

FRANCE

Considerable risk

2026

AT A GLANCE

France maintains an extensive formal human-rights architecture yet displays persistent, structurally embedded failures in preventing torture and ill-treatment. The Committee against Torture (CAT), reviewing France at its 82nd session in **2025**, found that Article 222-1 of the Criminal Code still does not define torture in line with the United Nations Convention against Torture. Lethal police force is rising: independent monitors recorded around **52 deaths** following police interventions in **2024**, a toll still climbing – at least 22 in the first five months of 2026, more than five a month and three times the 2005–2015 average. The CAT criticised the firearms-use framework for exceeding international standards. Prison overcrowding is critical — remand prisons stood at 172.6% occupancy in May **2026** — and the structural Article 3 of European Convention on Human Rights violation found in *J.M.B. and Others v. France* (2020) remains under supervision. Racial profiling, condemned by the European Court of Human Rights in **2025**, and impunity for law-enforcement violence (a 51% clearance rate for such cases in 2024) compound the picture. The situation in Kanaky-New Caledonia since May 2024 is an acute, distinct crisis: United Nations experts declared themselves alarmed as around **87 Kanak prisoners** were deported some **17,000 km** to metropolitan France and Kanak people came to represent over **90%** of the territory's prison population.

Thanks to collaboration with local civil society organisations on the ground, the Index includes the situation in **France's overseas territories**, as well as the **Non-Self-Governing Territory of New Caledonia***.

**In line with the terminology used in France's 2025 recent review by the United Nations Committee against Torture (CAT).*



GENERAL INFORMATION

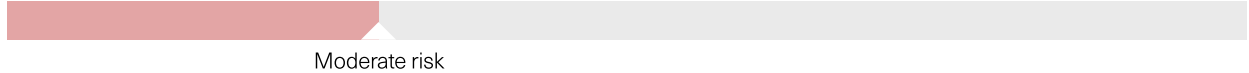
Type of Government UNFPA (Retrieved June 2026) Semi-presidential republic	Population (in millions) UNFPA (Retrieved June 2026) 66,7 (2025)
Civic Space CIVICUS (Retrieved June 2026) Obstructed	Convention Against Torture (CAT) UN Treaty Body Database Ratified (1986)
Optional Protocol to the Convention Against Torture (OPCAT) UN Treaty Body Database Ratified (2008)	United Nations Voluntary Fund for Victims of Torture OHCHR No
Prison Population Total World Prison Brief, ICPR (Retrieved June 2026) 88,145 (1.4.2026)	National Preventive Mechanism (NPM) in the country OHCHR Yes
Death Penalty ECPM No	



THEMATIC PILLARS

Political Commitment Against Torture

- ① Evaluation of the State's legal obligations, treaty ratifications, and implementation of basic anti-torture commitments and public policies in line with the UN Convention Against Torture and international and regional frameworks at the national level.



France has ratified the United Nations Convention against Torture, its Optional Protocol (OPCAT, 2008), the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Rome Statute and the Convention against Enforced Disappearance, and established its National Preventive Mechanism — the *Contrôleur général des lieux de privation de liberté* — even before OPCAT ratification. Its A-status National Human Rights Institution, the *Commission nationale consultative des droits de l'homme*, participates fully in treaty-body reviews. Yet the Committee against Torture in **2025** again found Article 222 - 1 of the Criminal Code non-compliant with Article 1 of the Convention, it omits the purposive elements and the public-official nexus, and a **20 -year** limitation period applies unless acts are reclassified as crimes against humanity. There is no standalone anti-torture statute, no explicit absolute-prohibition clause, and no structured government–civil society follow-up mechanism. After nearly **18 years** of OPCAT membership, France has received the first visit by the Subcommittee on Prevention of Torture in May **2026** .

Ending Police Brutality & Institutional Violence

 Assessment of safeguards and mechanisms to prevent torture and other ill-treatment in the context of law enforcement operations and during arrest, police custody and interrogation, as well as during public assemblies and at border control. Related institutional human rights violations such as the death penalty, life sentences and enforced disappearances are also measured.

