
Law no. 2007-1545 of 30 October 2007
establishing a *Contrôleur général des lieux de privation de liberté*

NOR no. JUSX0758488L
Consolidated text as at 31 March 2011

Article 1

The *Contrôleur général des lieux de privation de liberté*, an independent authority, is hereby made responsible, subject to the prerogatives granted by law to judicial or quasi-judicial bodies, for inspecting the conditions of management and transfer of persons in custody, so as to ensure that their fundamental rights are respected.

Within the limit of his powers, he shall not take instructions from any authority.

Article 2

Amended by Law no. 2010-838 dated 23 July 2010 – Art. 2

The *Contrôleur général des lieux de privation de liberté* shall be appointed because of his expertise and professional knowledge by decree of the President of the Republic for a period of six years. This term may not be renewed.

He may not be prosecuted, investigated, arrested, detained or tried in respect of opinions expressed or action performed in the performance of his duties.

His appointment may not be terminated before the end of his office except in the case of resignation or inability to perform his duties.

The duties of the *Contrôleur général des lieux de privation de liberté* are incompatible with any other public employment, any professional activity and any elected office.

Article 3

Amended the following provisions:

Amends the Electoral Code – Art. L194-1 (V)

Amends the Electoral Code – Art. L230-1 (V)

Amends the Electoral Code – Art. L340 (V)

Article 4

The *Contrôleur général des lieux de privation de liberté* shall be assisted by inspectors that he recruits because of their expertise in the areas related to his task.

The duties of inspector are incompatible with the performance of activities related to the establishments inspected.

In the performance of their tasks, the inspectors are under the exclusive authority of the *Contrôleur général des lieux de privation de liberté*.

Article 5

The *Contrôleur général des lieux de privation de liberté*, his team members and the inspectors assisting him are bound by professional secrecy regarding the facts, action and information of which they have knowledge because of their duties, subject to the information required for drawing up reports, recommendations and opinions as provided in Articles 10 and 11.

They shall ensure that no information allowing persons subject to the inspection to be identified is included in the documents published under the authority of the *Contrôleur général des lieux de privation de liberté* or in his public statements.

Article 6

Amended by Law no. 2011-334 dated 29 March 2011 – Art. 19

Any natural person, and any legal person whose stated object is the respect of fundamental rights, may bring to the knowledge of the *Contrôleur général des lieux de privation de liberté* any facts or situations that may fall within his remit.

Matters shall be referred to the *Contrôleur général des lieux de privation de liberté* by the Prime Minister, members of the Government, Members of Parliament and the Defender of Rights (1). He may also take up matters on his own initiative.

N.B.:

(1) This law comes into force on the date provided in Article 44(l) of Organic Law no. 2011-333 dated 29 March 2011 on the Defender of Rights (31 March 2011).

However, Article 19 enters into force on the date provided in the first paragraph of para. II of the above article (1 May 2011), in so far as it removes from Article 6 of Law no. 2007-1545 dated 30 October 2007 the references to the Advocate for Children, the Chairman of the National Commission for a Security Code of Conduct and the Chairman of the High Authority to Combat Discrimination and Promote Equality.

Article 7

Amended the following provisions:

Amends Law no. 73-6 of 3 January 1973 – Art. 6 (Ab)

Amends Law no. 2000-494 of 6 June 2000 – Art. 4 (VT)

Article 8

The *Contrôleur général des lieux de privation de liberté* may, at any time, within the Republic of France, visit any site where people are kept in custody by the decision of a public authority, and any healthcare facility authorised to admit patients hospitalised without their consent pursuant to Article L. 3222-1 of the public health code.

The authorities responsible for the custodial establishment may only object to the visit by the *Contrôleur général des lieux de privation de liberté* for serious, compelling reasons connected with national defence, public security, natural catastrophes or serious disturbance within the site visited, subject to providing the *Contrôleur général des lieux de privation de liberté* with justification for their objection. They shall then suggest a deferment. As soon as the exceptional circumstances causing the deferment have come to an end, they shall inform the *Contrôleur général des lieux de privation de liberté* of the fact.

The *Contrôleur général des lieux de privation de liberté* shall obtain from the authorities responsible for the custodial establishment any information or document necessary for the performance of his task. At the visits, he may interview any person whose contribution he considers necessary, under conditions ensuring the confidentiality of the conversation.

