Constitutional Council rules on law to facilitate continued detention for serious offences

The French Constitutional Council ruled on the law aimed at facilitating the continued detention of people convicted of particularly serious offences and presenting a high risk of recidivism (Decision No 2025-895 DC of 7 August 2025). The law facilitates the taking of fingerprints and photographs of foreign nationals in detention and provides clarification on procedures (extensions of detention, content of reports, etc.). It also opens up the possibility of placing asylum seekers in detention.

The Constitutional Council censured certain provisions allowing, in certain defined cases related to the serious risk of public danger posed by the individual, the extension of the detention period. It declared unconstitutional the provision that similarly expanded the prefect's ability to lodge an appeal suspending a decision to end detention.

In a communication, the Minister of the Interior expressed his concern about some of the decisions.

The law was enacted on 11 August 2025. It was published in the Official Journal on 12 August 2025.

Source(s)

- Ministry of the Interior | Ministère de l'Intérieur (8 August, 2025), Loi visant à faciliter le maintien en rétention des personnes condamnées pour des faits d’une particulière gravité [Act to facilitate the continued detention of persons convicted of particularly serious offence], https://www.interieur.gouv.fr/actualites/communiques-de-presse/loi-visant-a-faciliter-maintien-en-retention-des-personnes-condamnees-pour-des-faits-dune
- Directorate of Legal and Administrative Information | Direction de l’information légale et administrative (11 August, 2025), Loi du 11 août 2025 visant à faciliter le maintien en rétention des personnes condamnées pour des faits d'une particulière gravité et présentant de forts risques de récidive [Law of 11 August 2025 to facilitate the continued detention of persons convicted of particularly serious offences and presenting a high risk of recidivism],

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https://www.vie-publique.fr/loi/297804-retention-administrative-etrangers-condamnes-oqtf-loi-11-aout-2025

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