



RIGA  
2014 Nov. 12

*The functioning of a NPM :  
experience from France*  
**Vincent DELBOS**  
CGLPL FRANCE

## The premise

The United Nations Convention against torture and other  
cruel, inhuman or degrading treatment or punishment:  
OPCAT

In 2005, France signed the optional protocol to the Convention  
against torture requiring the establishment of an independent  
national prevention mechanism in charge of :

- examining the treatment of the persons deprived  
of liberty ;
- making recommendations to the relevant  
authorities;
- submitting proposals concerning draft legislation.

## The principle

Improving the external monitoring of prisons : *Canivet report* , 6 March 2000

The issue : « *How to deal with both individual requests of detainees and general monitoring of conditions of detention ?* »

- « *The treatment of a detainee has to meet the requirements of the fundamental principles of the Rule of Law and the crucial objective of the guarantee of Human rights* » ;
- « *Being impenetrable and opaque, the « custodial society » is bereft, contrary to the civil society, of the external insight of citizens, medias, associations to which this monitoring has to substitute itself*».

3

## The status

The CGLPL is an « independent authority »

The Contrôleur général :

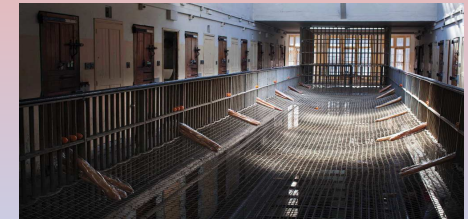
- is appointed for a six years non renewable mandate ;
- shall not receive instruction from any authority ;
- may not be prosecuted concerning the opinions expressed or actions performed ;
- his appointment may not be terminated before the end of his mandate ;
- as well as the members of his team, is bound by professional secrecy regarding he facts, actions or information he has knowledge of.

4

## Scope of competence

*More than 5 000 places of deprivation of liberty on the national territory*

- **191** prisons ;
- **369** hospitals (care without consent) ;
- **4095** police custody facilities ;
- **182** courts custody facilities ;
- **51** migration removal centers ;
- **51** holding areas ;
- **47** secure training centers for young offenders ;
- **236** holding facilities run by the Customs administration ;
- transfer vehicles .



## The mandate

To ensure the respect of fundamental rights and prevent their infringement

### Reference to the CGLPL and inquiries

#### objectives :

- allowing victims or witnesses to alert the CGLPL on a case of infringement of fundamental rights ;
- granting the CGLPL access to information on the management of the premisses concerned ;
- empowering the CGLPL in order to remedy the infringement of fundamental rights .

### Visits of facilities

#### objectives :

- checking the living conditions of persons deprived of liberty and the working conditions of the staff involved ;
- checking the effectiveness of the fundamental rights ;
- monitoring the functioning, the organisation and the management of the facilities.

### Watchdog on fundamental rights

#### objectives :

- publishing in the Journal officiel specific recommendations and thematic opinions ;
- proposing to the Government amendments to legislation or regulation concerned ;
- submitting to the President of the Republic a public annual report .

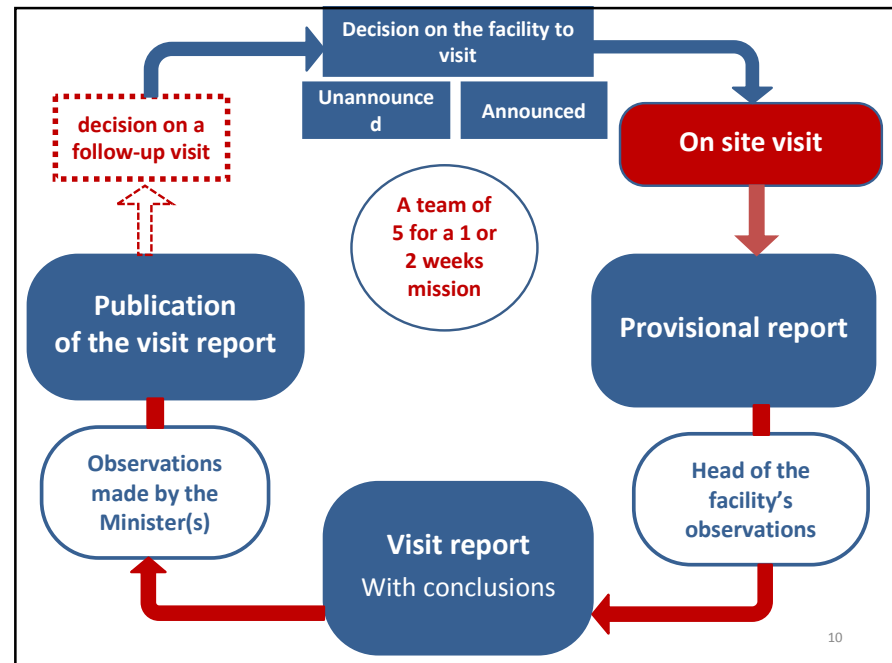
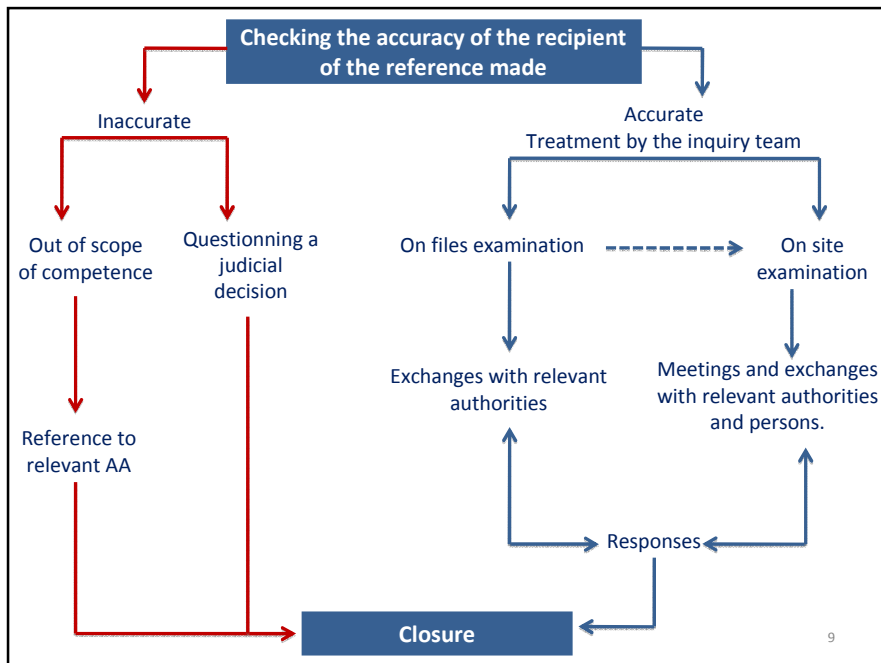
7