The secret nature of any information and documents requested by the *Contrôleur général des lieux de privation de liberté* may not be raised as an objection to him, except if their disclosure is likely to jeopardise national defence secrecy, State security, the secrecy of police work and pre-trial investigations, medical secrecy or professional secrecy applicable to the lawyer-client relationship.

The *Contrôleur général des lieux de privation de liberté* may delegate the powers under this article to the inspectors.

Article 9

At the end of each visit, the *Contrôleur général des lieux de privation de liberté* shall inform the ministers concerned of his observations regarding, in particular, the state, organisation and operation of the site visited, and also the condition of the persons in custody. The ministers shall make comments in response whenever they deem this necessary or when the *Contrôleur général des lieux de privation de liberté* expressly requests the same. These comments in response shall then be attached to the visit report drawn up by the *Contrôleur général*.

If he observes a serious infringement of the fundamental rights of a person in custody, the *Contrôleur général des lieux de privation de liberté* shall promptly notify the competent authorities of his observations, shall give them a period within which to respond and, at the end of this period, shall determine whether the infringement notified has ceased. If he deems necessary, he shall then publish the contents of his observations and the responses received.

If the *Contrôleur général* becomes aware of facts suggesting the existence of a criminal offence, he shall promptly bring it to the attention of the public prosecutor, in accordance with Article 40 of the code of criminal procedure.

The *Contrôleur général* shall promptly bring to the attention of the authorities or persons having disciplinary powers any facts that might lead to disciplinary proceedings.

Article 10

Within his field of competence, the *Contrôleur général des lieux de privation de liberté* shall issue opinions, make recommendations to the public authorities and propose to the Government any amendment to applicable legislative and regulatory provisions

After having informed the authorities responsible, he may publish these opinions, recommendations or proposals, as well as any observations made by these authorities.

Article 11

The *Contrôleur général des lieux de privation de liberté* shall submit an annual activity report to the President of the Republic and to Parliament. This report is published.

Article 12

The *Contrôleur général des lieux de privation de liberté* shall cooperate with competent international bodies.

Article 13

Amended by Law no. 2008-1425 dated 27 December 2008 – Art. 152

The *Contrôleur général des lieux de privation de liberté* shall manage the appropriations required for the performance of his task. These appropriations shall be recorded in the programme of the “Government action directorate” mission related to the protection of fundamental rights and freedoms. The provisions of the Law of 10 August 1922 on the organisation of auditing of expenses incurred do not apply to the management thereof.

The *Contrôleur général des lieux de privation de liberté* shall submit his accounts for audit by the auditor-general’s department.

Article 14

The conditions of application of this law, including those under which the inspectors mentioned in Article 4 are called to participate in the task of the *Contrôleur général des lieux de privation de liberté*, are stated by decree in the *Conseil d’État*.

Article 15

Amended the following provisions:

Amends the Code on the entry and stay of aliens and Art. L111-10 (M)

Article 16

This law is applicable in Mayotte, the Wallis and Futuna Islands, the Territory of the French Southern and Antarctic Lands, French Polynesia and New Caledonia.

By the President of the Republic:
Nicolas Sarkozy

The Prime Minister,
François Fillon

The minister of the interior, overseas territories and local authorities,
Michèle Alliot-Marie

The minister for foreign and European affairs,
Bernard Kouchner

The minister for immigration, integration, national identity and co-development,
Brice Hortefeux

The *garde des sceaux*, minister of justice,
Rachida Dati

The minister for defence,
Hervé Morin

The minister for health, youth and sport,
Roselyne Bachelot-Narquin

(1) Preparatory work: Law no. 2007-1545.

Senate: Bill no. 371 (2006-2007);

Report by Mr Jean-Jacques Hyst, on behalf of the law commission, no. 414 (2006-2007);

Discussion and adoption on 31 July 2007 (Adopted text no. 116, 2006-2007).

National Assembly: Bill, adopted by the Senate, no. 114;

Report by Mr Philippe Goujon, on behalf of the law commission, no. 162;

Discussion and adoption on 25 September 2007 (Adopted text no. 27).

Senate: Bill no. 471 (2006-2007);

Report by Mr Jean-Jacques Hyst, on behalf of the law commission, no. 26 (2007-2008);

Discussion and adoption on 18 October 2007 (Adopted text no. 10, 2007-2008).