

# Women in Prison: France

Analysis from the National Preventive  
Mechanism

| August 2024



# France



UNCAT ratification  
18 February 1986

OPCAT ratification  
11 November 2008

National Preventive Mechanism (NPM)

## Controller General for Places of Deprivation of Liberty (CGLPL)

NPM legal framework  
Act no. 2007-1545 of 30 October 2007 (consolidated version as of 22 January 2017) instituting a Controller General for Places of Deprivation of Liberty

NPM operationalisation  
Since 2008

NMP structure  
New specialised institution

NPM composition  
Members and staff: 65 people (46 women)

## I. Facts and Figures

### Prison population

Total prison population **75,897**

Women in prison  
**2,537 | 3.3%**

Women on remand  
**916**

Women sentenced  
**1,554**

Women sentenced/pre-sentenced<sup>2</sup>  
**67**

Source: Prison Administration Department, January 2024<sup>3</sup>

### Prisons for women

Number of facilities for women  
**70**

Number of facilities exclusively for women<sup>1</sup>  
**2**

Number of mixed facilities with special units for women  
**68**

Source: CGLPL, February 2024

<sup>1</sup> Only two facilities are entirely dedicated to women: the women's prison in Rennes and the women's prison in Versailles.

<sup>2</sup> A person is both convicted and remanded if he or she has been convicted and sentenced in one or more cases and remanded in one or more other cases. A person may be involved in several different cases.

<sup>3</sup> Direction de l'Administration Pénitentiaire, Bureau de la donnée, de la recherche et de l'évaluation (DAP/SDEX/EX3), Statistique des établissements et des personnes écrouées en France, 1<sup>er</sup> January 2024: [https://www.justice.gouv.fr/sites/default/files/2024-01/statistiques\\_etablissements\\_20240101.pdf](https://www.justice.gouv.fr/sites/default/files/2024-01/statistiques_etablissements_20240101.pdf)

## II. Recommendations

### Body searches

- + Strip searches must meet the criteria of necessity and proportionality and must be limited.
- + The use of a strip search, known as a full search, should be an individualised procedure and the implementation of this measure, which by its very nature is an affront to dignity, should not only be justified in law and in fact, but should also be conducted in conditions that respect the individual. It should only be possible once the inadequacy of a frisk search or the use of electronic detection equipment has been demonstrated.
- + A full strip search should not result in a humiliating practice. Humiliating orders, gestures and physical contact constitute a serious infringement on the fundamental rights of detainees. This must be stopped immediately. In addition, when women are strip-searched, they should not be asked to remove their sanitary pads.
- + Collective strip searches should be banned.

### Access to healthcare

- + The specific needs of women should be effectively taken into account, particularly in terms of hygiene and health care, especially gynaecological and mental health care.

### Mental health

- + Women should receive the same psychiatric care as men and should not be excluded from therapeutic activities and day hospitalisation. Specialised services at the regional level should all be able to admit women.

### Contact with the outside world

- + Just because it is only a small number of women who are deprived of their liberty, does not justify why they are unevenly distributed geographically, which leads to overcrowding and an infringement on their rights to maintain their family ties. To ensure contact with the outside world, technological means should be provided to compensate for the geographical distance.

### Life in prison: regime and activities

- + Women should have equal access to rehabilitation facilities and activities, such as work and vocational training, despite the fact that they are fewer in number than men. They should also have equal access to the different ways in which sentences can be adjusted or enforced..

### Women with children in prison

- + Any woman assigned to a nursery should be able to accompany her child to consultations or hospital admissions.
- + Women assigned to a nursery should have access to outdoor areas where they can walk and exercise, with or without their child. They should also be offered the opportunity to take part in group, socio-cultural or professional activities.

## III. Detention Issues

### Body searches



The Penitentiary Code defines the circumstances and procedures for strip searches. These provisions apply equally to men and women. The only difference is that, when women are searched, the strip searches have to be conducted by female staff.