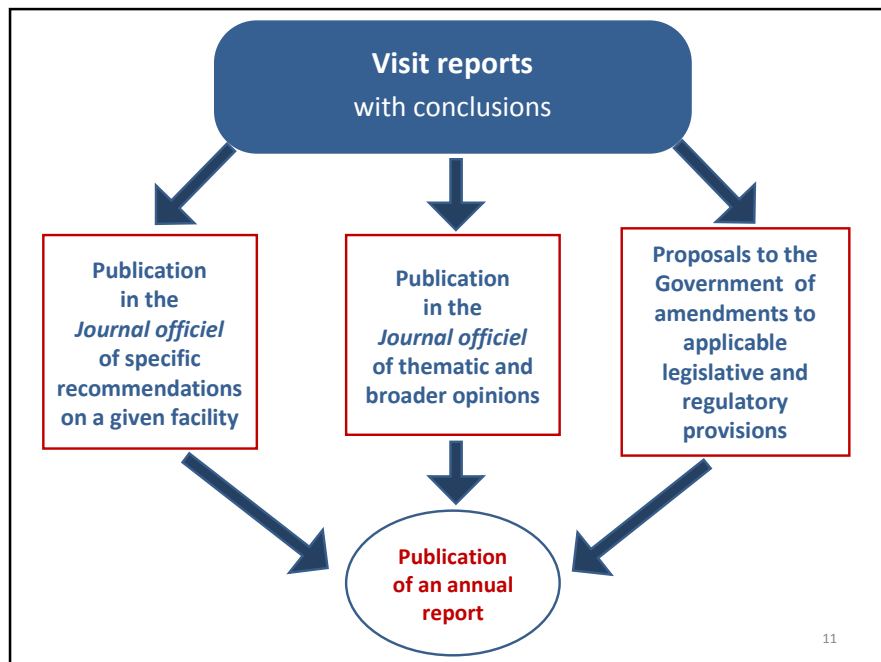
## The team



- A multidisciplinary team:
  - *Physicians;*
  - *managers of prisons;*
  - *Police chief officer and general of gendarmerie ;*
  - *Judges and prosecutors;*
  - *Social workers;*
  - *NGO's leaders*
  - ...

