CIVIC SPACE REPORT 2025

France

By Ligue des droits de l'Homme

EUROPEAN CIVIC FORUM

CIVIC SPACE WATCH

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NET 4 DEFENDERS

ABOUT THIS REPORT

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ABOUT THE AUTHOR

Ligue des droits de l'Homme is an association founded in 1898. It is a highly recognised civic actor, acting in total independence of political parties, and public authorities. It claims to be a political actor in the sense of dealing with all issues of public interest for the effective access to all rights for all. It is therefore an actor of the public debates. It acts against injustice, racism, sexism, anti-Semitism and discrimination of all kinds. It acts for the development of an active citizenship which relies on a strong and vibrant democracy and extended solidarity. It defends a secularism of the State that favours inclusion for all faith and belief. It fights against any xenophobic instrumentalisation, freedoms, equal rights and fraternity as the basis of a fraternal society and, therefore, of solidarity.

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NET 4 DEFENDERS

TABLE OF CONTENTS

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Foreword

For the LDH, the Commission's assessment of the rule of law will only be fit for its overall purpose if its covers violations with a 360° vision, even if its mandate does not cover every aspect of the respect for the rule of law in a democratic country. Considering breaches to the rule of law "by slices", relying on an evaluation system that leaves major aspects not covered, dramatically weakens the coherence and efficiency of the rule of law process. It should be a responsibility of the Commission to propose ways for all dimensions to be covered, either through its own report or in cooperation with other institutional partners that are able to cover the missing dimensions with legitimacy and independence from member state authorities.

The scope of the Commission's Rule of Law report is limited. The foreseeable consequence is that not all points we make will be considered for recommendations in the report on France produced by the Commission. We hope, however, that this report will express concern about the consequences for civic life of the many measures that have been taken that go against the rule of law. If some breaches seem to be isolated incidents, other obvious infringements are made repeatedly.

Ligue des droits de l'Homme, Paris, March 2025

Summary

In France, there was no improvement in the compliance with the rule of law in 2024 compared to the degradation in 2023. Last year's report highlighted the systemic nature of violations by the highest state authorities. We highlighted the Minister of Interior's claims, made during a speech in parliament, to include provisions in the Migration Act that were contrary to the constitution. We explained that the misconduct of the top authorities will likely have a knock-on effect at all lower levels. This has been confirmed by the developments in 2024.

The state authorities continue to depart from the respect for the rule of law in a variety of areas and many circumstances.

We urge the European Commission to consider France as a country at risk of a systemic disregard of the rule of law and to make strong recommendations on issues that illustrate the systemic wrongdoing of public authorities.

Political, institutional, and socio-economic landscape: the rule of law in disarray

In the European elections, as in 2019, the far-right once again came out on top, with a significant increase in votes. Then, 2024 was marked by the unexpected dissolution of the National Assembly immediately after the vote. So far, there is no clear rationale for this decision, which was taken by the French president, Emmanuel Macron, without the normal consultation process.

Although the far-right *Rassemblement National* party was predicted to win a majority of seats in the National Assembly in the elections that followed, two thirds of voters mobilised to vote for the candidate remaining to face the extreme right in the second round, even if they did not share his or her political orientation, confirming their rejection of the far-right's arrival in power and making its defeat possible.

It should also be noted that the Paris 2024 Olympic Games significantly impacted the respect of fundamental rights *(see B. Freedom of peaceful assembly and C. Freedom of expression and privacy)*. The event was accompanied by measures which limited freedoms and that risk being perpetuated, such as algorithmic video surveillance, and drastic restrictions on basic freedoms, such as house arrest. Racial profiling was also used in the Olympic zones. In the run-up to the games, a "social cleansing" policy was implemented, resulting in a dramatic increase in evictions from informal living areas compared with "normal" periods. Between April 2023 and May 2024, around 20,000 people were evicted in 260 operations, many of which violated the right to respect for private and family life.[1]

