuted before the International Criminal Court for crimes against humanity, the crime of genocide, war crimes and crimes of aggression;
- He/she may be prosecuted before ordinary courts if the High Court orders his/her removal from office for “a breach of his/her duties that is manifestly incompatible with the exercise of his/her mandate”.¹⁸²

Role and functioning of the High Court

203. Established under 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 his/her duties that is manifestly incompatible with the exercise of his/her mandate”.

204. Proposals to convene the High Court must be adopted by a two-thirds majority of the members of each chamber of Parliament. Presided by the President of the National Assembly, the High Court decides on removal within one month, by secret ballot of a two-thirds majority.¹⁸³

3. The Constitutional Council, the constitutional court (Title VII, art. 56, of the Constitution)

(a) The composition of the Constitutional Council

205. In addition to the powers vested in it 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 members: appointed members, and lifetime members. The appointed members, of whom there are nine, are appointed for a non-renewable nine-year term. Their numbers are renewed by thirds 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 by law lifetime members of the Council.

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

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

(i) Reference norms for review

207. 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 — the Declaration of the Rights of Man and of Citizens of 1789, the preamble to the Constitution of 1946 and the 2004 Charter for the Environment — and the norms underlying the Council’s jurisprudence — the fundamental principles recognized by the laws of the Republic and the constitutional principles.

(ii) Preventive or a priori review

208. *Determination of the regulation of jurisdictions:* as noted above, the scope of the law is limited to the matters set out in article 34 of the Constitution; all other matters are matters for regulation, in accordance with article 37.¹⁸⁴ During the legislative process, if the 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 before which the bill or amendment is being discussed may challenge the admissibility of the text. In the event of a disagreement between the Government and the President of the chamber concerned, the Constitutional Council is seized of the matter at the request of one or the other (art. 41). In addition, the Constitutional Council is seized by the Government when the latter wishes to modify by decree legislative provision that has been passed since the entry into force of the 1958 Constitution (art. 37.2). In both cases, the Council determines, by reference to the Constitution, the legislative or regulatory classification of the matter covered by the text.

209. *Determination of the constitutionality of norms:* The Council is competent to rule on the conformity of a subconstitutional law. It must be seized of the matter 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 organization acts (art. 61.1). It may be seized prior to the

enactment of ordinary legislation (art. 61.2) and of national legislation adopted by the Congress of New Caledonia, and prior to the ratification or approval of international commitments (art. 54).¹⁸⁵ Exceptionally, when it is seized directly, 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”.¹⁸⁶

210. 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 Speaker of the National Assembly and the Speaker of the Senate, 60 deputies or 60 senators may refer legislation to the Council prior to promulgation. Although such referrals are optional, most laws of any importance are reviewed by the Council.

211. In principle, if a norm is deemed unconstitutional it is denied legal existence and may not enter into force. However, in the case of an international undertaking which contains a clause that is unconstitutional, authorization to ratify or approve that undertaking may be given only after amending the Constitution. 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).

(iii) *A posteriori review: the priority question of constitutionality*

212. Following the constitutional reform of 23 July 2008, if an individual alleges a violation of the rights and freedoms guaranteed under the Constitution by a legislative provision in connection with proceedings before a court, the Constitutional Council may be seized by the Court of Cassation or the Council of State through a referral (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.¹⁸⁷

213. 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 Council are not subject to appeal and are binding on the Government and on all administrative and judicial authorities (art. 62).

III. Acceptance of international human rights norms

214. The Government annexes to the common core document the reservations made to the Conventions and the accompanying explanations.

A. Acceptance of the main international human rights norms¹⁸⁸

<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, 22 Reservations: arts. 4 (1), 9, 14 and 27
First Optional Protocol to the Covenant (1966)	-	17 February 1984	Interpretative declarations: arts. 1 and 7 Reservations: art. 5 (2) (a)

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
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 Declaration: 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: Preambular para. 9 Interpretative declaration: arts. 9 and 5 Reservation: art. 29 (1)
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, concerning individual complaints and inquiry procedures, 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

<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 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

215. 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.

216. On the one hand, some of the provisions of the Convention raise a number of principles that are not in conformity with domestic legislation.

217. 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”.

218. 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 shall take all appropriate measures to ensure that migrant workers are not deprived of any rights relating to national treatment regarding work, employment and remuneration, because of any irregularity in their stay and employment, which would have the effect of removing any incentive to regularize their stay. Moreover, the application of the principle of equal treatment of nationals is still limited to nationals of European Union member States and nationals of third countries who are long-term residents (see below).

219. 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.

220. Furthermore, as the Convention falls within the jurisdiction of the European Union, 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.

221. 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 in so far as the fundamental rights of such persons are guaranteed under the European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments to which France is a party, such as the European Convention of the Legal Status of Migrant Workers of 1983 and the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97).

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

B. Acceptance of other international human rights norms

1. Acceptance of other United Nations instruments¹⁸⁹

<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
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 about the absence of 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

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
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
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

223. France has neither signed nor ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, adopted in New York on 26 November 1968 and ratified on 11 November 1970.

224. 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.

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

226. War crimes are criminalized under articles 461-1 ff. of the Criminal Code,¹ and have been since the Act of 9 August 2010 on adapting domestic criminal law to take into account the creation of the International Criminal Court.² Although there is no statutory limitation on such crimes, the limitation period for criminal proceedings and the enforcement of the sentence have been extended by the Act. The statute of limitations on war crimes is no longer 10 years, but 30 years, while that of war crimes has increased from 3 years to 10 years.

¹ <https://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000022686501&idSection=TA&idTexte=LEGISCTA000022686507&cidTexte=LEGITEXT000006070719&dateTexte=20160421>.

² Act No. 2010-930.

2. Acceptance of ILO Conventions¹⁹⁰

<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
Migration for Employment Convention (revised) (No. 97), 1949	29 March 1954	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	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	Accepted in respect of 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	-

<i>International instrument</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Remarks</i>
Workers with Family Responsibilities Convention, 1981 (No. 156)	16 March 1989	No
Indigenous and Tribal Peoples Convention, 1989 (No. 169)	No	Explanation about the absence of signature and ratification, contained in the annex to the common core document
Worst Forms of Child Labour Convention, 1999 (No. 182)	11 September 2001	No
Maternity Protection Convention, 2000 (No. 183)	No	

3. Acceptance of the Conventions of The Hague Conference on Private International Law¹⁹¹

<i>International instrument</i>	<i>Ratification/accession 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
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

<i>International instrument</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
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 Co-operation in respect of Intercountry Adoption, 1993	30 June 1998	Declarations: art. 22 (4), 23 (2), 25, 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 Declaration: 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 the accession by the European Union)	Declaration: France is bound by the Convention as a result of the approval of the European Union Declaration of the European Union: arts. 59 (3), 2 (3), 11 (1) g Reservation of the European Union: 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 future possibility of extending the entire Convention to cover all obligations arising from family relationships, direct descent, marriage or alliance
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: art. 24

4. Acceptance of the Geneva Conventions and other treaties on international humanitarian law¹⁹²

<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

<i>International instrument</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
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-implementation of art. 30
Optional protocol on the involvement of children in armed conflict, 2000	5 February 2003	Statement on the voluntary recruitment of persons under the age of 17 with the consent of legal guardians
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 instruments¹⁹³

227. Within the Council of Europe, France has ratified 135 agreements, many of them related to human rights.¹⁹⁴

<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
European 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)

<i>International instrument</i>	<i>Signature</i>	<i>Ratification/accession and acceptance of amendments and optional procedures</i>	<i>Interpretative declarations and reservations</i>
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	3 May 2002	10 October 2007	No
Revised European Social Charter of 1996 and Additional Protocol to the European Charter providing for a System of Collective Complaints of 1988	3 May 1996 and 22 June 1989	7 May 1999	No
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 Lisbon Treaty	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: arts. 31 (1) (d and e)

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

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

1. Guaranteed rights

(a) The rights guaranteed by the constitutional bloc

228. 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 value. 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)).