8



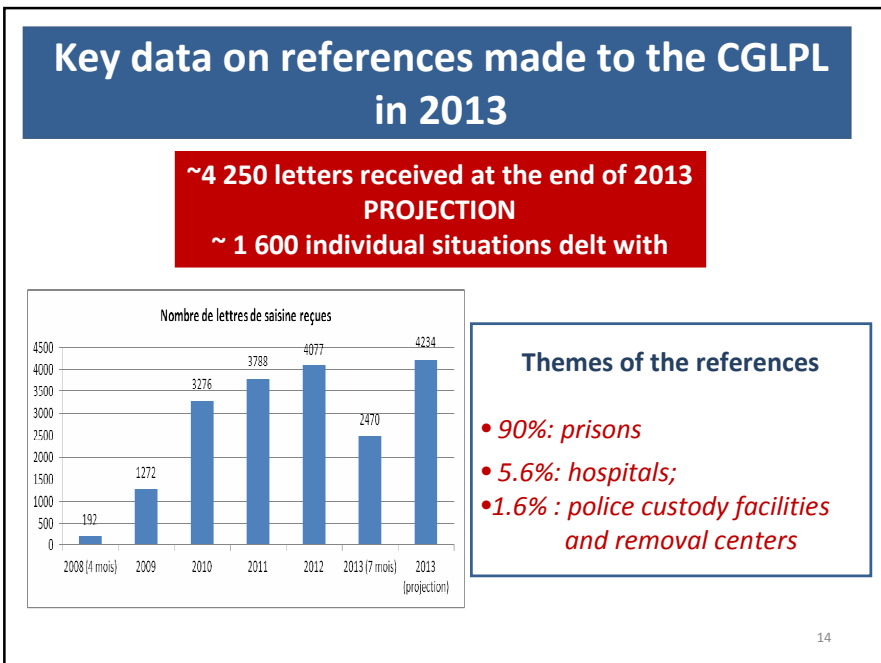
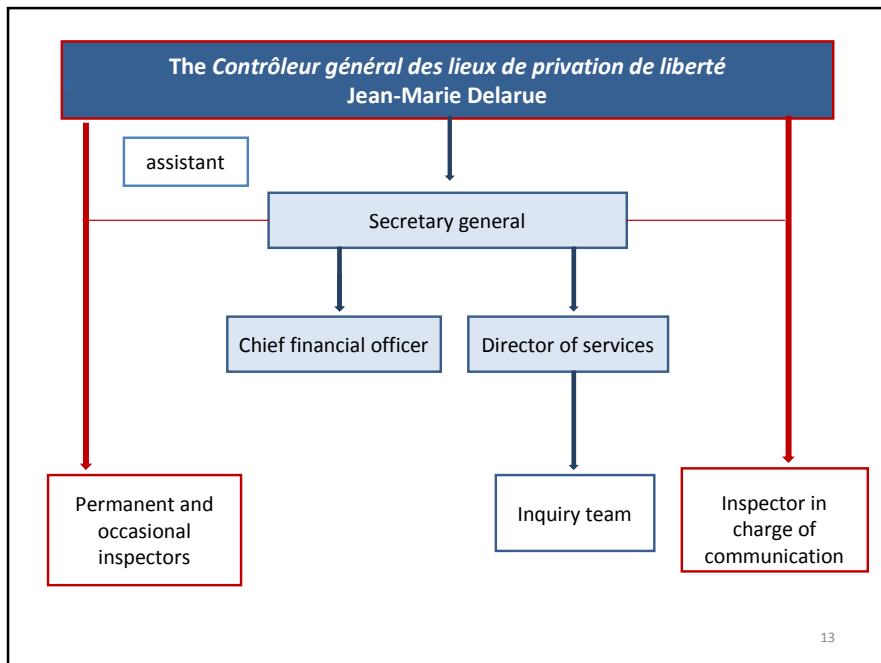


## Means of action

### A budget, a team

The CGLPL shall manage the appropriations required for the performance of his tasks and submit his accounts for audit by the Auditor-general's department.

2014 Finance Act		
Budget : 4 559 333 ( 2011 : 4 388 823 € =+ 3.7%)		
<b>Staff costs</b>	<b>3 484 082€</b>	76.4 %
<i>among which permanent inspectors</i>	3 185 819€	
<i>among which occasional inspectors</i>	298 263 €	
<b>Operating costs</b>	<b>1 075 251 €</b>	23.6 %



## Key data concerning the visits from September 2008 to December 2013

### 805 visits of facilities

644 unannounced / 161 announced

#### Percentage of visits compared to the total number of facilities

- 99 % of the 191 prisons
- 94% of the 47 closed educational centres
- 61% of the 102 detention centers for migrants
- 33% of the 369 hospitals
- 34 % of the tribunal custodial facilities
- 7% of the 4095 police custody facilities

#### Percentage of the visits compared to the total number of visits of the CGLPL

- 23% : prisons
- 6% : closed educational centres
- 9% : detention centers for migrants
- 15% : hospitals
- 8% : tribunal custodial facilities
- 37% : police custody facilities

## New developments

- A new Head, Mrs Adeline HAZAN, appointed for 6 years last july;

- A new step : after the « start up » period, the consolidation time.

#### Law May 26 2014

- *Access to medical files by controllers with the skill of medical doctor;*
- *Monitoring of forced returns (by the EU directive return);*
- *Clarification about reprisals.*



Centre de rétention administrative de Bordeaux (Gironde)



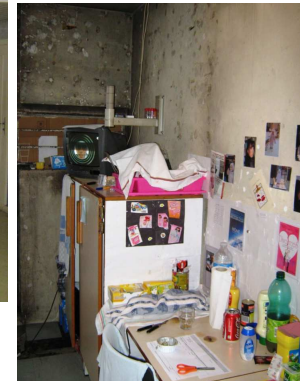
Dépôt du tribunal de Paris



Dépôt du tribunal de Paris 2010



Maison d'arrêt de Fleury Mérogis



Maison d'arrêt de Fleury Mérogis



Centre pénitentiaire de Fresnes



Recommandations with emergency

Le centre pénitentiaire des Baumettes  
à Marseille





[www.cgplp.fr](http://www.cgplp.fr)