

The European Civic Forum warns about rapid deterioration of civic space and the rule of law in France

Paris, Brussels, 1st December 2020

The European Civic Forum welcomes the mass mobilisation of hundreds of thousands of people that took place on 28 and 29 November in 70 cities across France in defence of civil liberties. The demonstrations underline concern about legislative proposals currently under consideration by the French government and reinforce the call for public scrutiny of police officers who behave with undue violence to be held to account.

European Civic Forum is alarmed by statements made by the French government and legislative proposals aimed at shrinking the civic space and weakening the rule of law. The French government claims that three issues justify its position:

- The fight against terrorism
- Preventing the outbreak of violence in public spaces, especially during demonstrations
- Protection of law enforcement officers from intentional harm following disclosure of their personal details on social media.

The European Civic Form stands with civic actors in France and shares concern with international bodies that the foreseen measures put a strain on civic freedoms and threaten to undermine the rule of law in France.

Three legal issues ring alarm bells:

1) **Closure of mosques and moves to dissolve civil society organisations:**

The French legal framework for associations is one of the strongest in the world and has proved fit for associations to develop their multi-fold activities for more than a century. Associations can be dissolved, as it has happened in the past decades, based on clear legal grounds, mostly linked to the conduct of violent actions. However, this does not appear to be the case in relation to the decisions that are being taken by the Government now. French civic actors [are questioning](#) the lack of factual evidence presented by authorities.

As ENCL has [stated](#), dissolving an association is the “severest of punishments, and a curtailment of the right of freedom of association; it should only be undertaken after careful consideration...”

It follows that any decision to dissolve an association should be based on clear evidential legal grounds and not political considerations.

2) **The “global security” law which was tabled by the Government and passed its first vote in the French National Assembly on 24 November.**

From a [civil liberties perspective](#), several provisions in this law are very troubling. The draft bill allows the police to transmit live images of demonstrators and bystanders to command centres. This includes images that have

been taken by individual cameras and drones. Such technology opens the way to the use of real-time facial recognition of those taking part in these protests.

We are concerned about the proportionality of these measures. We also note that they contribute towards a [“preventative” approach to the policing](#) of demonstrations, much in evidence in recent years, aimed at discouraging participation.

The draft bill also foresees a ban on members of the public or journalists from disseminating facial images or any other identifiable features of law enforcement officers. French law already punishes those who disclose information that puts civil servants at risk. At the same time, civic actors in France recall that images captured by journalists and members of the public have been instrumental in exposing abuses of power and the disproportionate use of state violence in recent years.

We are concerned that the new provision limits the possibility of monitoring police misconduct and providing evidence that can ensure justice for the victims.

The immediate, large-scale mobilisation against this provision and shocking images of police brutality in recent days have brought this issue to the centre of the public debate. As a result, and despite the first vote in parliament, the Prime Minister has now been forced to propose re-writing Article 24 which relates to the sharing of identifiable features of police officers.

Given that the Government has acknowledged the risks posed by this legislation, we insist that all provisions which raise such concerns be removed from the bill.

3) Fast-track procedure for a law to reform public research programming

A further provision in this [bill](#) states that *“academic freedoms are exercised with respect for the values of the Republic.”* Education Ministry has already told universities to refrain from research on topics such as “islamophobia” which it regards as academically “without foundation.” Introducing legal restrictions in the name of political considerations would be a breach of academic freedom.

In conclusion, we urge that the threat to the rule of law in France be examined without further delay within the monitoring framework of the European Commission and that concerns arising from such an investigation be raised with the French authorities.

The European Civic forum will monitor the situation and alert European institutions and the media to our concerns. Our upcoming [policy debate](#) on protecting the right to protest will be an opportunity to discuss these developments in France in the context of the wider deterioration of civic freedom across Europe.