229. Through its jurisprudence, the Constitutional Council has also affirmed the constitutional value 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 judicable parties: 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

230. 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

231. France has ratified the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

232. Crimes against humanity (art. 211-1 ff. of the Criminal Code), advocating such crimes (art. 24 of the Act of 29 July 1881 on freedom of the press) and denying their existence (art. 24 bis of the Act of 29 July 1881 on freedom of the press) are punished 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 such crimes, and the sentences handed down, are not subject to a statute of limitations (art. 213-5 of the Criminal Code).

233. The Paris court of major jurisdiction established in January 2012 a specialized unit to combat crimes against humanity and war crimes.¹⁹⁵ The unit is currently conducting 33 investigations, 27 of which concern the genocide in Rwanda of 1994. Furthermore, on 7 November 2013, a central office for combating crimes against humanity, genocide and war crimes was established in the criminal investigation service.¹⁹⁶ The office is competent to combat such acts but also to search for individuals suspected of committing them, as long as they are likely to be in French territory or French courts have jurisdiction over them.

(ii) Right to life

234. 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 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.

235. The death penalty was abolished under Act No. 81-908 of 9 October 1981. This abolition was granted constitutional status under 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*

236. France has ratified the United Nations 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.

237. As required by that Convention, 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.

238. Acts of torture and barbarity are punishable by 15 years' imprisonment, with a possible increase in aggravating circumstances. The commission of other crimes before, during or after such acts increases the sentence to life imprisonment (art. 221-1 ff. of the Criminal Code). Under French legislation, the use of torture by criminals in carrying out their crimes is punishable by life imprisonment (art. 222-2 of the Criminal Code), as are torture and rape together (art. 222-26 of the Criminal Code) and murder (art. 221-2 of the Criminal Code). Aggravating circumstances include the commission of such offences by a person vested with public authority or responsible for providing a public service (art. 222-3 7, 222-8 7, 222-10 7, 222-12 7 and 222-13 7 of the Criminal Code).

239. **Combating violence against women** is a matter of priority for the Government.

240. An act on violence specifically against women, spousal violence and the impact of such violence on children was adopted on 9 July 2010.³ It ensures better protection of victims, strengthens prevention and provides for heavier penalties for perpetrators. Pursuant to the Act, an order for the protection of a victim of violence may be issued, which authorizes the immediate eviction of a violent spouse and, in certain cases, imposes the use of an electronic bracelet. In addition, the Act calls for the issuance or renewal of a residence permit to women who have come to France for purposes of family reunification and concerning whom a protection order has been issued, even if they have left their spouse because of violence. It also arranges for the issuance of a temporary residence permit to foreigners in an irregular situation concerning whom a protection order has been issued.

241. In January 2013, an interministerial task force to protect women against violence and to combat human trafficking was tasked with serving as a national observatory on violence against women. As such, it is responsible for the collection, analysis and dissemination of information and data on this topic with a view to preventing such violence and providing victims with protection and assistance.⁴

242. The Act of 6 August 2012⁵ introduced a new, more specific and broader definition of sexual harassment into the Criminal Code, the Labour Code and the civil service statutes, together with more severe sanctions, in conformity with European law.

243. **Combating violence against children:** The protection of children against domestic violence is taken into account by the authorities. A plan to combat violence has been developed, pursuant to which recommendations are made to the authorities and the professionals concerned on ensuring that greater attention is given to the phenomenon of children exposed to domestic violence.

244. The fourth plan to combat violence against women (2014–2016) has continued this approach and was based on a smaller number of priorities than the previous one. The

³ Act No. 2010-769 of 9 July 2010 on violence specifically against women, spousal violence and the impact of such violence on children.

⁴ Website: stop-violences-femmes. <http://stop-violences-femmes.gouv.fr/-La-mission-interministerielle-de,91-.html>.

⁵ Act No. 2012-954 of 6 August 2012 on sexual harassment.

Government has committed itself to these priorities and will be held accountable for them, particularly to Parliament.⁶ The plan's objectives are to:

- Organize public action around a simple principle, namely, that no reported violence must remain without response;
- Protect victims;
- Mobilize society as a whole.

(iv) *The right to be free from slavery*

245. France has ratified the Slavery Convention and the Protocol amending the Slavery Convention of 1953.

246. In addition to being punishable by 20 years' imprisonment, the act of reducing a person to slavery is considered a crime against humanity under French law. Sexual exploitation of an enslaved person is also punishable by 20 years' imprisonment. The commission of other crimes extends the duration of imprisonment to 30 years. Aggravating circumstances may extend that duration to life imprisonment (art. 224-1 A ff. of the Criminal Code).

247. The Committee for the Remembrance and History of Slavery was created pursuant to the Act of 21 May 2001.⁷ Its purpose is to advise and make recommendations to the Government on questions concerning research and education on, and the conservation, dissemination and transmission of, the history and memory of the slave trade, slavery and their abolition. Questions may be referred to it by the Prime Minister or the ministers concerned, and it may examine questions on its own initiative.

(v) *The right not to be discriminated against*

General provisions

248. France has ratified the Convention on the Elimination of All Forms of Racial Discrimination as well as the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union, articles 14 and 21 of which respectively prohibit any kind of discrimination.

249. Act No. 72-546 of 1 July 1972, on action to prevent racism, punishes incitement to discrimination; defamation of an individual based on his/her origin, or his/her membership or lack thereof in 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, as punishment or termination, in the workplace, in signing up for the social security scheme, and during voter registration. Act No. 2003-88 of 3 February 2003 established harsher penalties for racist, anti-Semitic and xenophobic offences. These provisions have been introduced into the Criminal Code.

250. Article 225-1 of the Criminal Code punishes discriminatory conduct towards physical 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, family name, state of health, disability, genetic characteristics, morals, sexual orientation or gender identity, age, political opinion, trade union membership, or membership or non-membership, actual or supposed, of a particular ethnic group, nation, race or religion.

251. Combating discrimination in employment and ensuring equal access to employment for everyone, regardless of national origin, race, ethnic background or religion, continues to

⁶ <http://www.familles-enfance-droitsdesfemmes.gouv.fr/dossiers/lutte-contre-les-violences/les-plans-de-lutte-contre-les-violences-faites-aux-femmes/>.

⁷ Art. 4 of Act No. 2001-434 of 21 May 2001 on the recognition of the slave trade and slavery as a crime against humanity.

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 his/her normal pursuit of an economic activity;
- Refusing to hire, discipline or fire 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.

252. Discriminatory defamation and insults, discriminatory statements and incitement to discrimination are punishable, even if committed in private settings, publicly or through the press (art. 225-18, R. 624-3 ff. and R. 625-7 of the Criminal Code and the Act of 29 July 1881 on freedom of the press). In addition, the commission of a crime or an offence on a ground that was discriminatory is an aggravating circumstance leading to an increase in the penalty (art. 132-77 of the Criminal Code).

253. 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 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 sense of article 225-1 of the Criminal Code by denying a legally conferred right or hindering the normal pursuit of any economic activity.

254. Combating racial discrimination, xenophobia and anti-Semitism is a matter of priority for government action. An interministerial mechanism within the Interministerial Committee to Combat Racism and Anti-Semitism produces an annual progress report which it submits to the Prime Minister.⁸ France adopted a national plan of action to combat racism and anti-Semitism in February 2012 and appointed an interministerial deputy responsible for combating racism and anti-Semitism; this plan is in response to the recommendations of the Committee on the Elimination of Racial Discrimination of August 2010. A new plan was developed for the period 2015–2017. The National Consultative Commission on Human Rights also produces an annual report on action taken to combat racism, anti-Semitism and xenophobia, which it submits to the Prime Minister.

Associations and discrimination

255. 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 also liable to dissolution.

256. 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 discrimination based on sex, morals, sexual orientation or gender identity (art. 2-6), racial, ethnic, racial or religious hatred (art. 2-1), crimes against humanity (art. 2-4), etc., may bring criminal proceedings for indemnification in respect of various offences committed on racist grounds.

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

⁸ <http://www.gouvernement.fr/dilcra>.