High risk

Official statistics on law-enforcement violence are structurally incomplete. The Ministry of Justice **recorded 1,110 proceedings** for violence by public-authority holders in **2024** — a **59 % increase** since 2016, and an undercount given that many victims never file a complaint. Independent monitors counted around **52 deaths** following police interventions, including **16 firearm deaths** in police operations (confirmed by the police inspectorate) and 12 in **gendarmerie operations** — half of the latter in overseas territories. Article L. 435 - 1 of the Internal Security Code, governing firearms use at vehicle stops, has been repeatedly **flagged** — including by the **Committee against Torture** in **2025** — as extending lethal force beyond Principle 9 of the United Nations Basic Principles. Racial profiling is endemic: the European Court of Human Rights **condemned** France in **2025**, and the *Défenseur des droits* **found** young men perceived as Black or Arab face a **fourfold** higher identity-check risk and a **twelvefold** higher invasive-search risk; around **47 million identity checks** occur annually. Discriminatory repeat fines target so-called "indésirables", generating **debts** of up to **€ 30,000** (34,217.81 USD). Only **5.5 %** of officers **received** de-escalation training in the prior year.

The May 2024 unrest in Kanaky–New Caledonia, met with a state of emergency and around **600 additional Army soldiers** alongside the Groupe d'intervention de la Gendarmerie nationale (GIGN) and mobile gendarmerie, saw lethal and potentially lethal force used well beyond the strict-necessity standard. Victorin Wamytan was **killed** by a GIGN sniper from an estimated **600 – 700 metres**; Johan Kaidine and Samuel Moekia were **struck** in the back; a military **helicopter** was reportedly seen firing towards tribal members; and in the **Joseph Poulawa** case an official account of a single defensive shot was contradicted by accounts of **six shots**, one in the back, reopening a closed investigation. Testimonies further describe tear gas and stun grenades fired into inhabited homes, the dismantling of Kanak barricades while armed loyalist roadblocks were tolerated, and a "triple layer of opacity" — body cameras left off, identification numbers withheld, and balaclavas worn.

Freedom from Torture while Deprived of Liberty

 Evaluation of safeguards in detention facilities, ensuring decent conditions, legal protections and humane treatment, with attention to specific groups, as well as oversight mechanisms for accountability and monitoring.

Considerable risk

Remand prisons (*maisons d'arrêt*) stood at **172.6 % occupancy** on **1 May 2026**, with 30 facilities where occupancy is equal or exceeds **200 %**; the structural Article 3 violation **found** in *J.M.B. and Others v. France* (2020) remains under Committee of Ministers supervision. Pre-trial detainees represent around **27 %** of the prison population (as of 1 May 2026), and average pre-trial detention has grown to **12,7 months** in 2025. Police custody (*garde à vue*) is supervised by the prosecutor rather than an independent judge — contrary to Article 5 of the European Convention on Human Rights, as held in *Moulin* and *Medvedyev v. France* — and may extend to **144 hours** for terrorism suspects, with lawyer access deferred to the 96th hour. The Committee for the Prevention of Torture's **2024 visit** documented overcrowded cells, and abusive practices of placing knees on the chest and neck, a foot pressed on the face. Child immigration detention **persists** in Mayotte (deferred to **2027 - 2028**), and the National Preventive Mechanism **reports** France in "constant violation" of its obligations on psychiatric isolation and restraint.

In New Caledonia, the post-unrest crackdown produced **2,530 instances of police custody** and **243 incarcerations** marked by procedural irregularity: testimonies describe interventions with no warrant shown, the misuse of *flagrant délit* powers, *procès-verbaux* signed unread under threat, and violence at the arrest stage including strangulation and the prone restraint of a pregnant woman. Around **87 Kanak prisoners** were then transferred some **17,000 km** to roughly **40 metropolitan prisons** — the *Collectif Solidarité Kanaky* located **69** over ten months, as the authorities withheld information from families and lawyers — given hours' notice, handcuffed for the entire flight and, in several cases, left **four to eight months** before any contact. At Camp-Est, the former colonial penal settlement, over **150 % overcrowded** with **173 mattresses on the floor** in December 2024, detainees report beatings, insufficient food and the systematic dispensing of psychotropics; a young Kanak man from Canala **reportedly** died after a beating, and **Frédéric Grochain** later died in metropolitan detention amid a documented failure of medical surveillance – his remains still not repatriated.

