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Monitoring Protests in Practice: Perspectives from Oversight Bodies

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Could you briefly present the institution of the General Controller of Places of Deprivation of Liberty (CGLPL), its mandate and its structure?

The [CGLPL](#) is an institution established specifically to serve as France's National Preventive Mechanism (NPM) in accordance with the Optional Protocol to the UN Convention against Torture (OPCAT). [Law No. 2007-1545](#) of 30 October 2007, which established the CGLPL, actually predates France's ratification of the OPCAT and grants the institution a broad mandate to ensure respect for the fundamental rights of persons deprived of their liberty. In fact, the terms "prevention of torture or ill-treatment" do not appear in the law. The General Controller is appointed by the President of the Republic, with the approval of Parliament, for a non-renewable and non-revocable six-year term. The General Controller does not receive instructions from any authority and freely recruits the staff who carry out the institution's work on his or her behalf. The CGLPL has a highly operational structure, with one team responsible for conducting visits and another team responsible for handling complaints and addressing legal issues. The CGLPL does not perform a mediation function, however, the complaints received enable us to identify structural problems and guide our work.



What are the CGLPL's main strategic priorities for preventing torture and other forms of ill-treatment in the country?

They are numerous and diverse, as there are many different types of places of deprivation of liberty, each presenting significant challenges. Prison overcrowding is, of course, a priority, but we are also very active in the field of mental health and psychiatric institutions because of the significant restrictions and coercive practices we have observed. Police detention is another important area, although it is difficult to monitor because detention periods are short and we receive relatively few reports or complaints about what occurs in police custody. More generally, our approach is to follow the person deprived of liberty rather than focusing solely on the place itself. For example, we monitor the entire process of police custody, which consists in monitoring the police station and then following the detainee in the transfer vehicle to the court where they will be brought before a judicial authority, in order to understand the conditions in which they were held in police custody and subsequently detained at the courthouse.

How did the decision to monitor protests emerge?

Internally, the issue of monitoring protests has arisen repeatedly in recent years. The main issue was how to proceed in practice and where to go, given that a protest may extend over entire streets and that it is impossible to anticipate the number of arrests. In any event, it seemed important to us to monitor what happens in police stations during protests. This clearly falls within the CGLPL's mandate, since deprivation of liberty begins at the moment of arrest. During mass protests, such as the 2023 social movement that gathered more than one million protesters, it appeared important, in our capacity as the NPM, to have a strategy for observing how arrests were handled and managed, as well as the conditions of detention in police stations.

So the CGLPL is not present in the streets to monitor protests?

No, although that would be good. At present, it is difficult for us to deploy such resources, particularly in a rapid and reactive manner, given the resources already devoted to organizing our regular visits. We must also bear in mind that protests that turn violent are relatively rare. For this reason, during the mass protests in 2023, we decided to focus on police stations in Paris. Unfortunately, we were not able to extend this work to other cities.

How are these visits conducted and on which specific aspects does the CGLPL focus?

There is no formal coordination with the authorities prior to our visits because it is essential to preserve the element of surprise during visits to police stations. This is particularly important to build public trust and demonstrate our independence. During the 2023 protests, teams of two or three inspectors were deployed simultaneously to several police stations. Thanks to our sources,



Source: CGLPL

we were able to identify quickly those police stations receiving particularly high numbers of arrested persons, allowing us to target our visits effectively. In total, we visited nine police stations in Paris over the course of two days. During these parallel visits, the teams remain in contact in order to share information collected, thus enabling complementary inspections and verification based on the findings of the different teams. In addition to allowing more thorough inspections, this coordinated approach provides us with an overall picture of the situation. During these visits, the CGLPL focuses on several issues, including detention conditions, ill-treatment during arrest, and compliance with procedural safeguards, which we verify through confidential interviews with detained persons and by taking photographs.

What were some of the main findings arising from these visits?

During the 2023 social movement against the pension reform, we observed that the Government was overwhelmed. Police units that are not specialized in riot control were deployed, which contributed to abuses such as crowd charges and mass arrests in the streets. Detention conditions in police stations are generally extremely poor, and the situation was exacerbated during the protests due to severe overcrowding in the holding cells. Regarding procedural safeguards, we found that pre-prepared arrest forms, which were hand-written and contained uneven or insufficient reasoning, had been distributed to officers likely to carry out arrests. These often bore no relation to the detained persons we encountered in police stations. This is arbitrary detention. We also learned that tourists and minors were arrested. Police custody lasted 24 hours and was, in some cases, extended without justification. What is particularly striking is that in 80 per cent of the cases detained protesters were released without any further action being taken. This is an exceptionally high proportion and demonstrates that police custody was being used as a tool to suppress the protest. Regarding safeguards, we found delays in informing detainees of their rights and that the written notice summarizing those rights had not been provided to all detainees. More generally, we have observed that information regarding the possibility of requesting legal assistance is often accompanied by a warning that doing so could prolong

the period of deprivation of liberty. In practice, some individuals therefore waive their right to request a lawyer.

What strategies does the CGLPL use to engage with the authorities to ensure implementation of its recommendations?

During the 2023 protests, we decided to refer the matter immediately to the competent authorities and to publish our findings without delay, given the serious violations of the fundamental rights of persons deprived of liberty that we documented. It was important to draw attention to the failures and unlawful practices we had observed. [This report](#), in particular, received extensive media coverage. Although the Ministry of the Interior did not appreciate the CGLPL's denunciation of the "instrumentalisation of police custody for repressive purposes," it nevertheless provided a detailed response, demonstrating that our report had been taken seriously.

What are some of the challenges encountered in monitoring protests, and what are the main lessons learned from this work?

At present, the main challenge is to be physically present in the streets during protests. Given the many other issues and places of deprivation of liberty that the CGLPL oversees, our work on protests has primarily been reactive. We are observing a deterioration of the situation in the places we monitor and are currently issuing numerous urgent recommendations. In this context, it is difficult to take a step back and better anticipate the methodology we should adopt for future protests. It would therefore be valuable to learn more about this type of work and from other experiences. An important lesson from our work is that the CGLPL cannot operate in isolation. Complementarity among actors is essential. Lawyers and civil society organizations, for example, have different approaches and play an important role in this field.



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