Combating discrimination against women, and affirmative action

258. 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 has constitutional value, 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”.

259. A symbol of the increased commitment of France to the fight for equality between men and women, the Ministry of Women’s Rights was established in 2012 (and has been part of the Ministry of Families, Children and Women’s Rights since 11 February 2016). The Ministry prepares and carries out government policy on women’s rights, parity and gender equality in the workplace. It is responsible for promoting measures to enforce women’s rights in society, to eliminate all forms of discrimination against them and to increase the 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 harassment. On 30 November 2012, a meeting was held of the Interministerial Committee on Women’s Rights. It drew up an action plan for 2013–2017, placing women’s rights at the centre of all public policies.

260. **Equal access to education:** Gender equality is also being promoted in national education policy. The principle of co-education is an integral part of the Education Code.

261. The Ministry of National Education has signed agreements with several associations in order to encourage young girls to embark on scientific careers. In addition, a ministerial brochure entitled “Girls and boys on the road to equality from school to higher education” was published on International Women’s Day, 8 March 2012. The 2016 edition of this brochure is also available.⁹

262. **Equal access to employment:** The Act of 11 July 1975, supplemented by the Act of 25 July 1985, incorporates into the Criminal Code provisions outlawing discrimination against women committed by a State official as an individual.

263. The Act of 13 July 1983 on the rights and obligations of civil servants provides that no distinction may be made between civil servants on the basis of their political, trade union, philosophical or religious opinions, sex or ethnic origin.¹⁰ In respect of the private sector, the Act of 13 July 1983 is devoted in full to the matter of professional equality.

264. The Act of 1 July 1989 expressly authorizes a number of types of positive discrimination in favour of working women that had formerly been accepted in collective labour agreements; they have to do with such matters as extended maternity leave and work breaks for certain female typing and receptionist-type occupations.

265. The Act on access to employment and non-discrimination in the civil service has led to the adoption of several measures aimed at promoting the role of women.¹¹ The Act refers to the framework of balanced gender representation at management level in the civil service. It is accompanied by a gradual implementation of the appointment target of 40 per cent, together with financial sanctions to ensure compliance.

266. In view of the persistent inequality of wages between women and men, as from 1 January 2012 a fine was introduced for businesses with at least 50 employees which do not have a collective agreement or plan of action for gender equality in the workplace.

⁹ Fille et garçon, sur le chemin de l’égalité de l’école à l’enseignement supérieur, 2016. http://cache.media.education.gouv.fr/file/2016/40/1/FetG_2016_542401.pdf.

¹⁰ Act No. 83-634.

¹¹ 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, including a number of other provisions concerning the civil service.

267. On 5 December 2012, the Minister of Women's Rights submitted to the Council of Ministers a communication relating to the action plan for equality between women and men in public administrations. This is reflected in a number of concrete measures:

- At interministerial level, improvement of career development and work-life balance;
- Training of teachers and teaching staff with regard to equality between men and women;
- Retraining of professionals involved with the protection of women victims of violence;
- Follow-up to the promotion of women in leadership and senior management at the State level.

268. Act No. 2014-873 of 4 August 2014 on real equality between women and men has five priorities:

- New ways of achieving equality in the workplace and better work-life balance;
- Government safeguard measures against failure to pay maintenance;
- Combating violence against women;
- Eliminating gender stereotypes;
- Extending gender parity.

269. The Act also poses new challenges:

- The role of fathers in their children's upbringing;
- Creating time for personal life;
- The role and image of women in the media and culture.

270. More recently, the Act of 17 August 2015 on social dialogue and employment aims to promote and facilitate more effective negotiations on equality in the workplace.

271. **Equal access to representative functions:** 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".

272. For the first time in the history of the French Republic, the Government in power from May to July 2012 had an equal number of women and men. The Government that was formed following the Cabinet shuffle of February 2016 respects strict parity for all ministers and secretaries of State.

273. Furthermore, legislation has been adopted to ensure a balanced representation of women and men on boards of directors and supervisory boards as well as equality in the workplace. The aim is to achieve a gradual increase in the number of women in leadership positions in publicly traded companies and State enterprises through the introduction of quotas.

2. Emergency powers

274. 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

275. 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 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 ask for any additional information in the context of the monitoring and evaluation of such measures. That Act also specifies that administrative measures taken under a state of emergency are monitored by the administrative courts. Act No. 2016-987 of 21 July 2016 amended some of the measures provided for by the Act of 3 April 1955 to adapt them to new factual and legal developments. A state of emergency has been declared on six occasions since 1955, most recently in November 2015 following the terrorist attacks that struck the Paris region on 13 November 2015.

(b) State of siege

276. 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 armed insurrection. By virtue of article 36 of the Constitution, such a decision must be taken by the Cabinet and may be extended beyond 12 days only when authorized by Parliament. The imposition of a state of siege chiefly entails the transfer of police powers and powers relating to the maintenance of law and order to the military authority. An exceptional jurisdiction for certain offences of a sufficient degree of seriousness is also granted to military tribunals (art. L2121-3 of the Defence Code).¹⁹⁷ No state of siege has been declared under the Fifth Republic.

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

277. This text provides that “where the institutions of the Republic, the independence of the nation, the integrity of its territory or the honouring 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 such measures as are required by the circumstances, after official consultation with the Prime Minister and the Presidents of the Houses of Parliament and the Constitutional Council. He/she 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 is consulted on the 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 seized by the President of the National Assembly, the President of the Senate, 60 senators or 60 deputies, for the purpose of examining whether the conditions set forth in the first paragraph are still being met. The Council takes its decision by public announcement as soon as possible. It proceeds automatically with its examination and takes a decision in the same manner after 60 days of emergency powers or at any time thereafter.”

278. 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 subject as such to review by the administrative courts in the event of an application to have them set aside.

279. 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 formulation of the conditions under which a State may take measures derogating from its obligations under the Covenant is much broader than the provisions of article 16 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 under article 16 of the Constitution as permitting application of that article, by means of the Act of 9 August 1849 as amended by article 1 of the Act of 3 April 1878 in respect of declaration of a state of siege, and by means of article 1 of the Act of 3 April 1955 in respect of declaration of a state of emergency, are to be understood as consistent with the purposes 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 the circumstances”.

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

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

280. Once an international commitment has been negotiated and signed by the competent constitutional authority (or on its behalf by a person with power of attorney forms signed by that authority), ratification by the President of the Republic (art. 52), or approval by the Government (art. 52), may be preceded on the one hand by an authorization issued by Parliament or by the people and on the other hand by a conformity decision handed down by the Constitutional Council.

(a) Possible procedures to precede ratification or approval

(i) Authorization by Parliament to ratify or approve

281. Article 53 of the Constitution provides that certain categories of treaties or agreements 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. Any law that has been passed is a law that authorizes ratification or approval, and not a law that proceeds with ratification or approval.

282. It should be noted that article 53 (3) of the Constitution requires the consent of the population concerned in the event of a cession, exchange or acquisition of territory.

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

284. 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

285. Moreover, in two cases the 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 the 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 and the European Communities”. However, under the second paragraph of that article, the use of such a referendum may be excluded in favour of a referendum 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 article 89 (3) on constitutional review.

(iii) A priori constitutional review of international instruments

286. The Constitutional Council may be seized by the President of the Republic, the Prime Minister, the President of either chamber, 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 amending 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

287. 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. The introduction or entry into force of the treaty in domestic law

288. 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.

289. 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.

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

291. 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.

292. All international instruments apply to the domestic legal order upon their entry into force.

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

294. 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, but are provided solely for information.

3. Applicability of treaties in domestic courts

295. It is up to the judicial and administrative courts to determine whether the provisions of an international instrument may be invoked by judicable parties (Council of State (CE), Sect., 23 April 1997, *Gisti*).

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

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

298. It should not require domestic enforcement measures, and must be “self-executing”. It should thus be accurate, complete and unconditional. On the contrary, in some cases, the adoption of domestic implementing legislation is required. Some treaties allow the States parties to choose the implementation modalities for certain provisions by specifically providing for one or more alternatives; others require unambiguous implementing legislation.