Ending Impunity

- i Examination of mechanisms to ensure accountability for torture and other ill-treatment, including investigative and judicial mechanisms, effective remedies for victims and trained forensic services.

Considerable risk

Internal oversight is structurally non-independent. The *Inspection générale de la police nationale* **handles** only around **10 %** of criminal cases involving officers (its gendarmerie counterpart **8.4 %** in 2024); the remaining **90 %** fall to local *déontologie* cells composed of the implicated officers' own colleagues. The *Inspection de la police nationale* (and the *Inspection générale de la gendarmerie nationale*, its counterpart for the gendarmerie) are hierarchically **subordinate** to the Ministry of the Interior, failing the independence requirement of Articles 12 - 13 of the United Nations Convention against Torture, and no rule excludes a suspected unit from investigating itself — a gap flagged by the **Committee on Enforced Disappearances** in 2013 and the **Committee against Torture** in **2025** . The clearance rate for violence-by-public-authority cases **fell** to **51 %** in 2024 , from **68 %** in 2016 . In 2024 , **914 judicial investigations** for use of force produced only **168** disciplinary inquiries, and **89 %** of sanctions were reprimands for internal matters. France **has no exclusionary rule** for torture-tainted evidence in the Code of Criminal Procedure and no independent investigation body.

The same pattern marked the New Caledonia crackdown. Prosecutors characterised every contested police shooting as "return fire" without any public assessment against Principle 9 of the United Nations Basic Principles, and no witness whose testimony the Collectif Justice 13 Mai collected was ever contacted by the *Inspection générale de la police nationale* or any oversight body. Prosecution was sharply asymmetric: all **212 criminal proceedings** documented from the May 2024 events targeted persons of Kanak, Oceanian or Melanesian origin, while no person of European origin was prosecuted for erecting armed roadblocks.

Victims' Rights

 Analysis of the State's responsibility to provide holistic redress to torture victims, along with comprehensive rehabilitation, protection measures and specialised services.

High risk

France has no dedicated protection or rehabilitation scheme for victims of torture and ill-treatment, and no national definition of a torture victim. Compensation is available through the **Crime Victims Compensation Board** and the **Guarantee Fund** — without a prior conviction — and victims may join criminal proceedings as civil parties under **Article 85 of the Code of Criminal Procedure**. But rehabilitation, psychosocial support, and specialised care fall outside any statutory framework: they are delivered by under-funded non-governmental organisations focused largely on exiled survivors, one of which — the **Centre Primo Levi** — **faces budget cuts threatening its survival**. This falls short of Article 14 of the United Nations Convention against Torture and General Comment No. 3. Survivors of sexual violence face documented secondary victimisation: the European Court of Human Rights condemned France in **2025** in **L. and Others** and **E.A. v. France** for gender-stereotyping and procedural failures, and the Council of Europe's monitoring body **reported** that **83 %** of sexual-violence cases and up to **94 %** of rape cases are dismissed without prosecution.

This absence of any structured reparation and rehabilitation framework is felt acutely in New Caledonia, where the 2024 repression has reactivated the trauma of the **1984 – 1988** conflict yet no transitional-justice, reparation or psychological-support mechanism has been established for its victims.

Protection for All

- ① Assessment of the State's positive obligations to ensure the enjoyment of human rights and the right not to be subjected to torture and other ill-treatment for specific groups and individuals facing a higher risk—such as children, women, LGBTQIA+ individuals and ethnic minorities—and the implementation of effective legal and institutional measures against violations by state and non-state actors, including in national security contexts.

Considerable risk

Gender-based violence is extensive: security services **recorded 272,400 victims** of partner or ex-partner violence and **122,600 victims of sexual violence** in **2024**. **The Pelicot trial (2024)** catalysed France's **October 2025 consent-based rape-law reform**, but **83 % of sexual-violence cases are dismissed**, and **47 %** of femicide victims in 2024 had previously **reported** violence. On female genital mutilation, the Council of Europe's monitoring body **found** very little reporting in practice and medical staff still not systematically trained to detect it and questioned the authorities' practice of repeatedly requiring girls seeking asylum to produce non-excision certificates — a requirement entailing repeated medical examinations that may cause trauma and run counter to the child's best interests. At the borders, France has **maintained** internal border controls continuously since November 2015 — **in breach** of the two-year limit set by reformed the European Union law — under which people perceived as migrants face discriminatory checks and expedited refoulement; at least **73 exiled persons** have died at the **Franco-Italian** and **Franco-Spanish** borders since 2015 . Gendarmes have been **documented** puncturing migrant vessels in the Channel.

