

EXECUTIVE SUMMARY

In November-December 2023, the CPT carried out an ad hoc visit to two French regional territories located overseas, namely French Guiana and Guadeloupe. It was the Committee's 16th visit to France, and more specifically, its fourth overseas visit (the second to French Guiana and the first to Guadeloupe).

The main objective was to examine the treatment and conditions of persons deprived of their liberty by the police, in prisons and psychiatric establishments. The delegation enjoyed excellent cooperation from both the central administration and the decentralised departments, as well as from the establishments visited.

Law enforcement establishments

The vast majority of people met by the delegation made no allegations of ill-treatment by law enforcement in French Guiana and Guadeloupe. In Guadeloupe, however, several persons, including a child, indicated that their arrests involved excessive use of force and the use of inappropriate techniques to restrain them.

Many people also reported being handcuffed in their backs during transfers in vehicles which often failed to meet basic security requirements. The CPT is concerned about the conditions of access to hospitals for persons deprived of their liberty, who are often handcuffed in full view of the public. The presence of officers during consultations remained a virtually systematic practice.

In addition, the delegation's findings call for effective measures to be taken to eradicate the practice of tying detained persons to fixed objects, including beds, day and night.

The exercise of certain fundamental safeguards against ill-treatment was particularly challenged in French Guiana, notably due to the difficulties of access to remote areas. In particular, the delegation noted that many interviews, including in some cases those involving children, took place without the presence of a lawyer. Furthermore, in both regional territories, law enforcement officers had not received specific training in the techniques to be used when interviewing children.

The material conditions of detention in law enforcement facilities remain a source of serious concern. Many multi-occupancy cells did not have beds for all occupants. As a result, detained persons sometimes had to sleep on the floor without a mattress or clean sheets. Sanitary facilities were often used in full view of other people. Urgent measures need to be taken in all custodial facilities to ensure dignified, hygienic and sanitary conditions, as well as acceptable working conditions for law enforcement officers.

Despite the CPT's repeated recommendations, including those specific to French Guiana, the use of detention facilities by the national gendarmerie without the constant presence of officers at night persists. In the CPT's view, the system of patrols does not guarantee adequate surveillance of detained persons, which would make it possible, in particular, to meet their needs and ensure rapid arrival on site in the event of an incident.

With regard to the treatment of persons transporting substances in corpore (“bodypackers”), the delegation noted that the arrangements for recovering drug capsules were often inadequate, and could amount to inhuman and degrading treatment.

Situation in the prisons visited

Prison overcrowding was widespread in the establishments visited. The situation was extremely worrying in the remand prisons, with occupancy rates in excess of 225%. At *Rémire-Montjoly* and *Baie-Mahault* prisons, a significant number of prisoners (around 20 to 30% in some quarters) were forced to sleep on mattresses on the floor, sometimes with their heads next to non-partitioned toilets, in front of the door or on a table, in cells with only 2 to 3 m² of living space per person.

Overall, the material conditions of the accommodation facilities were deplorable and dilapidated. Maintaining the buildings' condition proved especially challenging; a difficulty further exacerbated by the territories' specific climatic constraints. In addition, the regime offered to detained persons, particularly children, was largely inadequate.

The CPT recalls that the cumulative effect of overcrowding, lack of activities and inadequate and degraded material conditions of detention could amount to inhuman and degrading treatment, particularly when persons are held in such conditions for prolonged periods. Concrete measures are needed to ensure that children held in *Rémire-Montjoly* and *Baie-Mahault* prisons are detained in material conditions that respect their needs.

The CPT takes note of the cooperation efforts made by the judicial authorities and the prison administration to regulate incarceration, orientation and assignment flows in French Guiana and Guadeloupe. However, in view of the findings made during the previous visit to French Guiana, the above-mentioned figures and the delegation's observations, the CPT notes once again that these efforts are not reflected in the reality of prisoners, who continue to live in conditions which could amount to inhuman and degrading treatment, contrary to the undertaking given by each State party to the European Convention on Human Rights to respect the dignity of persons deprived of their liberty in prison establishments.

Urgent measures are needed to ensure acceptable conditions of detention, particularly in terms of living space, in the three prisons visited. The coordinated efforts of all actors in the penal system, along with any other national authorities responsible for remand and sentenced prisoners, must be reinforced.