A deteriorating framework for respect of the rule of law is set to last

In December 2022, Gérald Darmanin, the then interior minister, committed to passing, in full conscience, unconstitutional provisions included in the Immigration Act in an address to parliament. In 2023, the government openly disregarded international judicial decisions, such as an interim measure by the European Court of Human Rights (ECtHR) to prevent the expulsion of an Uzbek national, in violation of the principles governing the rule of law[2].In this vein, in September 2024 the new interior minister, Bruno Retailleau, declared that the rule of law is not "intangible, nor sacred".[3] This followed his previous criticism of the Constitutional Council for the way it ensures compliance with the constitution. In April 2024, while still a senator, he argued that the Constitutional Council was "denying the French people a say on immigration," in reference to the censure of some of the particularly restrictive provisions on exiles and foreigners in the so-called "asylum-immigration" law.[4] On 22 December, as interior minister, he once again called into question the judiciary's work, questioning a court decision to convict former president Nicolas Sarkozy.[5]

Statements made by the political authorities in charge, together with the repeated failure to apply decisions of the international justice system, represent a worrying development in the respect for fundamental rule of law principles in France. It is not merely one, but successive governments which continue to undermine one of the foundations of a functioning democracy.

Institutional irresponsibility of the French authorities regarding the decolonisation process in Kanaky

2024 also saw some very worrying developments in New Caledonia. On 14 May, the French parliament adopted a draft constitutional reform aimed at unfreezing the composition of the electorate for provincial elections in New Caledonia, a territory under French administration. This reform would have destroyed a key pillar of the Nouméa Accord, which provided for a consensual path for the gradual transfer of powers from France to New Caledonia, culminating in eventual independence following a referendum on self-determination.

1. https://lereversdelamedaille.fr/wp-content/uploads/2024/11/Rapport-final-Le-revers-de-la-medaille-4_11_24_compressed-1.pdf
2. https://www.lemonde.fr/societe/article/2023/12/12/gerald-darmanin-epingle-pour-avoir-expulse-un-ouzbek-en-violation-d-une-mesure-prescrite-par-la-cedh_6205349_3224.html
3. https://www.francetvinfo.fr/politique/gouvernement-de-michel-barnier/l-etat-de-droit-ca-n-est-pas-intangible-ni-sacre-pourquoi-les-propos-du-ministre-de-l-interieur-bruno-retailleau-font-polemique_6810349.html
4. https://x.com/BrunoRetailleau/status/1778451181825626441
5. "Frankly, this decision raises questions. It raises questions about the procedural means and the reasoning of the judgment", JDD, 22 December 2024

Despite the determined opposition of the pro-independence parties representing the indigenous Kanak people to the French president's timetable, a third and final referendum on self-determination, provided for in the Nouméa Accord, was held on 12 December 2021. The boycott of the vote by the Kanak parties, who rejected the early date of the third ballot (held only a few months after the second) resulted in an exceptional abstention rate of over 56% (over 83% in the Northern Province and 95% in the Loyalty Islands). As a result, there was a crushing victory for the "no" to independence, which in no way reflected the balance of views within the electorate (after the second ballot's very narrow rejection of independence).

The draft constitutional revision adopted by the French parliament in May 2024 aimed to modify the rules for the composition of the electorate established by the Nouméa Accord. The freezing of the electorate had been introduced to avoid the potential consequences of accelerated migration of non-Kanak people from mainland France, which over the decades would have altered the demographic balance.