299. The provision should not be aimed solely at governing relations between States Parties, given that the intention expressed by the parties, as well as the content, terms and general thrust of the international instrument invoked, is also taken into account. The direct effect may not be refused simply by stipulating that States are bound by an obligation defined by the provision, since the provision could potentially create rights in relation to individuals.

4. Review of the compatibility of treaties

300. 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 (Cass., Ch. Mixte, 24 May 1975, *Société des cafés Jacques Vabre* et CE, 20 October 1989, *Nicolo*). These international instruments are, however, ranked below the Constitution (CE Ass., 30 October 1998, *Sarran, Levacher et autres*; Decision No. 2004-505 DC of 19 November 2004, the Treaty establishing a Constitution for Europe).

301. While the Constitutional Council has declined to acknowledge its own 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 judicial and administrative courts, to ensure their implementation within their respective spheres of competence (Decision No. 86-216 DC of 3 September 1986, the Act on the conditions for foreigners' entry and stay in France).

302. 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.¹⁹⁸ In addition, the court considered that State responsibility could be invoked for breaches of treaty norms by law (see, *inter alia*, CE Ass., 8 February 2007, *Gardedieu*).¹⁹⁹

C. Remedies for human rights violations and systems for victims' compensation and rehabilitation

303. 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

304. It is primarily the courts that are called upon to monitor respect for human rights and to punish violations. Nonetheless there are non-judicial procedures for the protection of human rights and freedoms.

(a) Judicial remedies

305. With regard to infringements of freedoms, jurisdiction is shared as follows: administrative courts have jurisdiction in administrative decisions and actions; criminal courts have exclusive jurisdiction in criminal matters; and civil courts have jurisdiction in cases involving infringements by one individual of another's freedom where no criminal penalties are applicable.

(i) Appeals lodged with the administrative courts, the guardians of civil liberties

306. The administrative courts have jurisdiction in administrative decisions and actions. Individuals who have suffered an illegal infringement of one of their freedoms by public authorities may seek annulment of the decision by applying to an administrative court to have it set aside; they may also seek reparations for injuries or damages. Application to set aside an administrative action is a procedure readily accessible to persons who have suffered as a result of an administrative decision. It can be made, even in the absence of legislation, in reference to any administrative act; entitlement to seek such a remedy cannot

be waived. Any French or foreign national is thus entitled to appeal against an administrative action, even if his/her interest in seeking annulment is purely a matter of principle. Appeal may be lodged without a lawyer at all levels of the courts. The petitioner must base his/her application on one of four charges: lack of jurisdiction, procedural irregularity, misuse of powers, or illegality. Any annulment granted by the administrative courts is universally applicable and has effect from the date the contested decision is taken.

307. Furthermore, as an exception to the constitutional monopoly of the protection of personal freedom by the ordinary courts, the administrative courts are competent in cases involving freedom of assembly and demonstration, the rights and freedoms of civil servants, administrative police powers, data processing and freedoms, the legal regime of the mentally ill, certain aspects of the practice of wiretapping, and the functioning of the prison authorities.²⁰⁰

(ii) *Remedies before the ordinary courts, the guardians of individual liberties*

308. Pursuant to article 66 of the Constitution, no one may be arbitrarily detained. The judiciary, which safeguards individual liberties, enforces this principle under the conditions determined by law. This is true both for disputes between individuals and for disputes between citizens and government.

309. In particular, the ordinary courts are competent to uphold individual liberties in relations between private persons. The ordinary courts uphold 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.

310. Furthermore, as an exception to the exclusive jurisdiction of the administrative courts to monitor the administration, an action for damages may be brought before the ordinary courts if an administrative act involved the improper possession of immovable property (expropriation) or infringed a fundamental individual liberty (unlawful physical act). 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 (art. 111-5 of the Criminal Code). 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 freedom of the person (art. 432-4 of the Criminal Code).

(iii) *Remedies before the Constitutional Court, the guardian of the Constitution*

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

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

(iv) *Remedies before the European Court of Human Rights, the guardian of the European Convention on Human Rights*

313. Mention should also be made of the role of the subsidiary mechanism for the protection of human rights provided by the European Convention for the Protection of Human Rights and Fundamental Freedoms, 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 judicable parties from 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.

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

(b) Non-judicial remedies

(i) Discretionary administrative remedies²⁰¹

315. Individuals who are not satisfied with an administrative decision concerning them may request its annulment by applying directly to the public authority that issued the decision, as part of an administrative remedy, or to the hierarchical superior of the authority that took the decision, as part of a hierarchical remedy.

316. 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. The Act of 13 November 2013 on simplification of relations between the State and citizens provides that if the public authority remains silent for two months on a request, this amounts to a decision to accept the request and not to deny it. This Act will apply as from 13 November 2014 to actions for which the State is responsible and as from 13 November 2015 to actions of the territorial collectivities. 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, procedures for accessing administrative documents and appeals against a decision on the status of individual civil or military officials in the cases laid down in Decree No. 2012-765 of 10 May 2012. 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 Rights²⁰²

317. 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. He/she is an independent constitutional authority (title XI bis of the Constitution). His/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.

318. Unlike the Ombudsman, who could be approached through a deputy or senator, the Defender of Rights may be approached directly and free of charge by any natural or legal person, regardless of nationality or place of residence, 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/her, regardless of whether the alleged offender is a private person or a public entity;
- A breach of professional ethics by persons providing security;
- Failure to respect the human rights of children. The persons authorized to apply to the Defender of Rights include children, young persons under 18 years of age, their legal representatives, members of their family, a medical or social service or a children's rights association.

319. The Defender of Rights seeks to settle disputes amicably and is vested with investigatory authority; his/her inquiries may not be blocked on grounds of administrative confidentiality. His/her representatives in the departments and his/her delegates in prisons

may directly address local disputes before them. He/she may propose mediation or a transaction, issue an injunction if his/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) *The right of petition*²⁰³

320. The right of petition, including the right to petition the National Assembly (art. 147 ff. of the rules of procedure of the National Assembly), the Economic, Social and Environmental Council (art. 69 of the Constitution), the deliberative assembly of a [territorial unit (art. 72-1 of the Constitution) and the European Commission (art. 11-4 of the Treaty on European Union, is available to all. Individuals 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 damage arising from harm caused by a private person*

321. Harmful acts may be caused by non-compliance or poor performance of a contract, accidental damage or the commission of a misdemeanour or crime. Damages are financial compensation ordered by a court to remedy both pecuniary and non-pecuniary damage, provided that the damage is certain and direct. The actual loss, the loss of profit and the loss of a significant opportunity may be compensated as long as they appear to be certain.

322. Direct victims and their beneficiaries, the indirect victims, may be compensated.

323. The principle is that of full reparation for the damage caused by its perpetrator.

324. However, some victims of minor offences 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 shall be responsible for compensation in such cases, even if it is not to blame. Thus, under certain conditions, victims may access various modes of public compensation, through indemnification funds (the Guarantee Fund for Victims of Terrorism and Other Criminal Acts (FGTI), the Mandatory Third Party Liability Insurance Guarantee Fund (FGAO), etc.) and regimes (disability and work accident pension regime, compensation scheme for damage caused by crowds and rallies, etc.). The two most important indemnification funds will be discussed here.

The Guarantee Fund for Victims of Terrorism and Other Criminal Acts (FGTI)

325. The FGTI is intended for crime victims who have been unable to obtain compensation for damages, including in cases where the perpetrator is unknown or insolvent, where he/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 an indemnification commission for victims of offences in each court of major jurisdiction. The victim or his/her beneficiaries may obtain:

- Full compensation for damages resulting from offences against the person if the acts resulted in death, permanent disability or total inability 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 younger.
- Compensation of up to three times the ceiling fixed for receiving partial legal aid (€4,212) in the event of minor offences against the person and material damage

resulting from theft, fraud, embezzlement, extortion, or destruction of or damage to property.²⁰⁴

- Full compensation for offences against the person resulting from a terrorist act. Furthermore, if the victim is deceased, his/her successors may receive compensation for moral and economic damages.