On the whole, prisoners reported no ill-treatment by prison staff. However, the delegation noted a number of incidents of excessive use of force and professional negligence, which highlight the need for in-depth work on professional practices and intervention management. The delegation also received allegations of verbal abuse, including shouting and derogatory or racist language, in the three establishments visited.

Inter-prisoner violence, including attacks with improvised weapons causing serious injury, was a pervasive problem, particularly at *Rémire-Montjoly* penitentiary. The delegation received numerous allegations of violence and intimidation linked to trafficking, extortion and theft of personal belongings, particularly against vulnerable persons and children. Violence is exacerbated by understaffed prison teams and a lack of essential training to meet the needs of prisoners. The CPT welcomes the management's efforts to combat inter-prisoner violence. However, it is still premature to note any significant impact of these efforts to reduce violence.

The CPT is deeply concerned by the excessive number of prisoners with severe mental health disorders, who should not be held in the conditions observed at the establishments visited. It regrets the inadequacy of resources, in particular the lack of appropriate facilities and the absence of dedicated care and surveillance teams trained to manage such prisoners.

The conditions under which prisoners were placed in solitary confinement were particularly worrying. Isolation measures must be supplemented with activities that provide appropriate mental and physical stimulation, while the prison medical service must remain especially vigilant regarding the situation of isolated prisoners.

Psychiatric establishments

In the course of this ad hoc visit to French Guiana and Guadeloupe, the delegation visited:

- in French Guiana, the closed adult ward and the child psychiatry ward of the mental health department of the *Andrée Rosemon* hospital in Cayenne (CHC), and the emergency department located in the same hospital;
- in Guadeloupe, the closed adult and child psychiatry wards of the *Établissement public de santé mentale de la Guadeloupe (EPSM-G)* and its *Centre d'accueil et de crise (CAC)* at the *Centre hospitalier universitaire (CHU)* in Pointe-à-Pitre. The delegation also visited the emergency departments of the *Centre hospitalier de la Basse-Terre (CHBT)* and the *CHU*.

The delegation received no allegations of ill-treatment of patients by staff in any of the establishments visited. However, violence between patients was not uncommon. In such situations, staff intervened quickly and effectively. Furthermore, healthcare staff were regularly the targets of acts of violence by patients – insults, death threats, slaps and punches. In several closed adult wards, the feeling of insecurity among staff members was palpable. Resolute action is needed to enhance patient and staff safety.

Generally speaking, patient living conditions were good in the closed wards of the *CHC's* mental health department in French Guiana and in *the EPSM-G in Guadeloupe*, as well as in the child psychiatry wards of both establishments. However, the humid climate in French Guiana and Guadeloupe calls for regular building maintenance to repair damage caused by water infiltration and to eliminate mould. At *the EPSM-G* site in Saint-Claude in particular, it became apparent that several patient rooms were almost always out of service for this reason.

In both French Guiana and Guadeloupe, patients experiencing an acute psychiatric crisis were placed for up to four days in a general emergency department before being admitted to a psychiatric unit. In these emergency departments, patients were frequently restrained to their beds or stretchers, using straps or, sometimes, makeshift restraints such as Jersey straps, as was the case at the *CHU* in Pointe-à-Pitre. Further, patients were often strapped in full view of other emergency patients. Patients suffering from acute psychiatric crises were not offered adequate treatment in these departments. These findings brought to light a situation that could constitute a violation under Article 3 of the European Convention on Human Rights (the Convention).

Both facilities admitted patients to their closed wards dedicated for acute cases, despite their chronic disorders and psychiatric or social needs not aligning with the care provided in the inpatient unit. However, no alternative options were available to them. In both facilities, management estimated that this group represented around 20% of patients. In view of the lack of beds available for acute care, initiatives had been taken in French Guiana and Guadeloupe to offer more suitable accommodation solutions.

The two facilities visited were understaffed at all levels. This situation prevented the staff present from providing a comprehensive therapeutic program tailored to the severity of the inpatients' health conditions, and from dedicating time in ongoing training, especially regarding patients' rights and recent reforms.

The CPT fully supports policies aimed at increasing patient autonomy and limiting the use of restraints. During its visit to the *CHC de Guyane* and *the EPSM-G*, the delegation noted that, in line with government policy, means of mechanical restraint were rarely used in the units visited. However, when such means were used, they could be applied for several days in a row.