Indigenous peoples face exclusion from decisions affecting them: the United Nations Human Rights Committee **found** the Kanak in New Caledonia had no mechanism to give free, prior and informed **consent** to laws affecting their rights — a grievance central to the 2024 unrest — while **Amerindian communities** in French Guiana face structural denial of land title and of consent over their lands and resources. In New Caledonia this exclusion is compounded by structural discrimination: Kanak people make up over **90 %** of the territory's prison population against roughly **41 %** of its inhabitants, and discrimination extended even to healthcare, with Kanak mothers reportedly discharged prematurely from the Mèdipôle hospital while the families of law-enforcement personnel received reserved rooms and transport.

Anti-terrorism offences, particularly **apologie du terrorisme**, have been applied to **non-violent political expression**, including against parliamentarians and academics.

Right to Defend and Civic Space

 Evaluation of the legal framework, institutional practices and risks faced by human rights defenders and civil society organisations due to their human rights work, focusing on the ability to monitor human rights, operate freely and document abuses without restrictions.

Considerable risk

France has no statutory framework recognising or protecting human rights defenders; the *Commission nationale consultative des droits de l'homme*'s **November 2023** call for one remains unimplemented. The *Fédération internationale pour les droits humains* (FIDH) and World Organisation Against Torture (OMCT) Observatory's **September 2025** report, **France: Dropping Out of Democracy**, documents a systematic delegitimisation of civil society — including the characterisation of environmental defenders as "eco-terrorists", administrative dissolution powers under the 2021 "separatism" law, and the *Contrat d'engagement républicain* funding condition. Press freedom and independent observation are under pressure: a media-monitoring observatory recorded 91 violations in 2024, over **40 %** attributable to state authorities, and the *Conseil d'État*'s **2021 extension** of journalist protections to independent observers is not respected in practice.

The criminalisation of Kanak independence activists illustrates the same pressures: seven leaders of the *Cellule de Coordination des Actions de Terrain*, including the president of the Front de Libération Nationale Kanak et Socialiste, **Christian Tein**, were deported to metropolitan France and held in pre-trial detention, and the *Cour de cassation* quashed several detention orders after the prosecution recorded lawyer–client communications, with no consequent disciplinary action. After an examining judge's formal apology in March 2026, the Paris investigating judges on 5 June 2026 **ordered a general dismissal (non-lieu)** of the entire case in favour of all **14** activists placed under investigation, finding no grounds to prosecute — a decision the Paris prosecutor has appealed.



RECOMMENDATIONS

- 1** Amend Article 222-1 of the Criminal Code to define torture in line with Article 1 of the United Nations Convention against Torture, incorporating its purposive elements and the public-official nexus, and remove the statute of limitations for torture not classified as a crime against humanity.
- 2** Repeal Article L.435-1 of the Internal Security Code and bring the legal framework on firearms use into conformity with Principle 9 of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, ending lethal force at vehicle stops absent an imminent threat to life and prohibiting the use of explosive "blast" grenades (such as GM2L and ASSD models) in public-order operations.
- 3** End discriminatory identity checks by issuing a written record for every check, prohibiting profiling on physical characteristics, collecting disaggregated data, in line with the *Conseil d'États* 2023 finding and the European Court of Human Rights' 2025 ruling; and end the quantitative performance targets ("politique du chiffre") that drive abusive stops and repeat fines.
- 4** Adopt a binding prison-population regulation mechanism to end overcrowding in remand prisons (including in Camp-Est), expand non-custodial alternatives so that imprisonment is genuinely a measure of last resort, and place police custody under the control of an independent judge in conformity with Article 5 of the European Convention on Human Rights. In addition, repatriate without delay all deported Kanak prisoners who request transfer, halt the forced transfer of detainees thousands of kilometres from their families, and return Frédéric Grochain's remains to his community.
- 5** Abolish child immigration detention without derogation, including in Mayotte, and end the use of isolation and mechanical restraint in psychiatric establishments absent a clear legal basis and effective judicial review; and abolish disciplinary solitary confinement (the *quartier disciplinaire*).
- 6** Establish an independent body to investigate alleged ill-treatment by law-enforcement officials, with no hierarchical link to the Ministry of the Interior and no case assigned to investigators from the implicated officers' own directorate; publish annual data on these investigations; and codify the exclusionary rule for evidence obtained through torture. In addition, conduct prompt, independent, and impartial investigations into all deaths and serious injuries caused by law enforcement during the May 2024 New Caledonia unrest, including alleged extrajudicial killings.
- 7** Create a dedicated, adequately funded scheme for the rehabilitation, psychosocial support, and full reparation of torture survivors, in line with Article 14 of the United Nations Convention against Torture and General Comment No. 3.
- 8** Ensure the consent-based sexual-violence law is effectively applied, eliminate the secondary victimisation of survivors, and end pushbacks and informal refoulement at land and maritime borders in conformity with the principle of non-refoulement.
- 9** Adopt legislation recognising and protecting human rights defenders in line with the 1998 United Nations Declaration on Human Rights Defenders, cease their stigmatisation, reserve the