The Mandatory Third Party Liability Insurance Guarantee Fund (FGAO)

326. The FGAO compensates victims of traffic and hunting accidents if the perpetrator is unidentified, if the perpetrator is not insured 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/her beneficiaries, may apply to the Fund. There is no limit on the amount awarded for bodily injury. However, compensation by the Fund for damage to property may not exceed €1,120,000 per claim.²⁰⁵

327. If a victim does not meet the criteria for access to the Fund, 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 (SARVI) 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 seek recovery of the amount from the offender, to which a fine is added.²⁰⁶

(ii) *Compensation for damage arising from harm caused by a public person*

328. Damage caused by a public person is compensable if it can be attributed to the public service and if it is certain and direct. In cases of no-fault liability, it must also be unusual and special.

Compensation for fault liability of a public person

329. The fault may be misconduct committed by a specific public official, and therefore a case of individual misconduct, or an error occurring in the public service, and thus anonymous.

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

- Compensation for unlawful arrest or detention (art. 432-5 and 6 of the Criminal Code). Any action not carried out in the prescribed manner and place and consisting in the arrest or detention of an individual or allowing of or perpetuating a deprivation of freedom except as provided for by law constitutes an infringement of freedom which may give rise to the award of damages by the ordinary courts.
- Compensation for failings in the justice system (art. L 141-1 of the Judicial Code, and administrative jurisprudence). The State must make reparations for damage caused by the improper administration of the public justice system, as negligence suffices to engage its responsibility.

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

Compensation for liability for alleged misconduct by a public person

332. A regime of liability for alleged misconduct by a public person has been introduced in some areas. This regime is victim-oriented, as it requires the public person to prove that it did not engage in misconduct. An example is the user of public works who suffers damage while making use of such works, or damage arising from the disproportionate impact of routine medical care in hospital.

Compensation for no-fault State liability

333. There are two types of compensation for some types of damage caused by the State without its responsibility being engaged: real compensation for damages, and lump sum compensation provided by law (disability and work accident pensions system, war reparations system, National Office of Compensation for Medical Accidents, etc.). Victims may not then seek to have such a system replaced by a direct assessment of the damage, with certain exceptions.

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

- Compensation for damage caused by a criminal conviction. This is granted where a retrial establishes the innocence of an individual convicted of a serious crime or major offence (art. 626 of the Code of Criminal Procedure);
- Compensation awarded to an individual held in pretrial detention during proceedings which give rise to a discharge, release or final acquittal, where such detention has caused manifestly abnormal and particularly severe injury (art. 149 ff. of the Code of Criminal Procedure).

335. Whether the injury arose from damage caused by a private person or from damage caused by a public person, judicable parties may obtain payment of part of the amount requested by them or that they intend to claim if the existence of the obligation invoked by the creditor with respect to the debtor is not seriously questioned. This possibility is extended through an interim payment (art. 809-2 of the Code of Civil Procedure and art. R. 541-1 of the Code of Administrative Justice).

(b) Victim support mechanisms

336. Victim support offices, which are present in almost every court of major jurisdiction, are run by victim support associations that provide information, guidance and assistance to victims of crime throughout criminal proceedings.²⁰⁷ Interviews conducted in these offices are provided free of charge and are confidential.²⁰⁸

337. Established under Act No. 98-1163 of 18 December 1998, the justice and law centres (133) are located primarily in the most troubled urban areas, and the justice outreach units (42) in municipalities in sparsely populated areas of some distance from courts. The fundamental difference between the two types of structure is that the justice outreach units have no legal status and may be set up solely at the initiative of court administrators and local elected officials, whereas the justice and law centres are provided for in the Judicial Code and established by order of the Minister of Justice. However, they are both placed under the authority of the Public Prosecutor and of the President of the court of major jurisdiction where they are based. They operate through a partnership among judges, elected officials, police officers, associations and social workers. They ensure a local judicial presence and contribute to crime prevention, victim support and access to the law (art. L 7-12-1-1 of the Judicial Code). One of their missions is to offer victims personalized assistance, counselling and, if necessary, psychological support. Information and legal advice are provided in these structures by lawyers and associations.²⁰⁹

338. A national hotline, 08 Victims (08 842 846 37), proposes personalized counselling for all victims, who are then referred to victim support associations.

339. Each court has a judge with special responsibility for victim support: the judge responsible for victims, who is also President of the Indemnification Commission for Victims of Offences. Established in 2007, this judge, while respecting the balance between the rights of the parties, ensures that the legal rights of victims are taken into account.²¹⁰ In addition, the National Council for Victim Support, established in 1999, brings together many individuals involved with victim support policy (ministers, elected officials, members of associations) and the Minister of Justice. Its mandate is to formulate proposals for improving the reception, information, care and compensation given to victims of criminal offences.²¹¹

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

340. France ratified the European Convention on the Protection of Human Rights and Fundamental Freedoms on 3 May 1974 and recognized the right of individual remedy as established under article 34 of the Convention on 2 October 1981.

341. This is a subsidiary mechanism for the protection of human rights. For a complaint to be admissible by the European Court of Human Rights, the individual must have exhausted all available domestic remedies.

342. Other conditions for the admissibility of a complaint must be met. The individual must have filed the complaint with the Court within six months of the final domestic decision. He/she must allege a violation of one or more provisions of the Convention. The damage must be significant and the complaint must not be manifestly ill founded or abusive.

343. Referral to the Court does not have suspensive effect and does not excuse judicable parties from the execution of domestic decisions rendered against them. The Court is not a court of appeal against domestic decisions, which it may not revoke.

344. Since the affirmation in its judgment *Mamatkulov v. Turkey* of 4 February 2005 of the binding nature of interim measures taken by the European Court of Human Rights under article 39 of its rules of procedure, France has consistently implemented the measures indicated by the Court.

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

A. The role of Parliament and local collectivities in the promotion and protection of human rights

345. Commitment to human rights is a part of French culture and is expressed in all decisions taken by the authorities. This can be seen across all programmes and measures in place at both the local and national level. While civil and political rights are something of a national prerogative, economic, social and cultural rights can be and are addressed through numerous programmes and actions at the regional, departmental and local levels.

346. As part of the decentralization of State authority, the municipalities are responsible for social policy and for preschool and elementary schools (except for defining the substance of education and the management of teachers), including the promotion of human rights in this area (early childhood and childhood programmes, access to housing, etc.).

347. The departments are the “lead” bodies with respect to social assistance. They develop and implement policies promoting equality between men and women, maternal and child welfare, support for families in financial difficulty, the elderly, and the social inclusion of persons with disabilities. They provide statutory social assistance benefits (earned-income supplement, disability benefit).

348. The regions are responsible for continuing occupational training and learning, which includes the integration of young people in difficulty.²¹²

349. Innovative practices for active learning about democracy and human rights have also been developed, through 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 promotes the right of children to participate in society, in keeping with the spirit of the Convention on the Rights of the Child.

B. The role of national human rights institutions

350. 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.²¹³

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

1. The National Consultative Commission on Human Rights

(a) Background

352. 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. The Commission was at the time composed of 10 members (lawyers, academics, diplomats). This early Commission was responsible in particular for drafting the Universal Declaration on Human Rights. The Consultative Commission of 1947 was transformed on 30 January 1984 into the National Consultative Commission on Human Rights. It is mandated to advise the Minister for Foreign Affairs on France's efforts to promote human rights throughout the world. In 1986, its mandate was extended to human rights issues at the national level. Appointed for a term of two years, the Commission has 40 members: representatives of major organizations, Parliament, the relevant ministries, and prominent individuals in the field of human rights. In 1989, it was attached directly to the office of the Prime Minister. It was empowered to take up any matter falling within its jurisdiction. Its independence, explicitly recognized at that time, was subsequently enshrined in Act No. 2007-292 of 5 March 2007.

(b) Role and powers

353. The Commission holds as a basic principle that a lasting reduction in ignorance and contempt of human rights can be brought about only through a continual application of institutional action — on the part of the legislative, executive or judicial branch — combined with practical social action in the field. The Commission has a number of missions.