Isolation, on the other hand, was frequently applied in both hospitals, in some cases for several months at a time. In this context, the CPT has repeatedly expressed its concerns about the conditions of hospitalisation of "difficult patients", who were often held in isolation for long periods. At the time of the visit, the *EPSM-G* had already been housing two patients in isolation rooms for several months. Despite the care and commitment of healthcare staff, keeping patients in isolation for such long periods is a highly questionable practice, which could constitute inhuman and degrading treatment.

Judicial supervision of restraint and isolation measures, in accordance with article L. 3222-5-1 of the French Public Health Code (*Code de santé publique*, CSP), was not in place in any of the facilities visited. In French Guiana, in several patient files, the delegation found requests made to the judge, but not the related authorisations. In the absence of a response from the judge, the doctors had assumed that they had authorisation to extend the restraint measure.

In Guadeloupe, the judge on liberties and detention (*juge des libertés et de la détention*, JLD) played an active role in supervising the use of restraints, including through unannounced inspection visits. The reports from these visits highlighted the reluctance of *EPSM-G* medical staff to request extensions for the use of restraint measures from the JLD and to implement judicial decisions ordering the removal of such restraints. The delegation's findings are consistent with these reports. This situation clearly violates the obligation of judicial supervision, a legal safeguard established by article L.3222-5-1 of the CSP and, in the CPT's opinion, raises serious questions as to the legitimacy of the renewal decisions taken. The French authorities should ensure that the law is correctly applied.

Persons detained under the legislation for foreign nationals

The delegation visited the Matoury administrative detention centre (*Centre de Rétention Administrative*, CRA) in Cayenne-Rochambeau, French Guiana, previously visited by the CPT in 2008, and the CRA "Les Abymes" in Guadeloupe. In addition, the delegation visited an administrative detention facility (*Local de Rétention Administrative*, LRA) in Saint-Laurent-du-Maroni, French Guiana.

The delegation received no allegations of ill-treatment by staff members of foreign nationals detained in any of the CRAs or the LRA.

At the CRA "Les Abymes" in Guadeloupe, the cohabitation of detained persons and staff was serene.

In the CRA of Matoury in French Guiana, relations between staff and foreign nationals were generally respectful, if not cordial. As regards violence between persons held, the CPT was concerned by two intrusions by two male detained persons into the female section of the facility in June and November 2023, and calls on the French authorities to take the necessary measures to prevent further incidents of this type.

In French Guiana, the cohabitation of persons leaving prison and irregular foreign nationals was a frequent source of tension. These tensions were exacerbated by the increasing length of administrative detention, which mainly concerned persons who had recently left prison of certain nationalities, and the lack of motivating activities, including sports. Staff tried to ease tensions before they got out of hand. While certain measures had helped to maintain calm and order, the CPT is concerned about the future, particularly if the length of detention for certain categories of foreign nationals is not reduced. In the CPT's view, the French authorities should keep a close eye on the situation at the CRA of Matoury.

The CPT considers living conditions in the two CRAs visited to be unsuitable for stays of more than 48 hours. First of all, in both centres, the living areas (bedrooms and recreation room) were dark, as the window shutters were closed to limit exposure to the sun. Nevertheless, the heat combined with the absence of air conditioning in the rooms of both CRAs prevented detained persons from sleeping. At the time of the visit, all persons detained in French Guiana and Guadeloupe had moved mattresses to the floor in the slightly cooler recreational and dining areas.

In this context, it is worrying to note that due to frequent water cuts in Guadeloupe, at the time of the visit, the CRA "Les Abymes" was without running water, resulting in the persons detained being unable to flush the toilets and take a shower.

Further, the outdoor yards in the two CRAs were too cramped to allow for proper exercise and, moreover, in "*Les Abymes*" in Guadeloupe, was not freely accessible during the day.

However, it was positive that in both CRAs foreign nationals were in a position to maintain contact with the outside world. In the CRA "*Les Abymes*", they were allowed to keep their mobile phones, including smartphones with internet access. In the view of the CPT, this is a good practice. At the CRA of *Matoury*, this was also allowed, under the condition that the phones were not equipped with a camera.