According to Article R225-3 of the Penitentiary Code, "*Detainees may only be searched by officers of their own sex and under conditions that, while guaranteeing effective control, preserve respect for the inherent dignity of the human person*". However, the CGLPL has observed that women's strip searches are sometimes conducted in humiliating conditions.

According to the CGLPL's thematic report on intimacy, at the risk of being deprived of their liberty<sup>4</sup> (2022), "*In prison, women are subjected to searches of their sanitary pads or tampons when they menstruate. This was described in detail in one facility: "Disposable sanitary pads are provided for menstruating women: they are asked to throw away their protection (sanitary pad or tampon) when they undress. This humiliating gesture is seen as an invasion of their privacy, with some women adding that the pads they are given are also of very poor quality". The search rooms are sometimes equipped with a stock of sanitary pads for this purpose (as observed in January 2022 during the visit to the MA in Limoges), but this is not always the case, so the detainee then returns to her cell without protection. Aside from this practical detail, just the fact of having to remove sanitary protection in front of an officer undermines the privacy and human dignity of women detainees*". It should be noted that the practice of searching sanitary pads and tampons was again observed after the publication of this report.

The CGLPL was also able to observe that women's strip searches are conducted systematically, particularly on first being admitted to prison, prior to transfer to another prison, when they return from leave, and when they leave for a medical extraction, among other things.

Non-systematic searches are also conducted in various situations: when returning from a medical or judicial extraction, when they are released, when they leave to go on leave, when they return from the visiting room, before being placed in the disciplinary ward, when they return from a walk.

In a facility that houses radicalised persons or persons likely to be radicalised, a specific search regime has been put in place to compensate for the facility's shortcomings in terms of security. Full strip searches are conducted systematically in the following cases: when leaving and returning from extractions, when returning from visiting rooms. There is also a systematic frisk search when returning from a walk.

Strip searches should be monitored and decisions need to be made about it, but in practice, there is often no way of keeping track of them.

### Access to mental health care

The initial medical examination is usually conducted by a healthcare professional. There is not always a consultation with a psychiatric doctor. Depending on the facility, a nurse from the psychiatric care unit systematically sees all new arrivals, and refers them to a psychiatric doctor if necessary. In other facilities, detainees have to request their first appointment with a psychiatric care nurse.

In a facility that only houses women detainees, the CGLPL noted the following: "*The nurse asks the incoming detainee about her psychiatric history and assesses the risk of suicide. Based on our interviews, women often collapse during this evaluation. If the patient's psychological condition seems to be a cause for concern, she is seen by a nurse in charge of psychiatric care or by one of the psychologists.*"<sup>5</sup>

<sup>4</sup> CGLPL, Rapport thématique, *L'intimité au risque de la privation de liberté*, August 2022: <https://www.cglpl.fr/2022/lintimite-au-risque-de-la-privation-de-liberte/>

<sup>5</sup> CGLPL, *Report on the third visit to Versailles Remand Prison (Yvelines)*, 2021.

According to the findings of the CGLPL in its [Opinion on the care of detainees with mental disorders](#) (2019), psychiatric care is not provided in an appropriate manner in prisons, and women suffer because of their lower numbers when it is a mixed facility.

According to a [study](#) on mental health in the prison population published in 2023:

*"Among the people who took part in the study, two-thirds of men in prison and three-quarters of women released from prison had a psychiatric or substance-related disorder upon leaving prison.*

- *Half of those surveyed are affected by a substance-related disorder*
- *one third of the men and half of the women suffered from mood disorders (including depression)*
- *one third of the men and half of the women suffered from anxiety disorders*
- *10% of the men and one sixth of the women were affected by a psychotic syndrome*
- *a quarter of the men and half of the women suffered from insomnia.*

*32.3% of men (and 58.8% of women) are considered to be moderately to severely ill, while the suicide risk is estimated at 27.8% for men (and 59.5% for women), with an estimated high risk of 8.2 and 19.1% respectively".*

There is a shortage of psychiatrists and psychologists in French prisons, so the provision of care is inadequate. The CGLPL's reports also show that women have difficulty accessing specialised facilities adapted to their needs in terms of psychiatric care. For women to have equal access to psychiatric care, all specialist services at regional level should be able to admit women, which is not currently the case.