(i) To encourage dialogue between the State and civil society and the coordination of their actions

354. 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 pluralism of beliefs and opinions. The presence of a deputy and a senator appointed by the Presidents of the two chambers ensures liaison with the legislative branch. A representative of the Economic, Social and Environmental Council ensures liaison with that body. These members are appointed by the Prime Minister for the duration of their terms.

355. The Defender of Rights contributes the experience of that office of relations with the country's various national and local administrations. Civil society is represented on the Commission 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 religions, or coming from academia, the diplomatic corps and the Bar, including several independent experts from international organizations.

356. 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 the work of the Commission with consultative status.

(ii) *To advise the Prime Minister and the Government*

357. The Commission serves the dual purpose of monitoring and of proposing, both upstream of government action — while bills and draft regulations, policies and programmes are formulated — and downstream, checking to ensure that human rights have indeed been respected. Thus, under article 1 of Act No. 2007-292 of 5 March 2007, as amended, “the National Consultative Commission on Human Rights provides advice and makes proposals to the Government in the areas of human rights, international humanitarian law and humanitarian action. It assists the Prime Minister and other concerned ministers by advising them on all matters of general interest, whether national or international, within its sphere of competence”. It thus contributes, inter alia, to the preparation of reports that France submits to international organizations. It 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.

358. Its broad scope has enabled it to express its opinion on bills and administrative provisions and to submit proposals on such issues as grinding poverty, the right of asylum, social rehabilitation of drug addicts, secularism, AIDS screening, bioethics, reform of the Code of Criminal Procedure, human rights education, wiretapping, and police files, as well as nationality law and immigration controls.

(iii) *To participate in human rights education and training*

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

(iv) *To raise awareness about the human rights situation*

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

2. The Defender of Rights

361. Incorporated into the Constitution since 23 July 2008 and established by the organic law and the ordinary statute of 29 March 2011, the Defender of Rights succeeded the Ombudsman, also assuming the functions of the Children’s Ombudsman, the National Security Ethics Committee and the High Authority to Combat Discrimination and Promote Equality. He/she is an independent constitutional authority (title XI bis of the Constitution). His/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.

362. The Defender of Rights has been given four missions:

- Promotion and protection of the rights of users of public services;
- Promotion and protection of 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.

363. The Defender of Rights carries out a number of actions to promote rights in these areas.

364. He/she provides educational information on the right to non-discrimination and equality through awareness-raising pamphlets that help people to understand discrimination and foster greater access to citizens' rights, as well as through awareness-raising and distance-learning modules available online. He/she has a presence 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 raise awareness of their rights among the general public or specific audiences (young people, women, employers, etc.).

365. The Defender of Rights maintains an ongoing dialogue with civil society through such mechanisms as ad hoc consultations, joint committees (persons with disabilities, LGBT...) and thematic working groups (LGBT/employment, employment/disabilities ...).

366. He/she identifies best practices, including through questionnaires entitled "frameworks for action and reporting". He/she then publishes guides identifying issues to watch out for, builds on innovative practices and provides guidance on preventing discrimination for all relevant stakeholders.

367. The Defender of Rights conducts training to help the relevant stakeholders change their practices.

368. He/she issues opinions and recommendations to the Government and makes proposals for revising texts or provisions.

369. The Defender of Rights coordinates studies and research in his/her areas of competence, in order to learn more about discriminatory practices, how they manifest themselves and what their consequences are, so as to develop new ways to combat them. The results are published in the series "Studies and research". Several surveys have made it possible to assess how discrimination is experienced.²¹⁴

3. National Commission on Information Technology and Freedoms

370. The National Commission on Information Technology and Freedoms (CNIL) was established by Act No. 78-17 of 6 January 1978 to ensure the protection of personal data in an era of growing computerization. Under article 1 of the Act, information "must not violate human identity, human rights, the right to privacy or personal or public freedoms". The Act applies to the automatic and non-automatic processing 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, is composed of 17 members (6 judges, 4 Parliamentarians, 5 public figures, 2 members of the Economic, Social and Environmental Council) appointed every five years: 12 are selected by their peers and 5 are appointed by the Government and Parliament. They are independent of any other authority.

371. The Commission is vested with broad powers: before undertaking automatic processing of certain 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, the territorial collectivities, public institutions and private corporations managing a public service must obtain an opinion from the Commission, which is to be published. Failure to respect this procedure gives rise to administrative or criminal sanctions. With regard to the private sector, or to other automatic data processing carried out by the above-mentioned entities, any such processing must be declared in advance to the Commission. For some types of automatic data processing, an 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, both in the public and private sectors, the Commission adopts, by virtue of its regulatory powers, simplified standards.

372. The Commission may also receive complaints, petitions and claims. Following such complaints or on its own initiative, the Commission may apply wide powers of control and verification by carrying out on-site inspections of data processing procedures. Where necessary, it may refer matters to the courts and issue sanctions (warnings, monetary

sanctions, injunctions, referrals to the Prime Minister) (art. 45 of Act No. 78-17 of 6 January 1978). This procedure does not exclude the possibility of referral to the Office of the Public Prosecutor (art. 40 of the Code of Criminal Procedure).

373. 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 machinery for the protection of freedoms to the development of computerized procedures and techniques. The Commission submits an annual report to the President of the Republic and Parliament, and the report is subsequently made public.

4. The Supreme Audiovisual Council²¹⁵

374. Established by the Act of 17 January 1989, the Supreme Audiovisual Council is responsible for ensuring the freedom of audiovisual communication in France. It is the successor to the High Authority for Audiovisual Communication (1982–1986) and the National Commission on Communication and Freedoms (1986–1989). Article 1 of the Act of 30 September 1986, as amended by the Act of 15 November 2013 on the independence of the public audiovisual authorities, 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 nature of the expression of thoughts and opinions and, on the other hand, 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”.

375. Pursuant to Act No. 2013-1028 of 15 November 2013 on the independence of the public audiovisual authorities, the Supreme Audiovisual Council comprises seven members, appointed by presidential decree. Its president is appointed by the President of the Republic; three members are nominated by the President of the National Assembly and three by the President of the Senate with the assent of a majority of three fifths of the respective cultural affairs commissions. The term of office of six years is non-revocable and non-renewable. One third of the Council is renewed every two years.

376. Pursuant to article 3 (1) of the Act of 30 September 1986, as amended, the Council ensures “equality of treatment (of users); it guarantees the independence and impartiality of public audiovisual communication; it seeks to promote free competition and non-discriminatory relations between publishers and distributors ...; it ensures the quality and diversity of programmes, the development of national audiovisual creation and production and the defence and illustration of the French language and culture”. The Council ensures respect for the pluralistic expression of thought and opinion in public radio and television programmes. It sees to the protection of children and adolescents, respect for human dignity, and the defence and illustration of the French language. It combats discrimination in the field of audiovisual communication and seeks to ensure that audiovisual programming reflects the diversity of French society.

377. The allocation of frequencies for any new terrestrial over-the-air, digital or satellite radio or television broadcasting service is subject to the conclusion of an agreement between the Council, 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 Council. These are of several kinds: signing an agreement in exchange for permission to use frequencies, in the case of terrestrial service, and signing an agreement or simple declaration, in the case of a service disseminated by other means (television and radio stations broadcasting on the Internet, digital television and radio, etc.).

378. The Council is competent to impose sanctions on public and private radio and television stations. It may also refer anti-competitive practices and market concentration to the administrative or judicial authorities with jurisdiction in such matters.

379. Beyond its general oversight role, the Council has consultative and regulatory powers. Its consultative powers arise from its broad mandate in the field of communication. It is thus associated at various levels with the elaboration of legislation and may put forth proposals. Its regulatory authority covers such areas as: granting of authorization to use

frequency bands or frequencies whose allocation or assignment has been entrusted to it, and taking steps to ensure proper signal reception.