The purpose of the freeze was to ensure calm conditions for political dialogue for this essential decision. It corresponded to a well-thought through political approach to the long-term management of the decolonisation process in the context where the Kanak people were becoming a minority due to uninterrupted migration from mainland France. The freeze allowed non-Kanaks already present in the territory to vote in referendums on independence (and in provincial elections) even though international law stipulates that only colonised peoples are entitled to self-determination. The move to unfreeze the composition was to the detriment of the Kanaks' rights, as it broke the compromise and reinforced the weight of the colonial reality in the electorate.[6]

Not only has the French government failed to play its role as guarantor of the Nouméa political agreement, enabling local players to find a way to manage the decolonisation process peacefully, but it has also created an institutional crisis. Its actions have contradicted the very spirit of the rule of law. The government knowingly provoked a confrontation with the Kanaks by an institutional move, siding with the demands of those originating from mainland France, who were radically opposed to independence.[7]

Many observers see the policy of the French authorities, and in particular that of the president, as a brutal return to colonial logic, with the consequences visible for all to see. Since February 2024, tens of thousands of Kanak demonstrators have mobilised peacefully against this reform, but the absence of dialogue has led to a radicalised reaction from part of the Kanak community, including some instances of violence. Responses from the authorities, which have also been violent, have caused casualties.[8] Based on the chronology of the decisions taken, it is clear that the French authorities are largely responsible for the catastrophic deterioration of the situation in Kanaky.

Public discourse discrediting organised civil society in the context of increasing attacks from the far-right

Many associations defending human rights, such as the LDH (Ligue des droits de l'Homme), as well as those advocating for specific rights, are harassed online, particularly by far-right groups as well as by individuals adhering to elements of their ideology. For example, these associations have been accused of supporting "radicalism", of destroying what these groups consider to be "a natural identity," that should not be challenged, or of "denigrating" police institutions which they believe should not be criticised, even for reprehensible behaviour.

Public officials, including ministers, no longer hesitate to add their voices to such unsubstantiated claims. For example, following the release of a Moroccan detainee from an administrative detention centre, who was accused of murdering a student, Bruno Retailleau went even further stating that he would like "the state to be more demanding with regard to the associations that intervene in administrative detention centres."[9] Through this statement, the minister implied a direct link between the associations which assist people in administrative detention centres and this incident.

These campaigns against human rights defenders aim to intimidate them and restrict the space for their expression (see below). The combination of far-right attacks and ministerial speeches aimed at discrediting associations is a worrying combination.

6. https://www.ldh-france.org/situation-politique-en-nouvelle-caledonie/
7. Sonia Backès, the anti-independence president of the Southern Province has been appointed secretary of state.
8. https://www.ohchr.org/fr/press-releases/2024/08/france-un-experts-alarmed-situation-kanak-indigenous-peoples-non-self
9. https://www.lemonde.fr/societe/article/2024/10/03/bruno-retailleau-cible-les-associations-d-aide-aux-migrants_6342760_3224.html

Freedom of association

Far-right harassment and violence

2024 was marked by a series of attacks on associations, activists, lawyers and against civic initiatives, which deal with the access for all to fundamental rights. These attacks were aimed at undermining civic space and associative freedoms in France. Often launched by far-right groups, they highlight a climate of intimidation and violence and are a threat to the very foundations of democracy. The examples given below illustrate this.

On 1 June 2024, a festival in Montpellier was the target of a violent intrusion. The attackers, who identified as belonging to a far-right group, uttered racist insults, physically assaulted festivalgoers, and targeted people because of their origins or sexual orientation. The victims included a lesbian couple, one of whom was beaten, and a woman wearing a head covering.[10]

In April 2024, similar attacks we carried out at La Base community bar, also in Montpellier.[11] During a conference, which denounced symbols of the far-right, the venue — run by organisations including Alternatiba, Greenpeace and Extinction Rebellion — was spray-painted with racist and hateful tags. At the same time, associations supporting people in exile, including La Cimade, reported similar damage and acts of intimidation. These attacks are clearly aimed at silencing voices committed to solidarity and social justice.[12]

In July 2024, lawyers who had called for creating a "law brigade against the Rassemblement National" were targeted by "Réseau Libre", a far-right website. Entitled "A (very partial) list of lawyers to eliminate,"[13] the article was accompanied by a picture of a guillotine and gave the personal details of the lawyers, including their addresses. The threats go beyond hate speech. They are designed to intimidate and dissuade those who call for the application of the law, in a state governed by the rule of law, on behalf of people who are disadvantaged and discriminated against.