### Good practice: Mental health first-aid training

Following the 2021 [conference on mental health and psychiatry](#), an [interministerial circular](#) was published on 23 February 2022, aimed at rolling out mental health first aid in the civil service. As part of this, training is now being offered to civil servants, including prison staff, to help them to acquire basic knowledge of mental health conditions and intervene when faced with a person in crisis or difficulty.

### Use of means of restraint

In French prisons, forced care is prohibited. Medical sedation can only take place in a hospital. However, the CGLPL has still seen sedation practices in prisons, although very rarely, and generally on men.

The rules applicable to medical extractions on pregnant women (or women undergoing a gynaecological examination) are as follows: any delivery or gynaecological examination, without exception, must take place without handcuffs or shackles and without the presence of prison staff, in order to guarantee the right to respect for the dignity of women detainees (article 52 of the 2009 Prison Act). From the sixth month of pregnancy, pregnant women must under no circumstances be simultaneously handcuffed and restrained, whatever the nature of the consultation and the circumstances, including during the trip between the facility and the place of consultation. They can only be handcuffed if they are known to be highly dangerous; they can only be restrained during transport and apart from the situations provided for in article 52 of the Prison Act, in exceptional

circumstances, if they are known to be highly dangerous and, additionally, as an alternative to being handcuffed.

## IV. Women in Special Situations of Vulnerability

### Women with children in prison

**Women can be incarcerated with their children up to the age of 18 months.** In 2019, there were 79 mother-child cells in 31 prisons. Only 5 facilities have five or more mother-child cells, otherwise there are one or two cells, separated from the rest of the prison. This concept is potentially fraught with relationship difficulties for mothers and children, who will be living in **de facto isolation** for months on end. It can only be very detrimental to the harmonious development of the children who will have to grow up there.

There is also a significant distance from the person's place of residence, which makes it difficult to maintain family ties.

In November 2023, the long-awaited "Circular on the care of children living with their mothers in detention" was published. In 2013, at the time of the CGLPL's opinion on young children in prison and their detained mothers, this circular was already in preparation.

As part of its visit to the Bapaume detention centre<sup>6</sup> in March 2018, the CGLPL noted that the special needs of mothers with children were not given any particular attention and requests went through the usual channels.

For example, childcare equipment and baby products are difficult to obtain: it was not possible to obtain a breast pump, and a breast-fed child had to be hospitalised without his mother; it takes a long time to obtain a baby blender, and it took three weeks to change the milk to which the child reacted badly; a pram was provided by the administration after two weeks, even though a personal pram had been authorised in the cloakroom where it was stored. There were also long delays in getting children's personal belongings (games, books, clothes) in.

There were problems with the supply of nappies, milk and baby food: American bandages had to be used as nappies for several days, thanks to the intervention of the health unit.

As far as children's health is concerned, the Maternal and Child health protection service (PMI) usually intervenes once a month. One mother, who had given birth by caesarean section, had not seen a gynaecologist since giving birth in August 2017, and perineal rehabilitation, although prescribed, had not been provided, despite reminders to the healthcare unit.

Lastly, the detention regime is not designed to accommodate mothers with children. Access to the promenade is only possible in the morning at 8:30 am and to the "green space" - an area located between two detention buildings - from 10:00 am to 11:30 am and from 3:30 pm to 5:30 pm.

For at least the first six months after birth, mothers are subject to a de facto closed-door regime. They are only allowed contact with another mother with child, if there is one. The regime opens once the child starts walking, or it becomes semi-open a little earlier. In this case, a "nanny" system prevails: other women can look after the child while the mother goes to appointments, for example.