5. The Comptroller General of places of deprivation of liberty

(a) Status of the Comptroller General

380. Following the ratification of the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment adopted by the United Nations General Assembly on 18 December 2002, the French legislature introduced by Act No. 2007-1545 of 30 October 2007 the institution of Comptroller General of places of deprivation of liberty, assisted by numerous associates (judges, hospital practitioners, outside professionals, etc.).

381. The Act of 30 October 2007 defines the Comptroller General as an independent authority (art. 1) and sets out the conditions of his/her independence from the Government, in particular by proscribing the acceptance by the Comptroller General of instructions from any authority in his/her area of competence. This independence is ensured by the non-renewal of the single six-year term for the post and by its security of tenure. In addition, the Comptroller General may not be prosecuted, investigated, arrested, detained or put on trial for his/her decisions or actions in the course of his/her official duties (art. 2). A strict system of incompatibilities under article 2 strengthens the independence of the Comptroller 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).

382. As stated in the Act (art. 2), although, as is customary for "senior posts" in France, the Comptroller General is appointed by the President of the Republic, this appointment is made only "because of his/her professional competence and knowledge" and after consultation with the legal committees of both chambers.²¹⁶ In particular, no one may terminate the Comptroller General's six-year mandate except for the incumbent himself/herself, by resigning or being prevented from serving out the term (due to serious illness).

383. The Comptroller General is also independent of other independent authorities.

384. The Act further ensures the independence of the institution's management: the Controller General chooses his/her own associates; the institution has its own budget, approved by Parliament, separate but combined with that of other independent authorities, with a view to highlighting its special nature; its expenditures are not controlled a priori, as is the case for administrations, but only ex posteriori, in the interest of regularity in accounting practices, by the Court of Auditors.

385. In 2015, the budget allocated to the Comptroller General was more than €4.79 million.

(b) Missions of the Comptroller General

(i) Visits to places of deprivation of liberty

386. The Comptroller General promotes and protects the rights of detained persons. His/her primary mission is to visit places where persons are deprived of their liberty throughout French territory, to ensure that they receive humane treatment and respect for the inherent dignity of the human person.²¹⁷ He/she visits prisons, health facilities, police custody facilities, administrative and customs-service detention centres, holding areas at ports and airports, closed educational establishments or any vehicle for the transfer of persons deprived of their liberty. During these visits, he/she can meet privately with persons whose views he/she deems necessary.

387. Act No. 2014-528 of 26 May 2014 amending Act No. 2007-1545 of 30 October 2007 establishing a Comptroller General of places of deprivation of liberty extended the jurisdiction of the post to include monitoring the implementation of removal orders against foreigners until they are handed over to the authorities of the receiving State. The purpose

of this Act is to ensure the transposition of article 8-6 of European Union Directive No. 2008/115/EC of 16 December 2008, known as the “Return Directive”, which requires member States to provide for “an effective forced-return monitoring system”, including all phases of transfer, including air travel, until the persons concerned are handed over to the authorities of the country of destination.

388. For the sake of legal consistency, Parliamentarians also felt that such extension of jurisdiction should include not only removals to third (non-European Union) States but also removals within the European Union. Thus, although the Return Directive is applicable only to nationals of third States, the Act stipulates that the Comptroller General’s monitoring is applicable to all removal orders against foreigners, even if the foreigners are European Union citizens. The Act further strengthens the powers of the Comptroller General by mandating the systematic publication of his/her opinions, the protection of persons who have submitted information and the criminalization of obstruction of his/her missions.

389. Following investigations, the Comptroller General communicates his/her observations to the competent authority, which should respond within a specified deadline. He/she must inform the Public Prosecutor of the criminal offences that have been reported and may also refer them to the competent disciplinary authority. He/she formulates opinions and recommendations, which he/she makes public, and proposes legislative and regulatory amendments.

390. Any natural person and any legal person (association, non-governmental organization, etc.) whose mission is the protection of human rights may bring to the attention of the Comptroller General any acts or situations that constitute a violation of the fundamental rights of the detained person. He/she may also take up cases on his/her own initiative.

391. In addition to the persons encountered locally during investigations and visits, the Comptroller General has 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/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*

392. The Comptroller General submits an annual progress report to the President of the Republic and to Parliament. This report is made public. In addition to an overview of activities, the report contains several thematic analyses.

393. The Comptroller General makes his/her reports and information available to the public through the institution’s website.

394. The Comptroller 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 School of Administration, National College of the Judiciary, National Police Officers Academy, National Gendarmerie Officers College).

6. The High Council for Gender Equality

395. The High Council for Gender Equality was established by presidential decree on 3 January 2013. It is currently composed of 72 prominent individuals: civil society representatives, elected officials, public figures, researchers, etc.

396. 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. To carry out its mission, the Council:

- Contributes to the evaluation of public policies on gender equality;
- Evaluates assessments of the impact of legislation, regulations, evaluations of Finance Acts and Social Security Funding Acts;
- Collects and disseminates French, European and international analyses, studies and research on gender equality;
- Formulates recommendations and opinions and proposes reforms to the Prime Minister.

397. The Council may be asked by the Prime Minister or the Minister of Women's Rights to consider any issue. It may take up any matter that can contribute to its mission.²¹⁸

C. Dissemination of human rights instruments

1. Dissemination of norms at the national level

398. The fact that 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) facilitates the dissemination of these conventions.

399. As detailed above, the publication of the conventions in the Official Gazette is systematic, a prerequisite of their entry into force, just as it is for legislation and regulations. France'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 texts adopted, not only through institutional channels (such as reports of Parliament) but also through the media.

400. 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 citizens and persons involved in judicial proceedings, and because this provision of information, being 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

401. Through the adoption of the Act of 10 July 1991 on legal aid, the legislature established support for access to the law. The public policy that implements access to the law aims to develop a network of community-based services in order to ensure equal access of all citizens to the law, enabling everyone to know and exercise their rights, including those most in need. Directed at the national level by the Department for Access to the Law, Justice and Urban Policy, this policy is supported at the local level by the Departmental Councils for Access to the Law and is implemented at the practical level in the justice and law centres, the justice outreach units, and the *points et relais d'accès au droit* (premises where free legal aid is provided by the State or legal aid groups).

(a) The Department Councils for Access to the Law

402. Chaired by the President of the court of major jurisdiction of the administrative seat of each department, the Departmental Councils for access to the law 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 actions taken, assess the quality and effectiveness of the mechanisms which they support, and promote new initiatives. In addition, free legal consultations are available on the premises of each Council for people in need of specific types of assistance (the elderly, households at risk of eviction ...).²¹⁹

(b) Justice and law centres and justice outreach units

403. Established under Act No. 98-1163 of 18 December 1998, the justice and law centres (133) are located primarily in the most troubled urban areas, and the justice outreach units (42) in municipalities in sparsely populated areas of some distance from courts.

404. The fundamental difference between the two types of structure is that the justice outreach units have no legal status and may be set up solely at the initiative of court administrators and local elected officials, whereas the justice and law centres are provided for in the Judicial Code and established by order of the Minister of Justice. However, they are both placed under the authority of the Public Prosecutor and of the President of the court of major jurisdiction where they are based. They operate through a partnership among judges, elected officials, police officers, associations and social workers. They ensure a local judicial presence and assist with crime prevention, victim support and access to the law (art. L 7-12-1-1 of the Judicial Code).

405. One of their missions is to offer victims personalized assistance, counselling and, if necessary, psychological support. Free legal information and advice is provided in these structures by lawyers and associations.²²⁰

(c) *Points et relais d'accès au droit*

406. These are free and anonymous facilities for both temporary and long-term reception, usually housed in institutions and associations. They are used to provide information on the rights and duties of persons facing legal and administrative problems (family, work, housing, business, criminal law, the law on foreign nationals). This information is dispensed by legal experts from the non-profit sector and other legal professionals (lawyers, bailiffs, notaries, jurists, mediators, representatives of the Defender of Rights, etc.). These individuals also work in a variety of settings that serve persons experiencing difficulties (local agencies, social centres, shelters, etc.).

D. Human rights education for young people

407. Human rights education is vital if citizens are to be aware of their rights. It takes place through teaching and educational activities and programmes based on the Universal Declaration of Human Rights and the main human rights conventions.