That same month, Reporters Sans Frontières (RSF) revealed it had been the target of a campaign of harassment following its referral to the Council of State concerning the independence of information being broadcasted on the CNews channel. The dissemination of defamatory messages against RSF was amplified by a fake website linked to powerful private interests, illustrating their use of disinformation to discredit the work of civil society organisations.[14]

In September 2024, far-right activists tried to prevent the screening of a documentary film on migrant rescue at sea in Bastia,[15] while a cultural park was pressured into withdrawing a lecture by the co-founder of the migrant rescue association "SOS Méditerranée". These incidents illustrate an attempt to muzzle the expression of civil society actors, particularly those denouncing policies concerning migrants or racist violence.

There is a worrying extent to which the far-right and radicalising components of the right are working to restrict civic space by creating a climate of fear and intimidation. By targeting civil society actors, these groups seek to undermine fundamental freedoms, in particular the freedoms of association, peaceful assembly, and expression, and to destroy the conditions for a vibrant democracy.

The state's failure to protect CSOs: police and judicial harassment

In August 2024, two volunteers from Utopia 56, an association providing assistance to refugees and migrants which is particularly active in the Calais region, were violently assaulted by the police in Gravelines.[16] While the volunteers were on patrol in their car to provide assistance to people in need, a police officer opened the door, restrained one of the volunteers and fired blank bullets nearby. This event, which is not a one-off incident,[17] illustrates the systematic harassment suffered by volunteers, including rhetoric criminalising their actions and falsely accusing them of complicity with smugglers.

10. https://www.ldh-france.org/agressions-lors-de-la-fete-des-fanfares-de-montpellier/
11. https://www.liberation.fr/politique/a-montpellier-lextreme-droite-accusee-dagressions-au-festival-des-fanfares-20240604_IT5CJUASXVGS-FK4GHR3D3D4W74/?redirected=1
12. Ibid.
13. https://www.publicsenat.fr/actualites/societe/liste-davocats-a-eliminer-cest-symptomatique-dune-liberation-de-la-parole-dextreme-droite-den
14. https://rsf.org/fr/derri%C3%A8re-la-campagne-de-d%C3%A9sinformation-contre-rsf-progressif-media-une-bo%C3%AEte-d-influence-sulfureuse
15. https://www.lefigaro.fr/actualite-france/les-corses-sont-opposes-a-l-immigration-massive-tensions-a-bastia-autour-de-la-venue-de-sos-mediterranee-20240923
16. https://x.com/Utopia_56/status/1819383803749482999
17. https://www.ldh-france.org/wp-content/uploads/2024/12/Rapport-obs-Calais-VD.pdf

Furthermore, investigations have been opened against Utopia 56 volunteers who are accused of defamation and false rescue alerts in 2023 and 2024.[18] According to the association, these proceedings are intended to intimidate and discourage their humanitarian commitment at sea, where they help thousands of people in distress. The prosecution of Utopia 56 highlights the tensions created by public authorities in relation to humanitarian action. The state, which is supposed to protect civil society actors, is endangering their activities through police and judicial actions which can be seen as forms of intimidation.

Obstacles to freedom of association resulting from the "Republican Commitment Contract"

See Box 1 for a detailed description of the facts

The Contrat d'Engagement Républicain (CER), created by an article in the law of 24 August 2021, known as the "Separatism law", makes public subsidies conditional on compliance with a set of so-called "republican" principles.

