

RULES/GENERAL LAWS	
<b>General</b>	<p>French law applies fully and at all times, to French soldiers deployed abroad. <b>See Articles 113-6 to 113-9 of Code pénal [Criminal Code].</b></p> <p><a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070719&amp;dateTexte=20151021">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070719&amp;dateTexte=20151021</a></p> <p>French military personnel are always presumed to be on duty when deployed, but this presumption may be rebutted in cases of serious misconduct.</p> <p>France implements UN rules on SEA through the enforcement of the "zero-tolerance" policy on SEA. It focuses on prevention, implementation of best standards of conduct and remedial actions. In the field, commanding officers regularly remind the soldiers that they are not allowed to establish connexions with local populations when it is not required by the mission. In addition, the French Criminal Code (Code pénal) makes it an offense to solicit, accept or to obtain sexual relations with a person engaged in prostitution. <b>See Article 611-1 and Article 225-12-1 of Code pénal [Criminal Code].</b></p>
<b>SEA: military offence?</b>	<p>Sexual Exploitation and Abuse offences are provided by the criminal law that applies to all French citizens, including French soldiers. Therefore the law applies to everyone and French soldiers are held accountable within French jurisdiction. There is no immunity, exemption or impunity of any sort. Moreover if soldiers were found guilty of committing certain crimes while they are deployed on mission, they would risk being condemned with aggravating circumstances. In addition, the French criminal code (Code pénal) makes it an offense to solicit, accept or to obtain sexual relations with a person engaged in prostitution. <b>See Articles 611-1 and 225-12-1 Code pénal [Criminal Code].</b></p> <p><a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071360&amp;dateTexte=20160928">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071360&amp;dateTexte=20160928</a></p> <p><a href="https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070719&amp;idArticle=LEGIARTI000006417878&amp;dateTexte&amp;categorieLien=cid">https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070719&amp;idArticle=LEGIARTI000006417878&amp;dateTexte&amp;categorieLien=cid</a></p>
<b>Powers of the Commanding Officer (CO)</b>	<p>Commanding Officers have power to promulgate rules and policies.</p> <p>Commanding Officers also have administrative and disciplinary powers but have no power to direct legal investigations, decisions and judgments.</p>
INVESTIGATION	
<b>Who can investigate?</b>	<p>The body that investigates offences is the "Prévôté", a branch of the Gendarmerie whose primary mission is to investigate all reported crimes involving French Forces. To carry out its mandate effectively, "Prévôts" (officers of the Prévôté) are always deployed alongside French forces based in or deployed to foreign countries. Acting as judiciary police officers and communicating directly with the French prosecutor, their mission is to make sure that the French military personnel are held accountable under French law, even when the latter are stationed abroad. In addition, the Prévôté has a special investigation unit based in Paris which is ready to be deployed when Prévôts in the field needs assistance/capacity support. The continuing presence of Prévôts alongside French forces allows for a quick response to reported alleged criminal offenses involving French soldiers. <b>See Articles L. 411-2, L.211-3, L.211-4 of Code of Military Justice - Military police (gendarmerie prévotale) under judicial authorities.</b></p>
<b>National Investigation Officer (NIO)</b>	<p>Prévôts (officers of the Prévôté) are always deployed alongside French forces based in or deployed to foreign countries. The prevots act as judiciary police officers and communicate directly with the French prosecutor. Their mission is to make sure that the French military personnel are held accountable under French law, even when the latter are stationed abroad. In addition, the Prévôté has a special investigation unit based in Paris which is ready to be deployed when Prévôts in the field needs assistance / capacity support. The continuing presence of Prévôts alongside French forces allows for a quick response to reported alleged criminal offenses involving French soldiers. <b>See Articles L. 411-2, L.211-3, L.211-4 of Code of Military Justice - Military police (gendarmerie prévotale) under judicial authorities.</b></p>
PROSECUTION	
<b>Referral</b>	<p>The Prévôts have the status of judiciary police officers. As such, they act independently under the instructions of the French magistrates. Thus, they carry out investigations as requested by either the Prosecutor or an investigative judge, specialized in military affairs. Once any complementary or supporting research requested by the magistrate has been conducted, the findings are communicated to the Prosecutor based in Paris/Investigative judge, who decides either to prosecute the alleged perpetrator before a French court or to close the file, if the case cannot be substantiated.</p>
<b>Who can charge?</b>	<p>In France, the Justice Department is responsible for bringing SEA charges. More precisely, the Court of Paris has exclusive jurisdiction to hear all criminal facts committed abroad (during overseas operations) by French soldiers. This exclusive jurisdiction promotes specialization of judges in the prosecution and trial of the military. <b>See Article 697-4 of Code of criminal proceedings.</b></p>
JUSTICE	
<b>Military justice</b>	<p>In peacetime and subject to the specific provisions of the Code of Criminal Procedure and the Code of Military Justice instituting specialized courts for military matters and specific military offences, service members are subject to ordinary law. French laws therefore apply to everybody. French soldiers are held liable before specialized French courts, made up exclusively of magistrates from the justice system.</p> <p>Ordinary law courts specialized in military matters are competent to try crimes and offences committed in the territory of the French Republic in peacetime by service members on duty. The specialized court for military matters sitting in Paris is competent for all offences of all kinds committed outside the territory of the French Republic by – or against – members of the French armed forces.</p> <p><a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154&amp;dateTexte=20160325">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154&amp;dateTexte=20160325</a></p>
<b>Deployable Court Martial?</b>	No

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