408. The new curricula take account of vital questions for society: racism, anti-Semitism, xenophobia, the contributions of successive waves of immigration, relations with others and an understanding of the world's diversity.

409. In addition, civics is taught in primary and middle school, and civics, law and social studies are taught in high school, with a focus on civil rights.

410. The René Cassin Human Rights Prize has been awarded since 1988 by the National Consultative Commission on Human Rights and the Directorate of School Education to the best projects on a human rights theme submitted by middle and high school pupils. For the 2014–2015 school year, the prizes were awarded for work on freedom and equality.

411. The National Commission on Information Technology and Freedoms has signed a partnership agreement with the Ministry of National Education to sensitize and train pupils, students and teachers on these issues and on the responsible use and protection of personal data by digital citizens.

E. Human rights training for public officials and other professionals**1. Training of legal professionals**

412. The Human Rights Institute of the Paris Bar Association is an association created in 1979 by UNESCO and the Association's law society. Its main objective is the training of legal professionals, including lawyers and judges, 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 does training in universities, the National College of the Judiciary and foreign bar associations.²²¹

413. Moreover, the International Human Rights Institute, 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.²²²

2. Training of trainee judges and trainee civil servants

414. Between 2009 and 2012, training of staff performing State functions and of other professionals involved in the protection and promotion of human rights has been strengthened. In cooperation with the National Consultative Commission on Human Rights, the National College of the Judiciary and the National School of Administration developed training in this area.

415. A seminar on racism and racial discrimination is now held every year at the National College of the Judiciary. In addition to sitting judges, prosecutors and local judges, this seminar is attended by prison administration staff. Internships at the European Court of Human Rights, and seminars on the European Convention on Human Rights, are also offered to trainees.

3. Teacher training

416. The core curriculum for training future teachers in the teacher training institutions includes the study of the values of the Republic, designed to transmit and share the principles of democratic life and the values of the Republic — liberty, equality, fraternity; secularism; and rejection of all forms of discrimination.²²³ Most French human rights organizations have an agreement with the Ministry of National Education on cooperation with schools and teacher training institutions. Summer or autumn schools and training seminars are all part of human rights training.²²⁴

4. Training for human rights professionals

417. 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 gendarme personnel are concerned, regardless of unit or rank.

418. For example, the initial training of trainee constables includes human rights as part of education on ethics, civil liberties and human rights. Practical exercises on dealing with the public and on identity checks stress the behaviour and attitudes of police officers based on the categories of people they deal with (victims, witnesses and perpetrators). Police lieutenants are taught two modules entitled “Ethics, discernment, deontology, psychology” and “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. All gendarmerie staff undergo training on professional standards and ethics, with a focus on the promotion of and respect for human rights.

419. The heads of administrative holding facilities 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 facilities.

420. In addition, the Comptroller General of places of deprivation of liberty participates in professional training on the fundamental rights of persons deprived of their liberty, intervening annually in training schools for public officials (National School of Prison Administration, National School of Administration, Legal Service Training College, National Police Officers Academy, National Gendarmerie Officers College). A training mechanism is being prepared with the Defender of Rights, who has already been called upon to help with the initial training of police officers.

421. With respect to combating trafficking in persons, since late 2013 specific training on stories of suffering has been provided to protection officers of the French Office for the Protection of Refugees and Stateless Persons by the association “Forum Réfugiés-Cosi and Ulysse”. Specialized offices, such as the Central Office for the Repression of Human Trafficking, also offer immersion courses to law enforcement personnel. Since 2006, training sessions have been conducted and coordinated by the “National Ac.Sé machinery” in different parts of France. Some 1,050 professionals from the medico-social sector and law enforcement agencies have been trained. The training aims to increase knowledge about the identification and protection of victims of trafficking in persons.²²⁵

422. The Primo Levi Centre provides training to professionals from institutions that work with the victims of torture. Centre staff intervene in reception centres for asylum seekers, medico-psychological centres and medical, psychological and educational centres, and also work with psychologists, social workers, reception centre directors and doctors.²²⁶

Notes

- ¹ Act No. 2015-29 of 16 January 2015 on the demarcation of regions, on regional and departmental elections and on elections to amend the electoral calendar reduced the number of metropolitan regions from 22 to 13. The new regions came into being on 1 January 2016.
- ² Key figures of the official geographical code as at 1 January 2015. <http://www.insee.fr/fr/methodes/nomenclatures/cog/documentation.asp?page=documentation.htm>.
- ³ National Institute for Statistics and Economic Studies (INSEE), Population growth, tables on « Composante de la croissance démographique, France » and « Composante de la croissance démographique, France métropolitaine ». http://www.insee.fr/fr/themes/detail.asp?ref_id=bilan-demo&page=donnees-detaillees/bilan-demo/pop_age3.htm.
- ⁴ INSEE, tables on “Population totale par sexe et âge au 1^{er} janvier 2016 ». http://www.insee.fr/fr/themes/detail.asp?ref_id=bilan-demo&page=donnees-detaillees/bilan-demo/pop_age2b.htm.
- ⁵ INSEE, tables on “Population totale par sexe et âge au 1^{er} janvier 2016, France métropolitaine ». http://www.insee.fr/fr/themes/detail.asp?ref_id=bilan-demo&page=donnees-detaillees/bilan-demo/pop_age2.htm.
- ⁶ INSEE, table on “Population, superficie et densité des principaux pays du monde en 2015”. http://www.insee.fr/fr/themes/tableau.asp?reg_id=98&ref_id=CMPTEF01105.
- ⁷ V. BELLAMY and C. BEAUMEL, “Bilan démographique 2015: le nombre de décès au plus haut depuis l’après-guerre », INSEE Première, No. 1581, January 2016, p. 2. <http://www.insee.fr/fr/ffc/ipweb/ip1581/ip1581.pdf>.
- ⁸ A result of the reform instituted by the Act of 16 January 2016, which entered into force on 1 January 2016. See endnote No. 1.
- ⁹ INSEE, Tableaux de l’économie française, 2016 edition, p. 14. http://www.insee.fr/fr/ffc/docs_ffc/tef2016.pdf.
- ¹⁰ Urban area: a set of municipalities comprising an urban hub (urban unit) of over 1,500 jobs, and rural municipalities or urban units or urban units (peri-urban zone) of which at least 40% of the active resident population works in the hub or in municipalities attracted by the hub. A distinction is made between “major urban areas” surrounding hubs of more than 10,000 jobs, and “medium and small areas” of 1,500 to 10,000 jobs (INSEE, Tableaux de l’économie française 2015, p. 18).
- ¹¹ INSEE, Tableaux de l’économie française, 2015 edition, p. 16.
- ¹² INSEE, Tableaux de l’économie française, 2013 edition, p. 16.
- ¹³ INSEE, Tableaux de l’économie française, 2011 edition, p. 16. <http://www.insee.fr/fr/ffc/tef/tef2011/tef2011.pdf>.
- ¹⁴ INSEE, Tableaux de l’économie française, 2013 edition, p. 17.
- ¹⁵ INSEE, Tableaux de l’économie française, 2011 edition, p. 16.
- ¹⁶ Act No. 78-17 of 6 January 1978 on information technology, data files and civil liberties, chapter II, art. 8 (1).
- ¹⁷ INSEE, Tableaux de l’économie française, 2016 edition, p. 32.
- ¹⁸ INSEE, Tableaux de l’économie française, 2016, pp. 32–33.
- ¹⁹ Emma Davie, “Un premier enfant à 28 ans”, INSEE Premières, No. 1419, October 2012. <http://www.insee.fr/fr/ffc/ipweb/ip1419/ip1419.pdf>.
- ²⁰ INSEE, Tableaux de l’économie française, 2016, pp. 34–35.
- ²¹ INSEE, Tableaux de l’économie française, 2013 edition, p. 34.
- ²² Health Watch Institute, Bulletin épidémiologique hebdomadaire, January 2010, p. 10. http://www.invs.sante.fr/beh/2010/02_03/beh_02_03_2010.pdf.

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