The CER requires signatory associations to ensure that their members, both employees and volunteers, respect these "principles" set out in seven "commitments". If they don't, administrative sanctions can be applied, such as the return of subsidies. The obligations include respect for secularism and the laws of the republic, and the prohibition of certain activist practices deemed incompatible with these principles. Authorities have on many occasions misuses the CER provisions, as shown by successful appeals to court in decisions taken against associations.

Another aspect of the law constitutes a real danger for those managing associations. According to the CER, leaders of associations are responsible for reporting acts by their members that could be reprehensible, even when these are not directly related to the activities of the association. This de facto imposes an internal control on the members, diverts the resources of associations from their primary tasks and makes the leaders of associations responsible even for speeches that are not related to the activities of the association. The threat of sanctions for actions that associations are not responsible for can only weaken people's appetite for civic commitment.

Initially presented as a tool for reinforcing republican principles, the CER acts as a lever for restricting freedom of association and expression. By targeting militant or critical organisations, it contributes to reducing civic space (see box below for description of associations who have been targeted).

BOX 1
THE CONTRAT D'ENGAGEMENT RÉPUBLICAIN (CER)

Law no. 2021-1109 of 24 August 2021, known as the Separatism Law, created the Contrat d'Engagement Républicain (CER) in order to strengthen respect for what is known in France as "the principles of the Republic". It was implemented by Decree no. 2021-1947 of 31 December 2021. The CER came into force on 2 January 2022.

The CER is a framework for public authorities that grant subsidies to associations. The CER must be signed by an association or foundation as part of any application

- for a subsidy from an administrative authority or a body responsible for the management of a public service (industrial and commercial),[19]
- for accreditation by the state or one of its public entities as part of the common core of accreditation,[20] or
- for being legally considered as a "public interest" association.

This "tool" aims to enable the authorities to verify that the beneficiaries who are granted resources commit to respect "Republican" principles, including the respect

18. https://utopia56.org/utopia-56-visee-par-trois-procedures-judiciaires/
19. Article 10-1 of Law No. 2000-321 of 12 April 2000 on the rights of citizens in their relations with administrations
20. Article 25-1 of Law No. 2000-321 of 12 April 2000

for secularism as defined by the 1905 law.[21] Failure to comply with this commitment will result in financial penalties in the form of repayment of subsidies.

Even before the creation of the CER, associations and trade unions expressed their concerns about its impact on freedom of association, denouncing the return to administrative control of associative activity, in contradiction with the profoundly liberal spirit and provisions of the law of 1 July 1901 which established this freedom. The Défenseure des droits[22] and the Commission nationale consultative des droits de l'Homme (CNCDH)[23] also expressed serious reservations. For the Haut Conseil à la vie associative (The higher council of associative life), the CER tends to entrust the administration with very broad powers of interpretation and sanction without providing clear, prior, and compulsory information on the means of appeal available to the associations and foundations when accused of wrongdoing.[24]

It should be noted that, along with several other associations, the LDH filed an annulment action against the decree of 31 December 2021 before the administrative court, together with a suspension injunction, on the grounds of infringement of the right to freedom of expression and communication, the right to freedom of association, the right to an effective recourse and the principles personal rights, necessity, proportionality and legality of penalties. On 4 March 2022, the Council of State rejected the application for interim suspension on the grounds of lack of urgency[25] and an application for annulment on 19 June 2023.[26]

The CER's commitments

The CER comprises of seven commitments that its signatories undertake to respect.[27] By signing the CER, an association or foundation subscribe to three principles that are encapsulated in seven commitments outlined below:

1. To respect the principles of liberty, equality, fraternity and human dignity, as well as the symbols of the Republic within the meaning of Article 2 of the Constitution;
2. Not to call into question the secular nature of the Republic;
3. To refrain from any action prejudicial to public order.[28]

Commitment No. 1: Respect for the laws of the Republic

The commitment to respect the laws of the Republic is understood as:

- A ban on undertaking or inciting any action that is obviously contrary to the law, violent or likely to cause serious disruption to public order;[29]
- Among the actions considered as constituting a serious disruption to public order are, for example, those which lead to the dissolution of an association under Article L. 212-1 of the Internal Security Code. In the past, judges have also justified the withdrawal of a subsidy in the case of a local environmental protection association opposed to the construction of a radioactive waste storage site because the association had organised violent actions to this end, such as destroying equipment or ransacking administrative premises.[30]
- The prohibition on using political, philosophical or religious convictions as an excuse to disregard the common rules governing relations with public authorities;
- A ban on calling into question the secular nature of the Republic.

