

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2018/10/29/submission-un-committee-against-torture-france>

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65th session of the Committee Against Torture

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We write in advance of the Committee against Torture's adoption of the list of issues prior to reporting on France at its November 2018 session to highlight some concerns regarding France's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter the Convention), based on recent research conducted by Human Rights Watch.

In our [last submission](#) to the Committee against Torture about France, we mentioned our concerns regarding the inadequate detention conditions and insufficient access to mental health services for prisoners with psychosocial disabilities in France. These concerns remain strong, and the recommendations provided by the Committee in 2016 are yet to be implemented. Moreover, although, in our April 2016 report *Double Punishment Inadequate Conditions for Prisoners with Psychosocial Disabilities in France*, we highlighted the lack of available data on the issue, no comprehensive study had been conducted since 2004.

#### Condition of detention for prisoners with psychosocial disabilities in disciplinary quarters

One issue that remains of particular concern is that people with psychosocial disabilities can be held in solitary confinement in disciplinary quarters where their mental health can deteriorate, often resulting in self-harm.

A prisoner punished by detention in a disciplinary cell is held there alone, banned from participating in activities and from working. They have the right to go outside for an hour per day for exercise in a special courtyard, where they are alone with a guard. In such circumstances, prisoners with psychosocial disabilities may experience the punishment as disproportionately harsh compared to prisoners without such disabilities.

According to Juan Mendez, the former United Nations special rapporteur on torture, the imposition of solitary confinement of any duration, on persons with mental disabilities is cruel, inhuman or degrading treatment. He has called on governments to abolish it for prisoners with psychosocial or cognitive disabilities.

He has also said that the longer the duration of solitary confinement or the greater the uncertainty regarding the length of time, the greater the risk of serious and irreparable harm to the inmate that may constitute cruel, inhuman or degrading treatment or punishment or even torture.

#### Abusive practices in psychiatric hospitals

Although specially equipped hospital units exist in the French mental health system, only 9 are currently open in the country, and none outside of continental France. The government had promised to build a dozen more, but no date has officially been set for their opening.

The insufficient number of psychiatric facilities specifically designed to accommodate prisoners and in some cases the lack of means to transport prisoners to said facilities encourages prison authorities to bring prisoners in need of medical care to regular mental health facilities instead. Prisoners who had been admitted to psychiatric hospitals without their consent as well as medical staff and the former inspector of prisons described to Human Rights Watch harsh conditions for prisoners in psychiatric hospitals. In such cases, the patients in custody admitted for involuntary psychiatric care are almost systematically placed in isolation rooms and deprived of numerous rights they are entitled to in prison because they are considered dangerous and representing a flight risk, based on their status as prisoners.

Sarah, a female prisoner, told Human Rights Watch what she remembered about being held in two psychiatric hospitals in the past: In both there was a lot of ill-treatment, she said. Sometimes [] nurses dragged me by my feet to an isolation room, they attached me to the bed, even though I hadn't done anything wrong. I prefer a thousand times to be in a cell than in an isolation room in hospital, my arms and feet tied down as if I were an animal, an injection in my buttocks, she said.

Some patients have no access to the telephone, are not allowed any visits, personal belongings, walks outside of their room or even access to the open air other than a small window. Such practices, already pointed out in our previous communications, remain clear violations of the fundamental rights of patients with a prisoner status, and can constitute inhuman, cruel or degrading treatment, in breach of Article 16 of the convention.

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