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<sup>6</sup> CGLPL, Report on the second visit to the Bapaume detention centre (Pas-de-Calais), 2018: <https://www.cglpl.fr/2019/rapport-de-la-deuxieme-visite-du-centre-de-detention-de-bapaume-pas-de-calais/>

The mother is regularly subjected to full a strip search in the visiting room. They take place in the women's search room, which is not equipped to accommodate a mother with a child. The mother has to place the baby on a simple table while she undresses. She also has to bring a blanket so that the baby is not lying on the furniture. Despite the risk of falling, there is no equipment to hold the child. According to the interviewees, the baby's nappy is regularly taken from them when the mother is being strip-searched. Apart from the legal problem, since the child is not the subject of the strip-search decision, this practice raises the question of respect for the child's dignity. The mother and the child are therefore both subjected to a strip search.

### Trans women

Despite developments, the legal framework governing the care of transgender people is uncertain and, in the absence of national guidelines, the prison administration is experiencing difficulties in providing care for transgender people. Although protocols have sometimes been formalised at the local level, they have not been approved by the hierarchical authorities or have fallen into disuse with the departure of their authors.

Furthermore, although some facilities use individual measures to respond to the specific problems of people deprived of their liberty on a case-by-case basis, objects that are considered "feminine" are more often than not inaccessible in "male" prisons.

During their initial training, the most recent classes of prison officers are taught how to deal with this population, but this training is not sufficiently widespread or in-depth. As a result, the sex of the person being strip-searched when being admitted can lead to placement in solitary confinement or in an area reserved for people in vulnerable situations.

There are major difficulties in dealing with gender transition, and this is compounded by discriminatory or even transphobic comments, as well as strip searches that violate people's dignity and privacy. The prison administration has not issued any instructions on this subject and, in the vast majority of cases, strip searches are carried out by a staff member of the same anatomical sex as the person being searched, irrespective of the sex recorded in the person's civil status or gender identity. In some facilities, it is even carried out by two officers so that a witness can testify to any inappropriate actions on the part of the other officer or the transgender person. All these attacks have harmful consequences for the physical and mental health of the people concerned, including an increased risk of suicide.

## V. Alternatives to detention

Since 2014, conditional release can be granted for family reasons to a convicted person who has less than 4 years of prison left to serve, regardless of the original sentence.

Such release is only granted if the convicted person has parental authority over a child under the age of 10. The child must have their habitual residence with the convicted person. If the convicted person is divorced/separated and only has visiting rights, they cannot benefit from this scheme.

This measure also applies to women who are more than 12 weeks pregnant. It is not granted if there is a risk of recidivism or in the case of a felony (the most serious offence punishable by a prison sentence, e.g. intentional homicide or rape) or misdemeanour (an act prohibited by law and punishable by a fine and/or a prison sentence of less than 10 years) committed against a minor.

## VI. Other relevant NPM information on women in prison

**Notices published in the Official Journal**

- + [2021 : Opinion on the care of transgender people in places of deprivation of liberty](#)
- + [2016 : Opinion on the situation of women deprived of their liberty](#)
- + [2013: Opinion on young children in prison and their imprisoned mothers](#)

**On-site checks**

- + 2018: [Investigation into the care of a pregnant woman detained in the nursery section of Fleury-Mérogis prison and at the Sud-francilien hospital centre.](#)
- + 2016: [Investigation into the mixed men-women workshop at Bordeaux-Gradignan prison](#)
- + 2017: [On-site inspections of mother and child cells at Dijon prison](#)
- + 2013: [Nursery surveys in prisons](#)

**Thematic report**

- + 2022 : [Privacy at the risk of deprivation of liberty](#)

This report is part of the NPM's global report on women in prison.

The full report is available here: [www.apm.ch/global-report/](http://www.apm.ch/global-report/)