Commitment No. 2: Freedom of conscience

- The association or foundation must pledge to respect and protect its members' and third parties' freedom of conscience, particularly the beneficiaries of its services, and to refrain from any abusive proselytising carried out under duress, threat, or pressure.

21. https://www.legifrance.gouv.fr/loda/id/LEGISCTA000006085397
22. Opinion of the Human Rights Defender No. 21-01 of January 12, 2021
23. https://www.cncdh.fr/publications/second-avis-sur-le-pjl-confortant-les-principes-de-la-republique-2021-4
24. Opinion of the High Council for Associative Life adopted on 3 December 2021
25. https://www.dalloz.fr/documentation/Document?id=CE_LIEUVIDE_2022-03-04_462048#motifs
26. https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2023-06-30/461962
27. Appendix to decree no. 2021-1947 of 31 December 2021 implementing article 10-1 of law no. 2000-321 of 12 April 2000 and approving the republican commitment contract for associations and foundations receiving public subsidies or state approval
28. Article 25-1 of the aforementioned law.
29. Constitutional Council decision no. 2021-823 DC of 13 August 2021: the Constitutional Council decision specifies that the refraining from any action prejudicial to public order imposed by the CER only concerns actions likely to cause serious disturbance to public peace and safety.
30. CE, 1st October 1993, Commune de Secondigny, n°112406.

Commitment No. 3: Association members' freedom

- The association undertakes to respect the freedom of its members to withdraw from the Association at any time and not exclude any member arbitrarily.

Commitment No. 4: Equality and non-discrimination

- The association or foundation commits to respect the equality of all before the law.
- It undertakes, both in its internal operations and in its dealings with third parties, to refrain from differential treatment based on sex, sexual orientation, gender identity, actual or supposed belonging to a particular ethnic group, nation, alleged race or religion where such differences in treatment are not based on an objective difference in circumstances that would be relevant to the lawful statutory purpose that it pursues, nor to support or encourage such discrimination.
- It takes action within the means at its disposal to combat all forms of sexual and gender-based violence.

Commitment No. 5: Fraternity and the prevention of violence

- The association or foundation commits to a spirit of fraternity and civic mindedness.
- In its activities, internal functioning, and relation with third parties, the association commits to neither incite hatred or violence against anyone nor to condone such behaviour. It undertakes to reject all forms of racism and antisemitism.

Commitment No. 6: Respect for human dignity

- The association or foundation commits to not take, support, or endorse any action that might undermine the protection of human dignity.
- It undertakes to comply with the laws and regulations in force designed to protect the health, physical and mental integrity of its members and the beneficiaries of its services and activities, and not to endanger the lives of others through its actions or negligence.
- It pledges not to create, maintain or exploit the psychological or physical vulnerability of its members or of persons participating in its activities in any capacity whatsoever, in particular persons with disabilities, either through pressure or attempts at indoctrination.
- In particular, it commits to not engage in any activity that may compromise the physical, emotional, intellectual and social development of minors, or their health and safety.

Commitment No. 7: Respect for the symbols of the Republic

- The association commits to respect the tricolour flag, the national anthem, and the motto of the Republic. Any association that undertakes to respect the principles set out in the CER that it has signed shall inform its members by any means.