dissolution of associations to a judge, and remove the *Contrat d'engagement républicain*, and guarantee protection for independent observers monitoring law-enforcement operations.

10

Ensure equal treatment and recognition for the Kanak people by investigating armed loyalist militias on the same basis as Kanak defendants, addressing their structural over-representation in detention, publicly acknowledging the unfounded character of the charges against the fourteen *Cellule de Coordination des Actions de Terrain* activists cleared by the June 2026 *non-lieu*, providing them reparation for their unjustified detention and transfer and guaranteeing the right to free, prior and informed consent and reparation for victims of the 2024 repression.



GOOD PRACTICES

Freedom from Torture in Detention

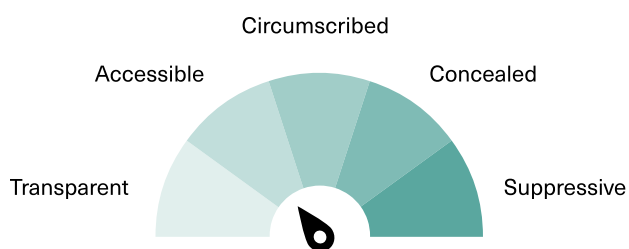
Law No. 2024-364 of 22 April 2024 abolished the two-hour delay that had allowed interrogation to begin without counsel and reinforced the mandatory presence of a lawyer from the outset of police custody (in force since 1 July 2024).

Right to Defend and Civic Space

In immigration detention, five designated associations hold a statutory presence with the right to meet all detained persons and an obligation to publish joint annual reports — a structured civil-society monitoring model that does not exist for prisons.



TRANSPARENCY AND ACCESS TO INFORMATION



Access to information must be guaranteed in every society, both in law and practice, to ensure State transparency and accountability. It allows organisations, journalists, and interested individuals to request data on the actions of public bodies, protocols, and statistics on human rights violations. This right not only enhances public debate and civic participation in decision-making but also helps improve public policies and safeguards the dignity of individuals in State custody. Civil society organisations and human rights defenders play a key role in monitoring access to information laws and their implementation. This indicator reflects the challenges of accessing information within the country—the higher the score, the less transparent the State.



I lost my only child. To that violence was added another, institutional violence: not one judicial police officer thought it useful, necessary or decent to inform me, not even by telephone. My son was immediately identifiable; my details were available. Yet it was the street, the press and the neighbours that brought the rumour to me. They went about their business, as if they had put down a stray dog.



FATIHA, MOTHER OF ADAM, KILLED BY POLICE IN VÉNISSIEUX, AUGUST 2022 (DOCUMENTED BY FLAGRANT DÉNI).



COLLABORATORS

- [Flagrant Déni](#)
- [Observatoire International des Prisons - section française](#)
- [Collectif Justice 13 Mai](#)
- [International Federation for Human Rights \(FIDH\) – "Right to Defend and Civic Space" pillar only](#)
- [\(RE \) CLAIM : Ressources pour l'égalité](#)