Non-compliance with the CER and its consequences

Associations or foundations must commit to ensuring that the contract is respected by its directors, employees, members, and volunteers. These organisations are liable for breaches by any of these people, if its governing bodies are aware, yet fail to take measures to put an end to them, given the means at their disposal.[31] The liability of organisations for the actions of their members is a highly questionable measure for deciding on sanctions related to the association's financing.

If an organisation is **applying for a grant** for a purpose that is unlawful or incompatible with the CER, the application will be rejected.

If an organisation **receiving a grant** is found to be pursuing an objective or activity that is unlawful or incompatible with the CER, the grant will be withdrawn by means of a "grounded decision".[32] The beneficiary is required to repay the sums received or, in the case of a grant in kind, the monetary value thereof, within six months of the decision to withdraw the grant.

A decision to revoke a grant or authorisation may be the subject to an administrative appeal or an appeal to the administrative court, within normal time limits.[33]

31. Article 5 of the aforementioned Decree no. 2021-1947 of 31 December 2021
32. In accordance with article L. 211-5 of the Code of relations between the public and the administration: "The statement of reasons [...] must be in writing and include a statement of the legal and factual considerations on which the decision is based".
33. Within 2 months of notification of the decision

Some cases illustrating abuses under the CER

When the law was proposed, many within the sector of associations as well as their supporters, expressed fears that it would be applied in an arbitrary manner. These fears have been confirmed in practice, with many cases in which misinterpretations of the obligations set by the CER have been imposed on associations. The law has also led public authorities to stop funding associations on the grounds that they engage in militant, dissenting activities or simply hold critical views.

The implementation of the CER thus represents a new political instrumentalization of the separatism law used to punish political dissent and is a "gagging procedure" against the freedom of expression of cultural, human rights and environmental associations. The following examples illustrate this.

Alternatiba Poitiers

In decisions dated 24 and 27 June 2022, the Grand Poitiers urban community and the municipality of Poitiers decided to grant the local section of the Alternatiba association a subsidy to organise its "Village of Alternatives" event, scheduled for 17 and 18 September 2022 in the city.

Alternatiba Poitiers raises awareness of global warming and informs the public about individual and collective alternatives and solutions to protect the environment and promote social justice. It does this through local advocacy with elected representatives and the general public, producing guides, and organising workshops and debates at Alternatiba Villages.

In a letter dated 13 September 2022, the Vienne prefect informed the executive of the municipality of Poitiers and the Grand Poitiers urban community that the so-called "civil disobedience" workshops held during the Village des Alternatives were, in his view, contrary to the commitments mentioned in the CER. The prefect requested that they initiate the procedure for withdrawing the subsidies granted, as provided for in article 12 of the law.[34]

Believing this claim to be unfounded, the Community Council of the Grand Poitiers urban community and the City of Poitiers decided to maintain the subsidies granted to Alternatiba Poitiers.

On 28 October 2022, the Vienne prefect launched two appeals, asked the Poitiers administrative court to cancel the decisions of the municipality and the urban community and to order the withdrawal of the subsidy granted to the association.

Given that the CER has turned out to be a tool for repressing environmental organisations engaged in civil disobedience, the LDH and 12 other associations and trade unions decided to intervene in support of the briefs in defence of the City of Poitiers, the agglomeration community and Alternatiba Poitiers.

The administrative court rejected the Vienne prefect's request on 30 November 2023, ruling that Alternatiba Poitiers had not breached commitments No. 1 and No. 5 of the CER. Consequently, in refusing to initiate the procedure for returning the subsidy as provided for in article 10-1, paragraph 8 of the law of 12 April 2000, the Poitiers city council and the Community council of the urban community of Grand Poitiers did not incorrectly apply the said provisions.[35]

Canal Ti Zef

Canal Ti Zef is a Brest-based association founded in 2001 to produce and broadcast audiovisual content as an alternative to the mass media, through a popular education approach. As in previous years, in 2023 the association applied to the Fund for the Development of Associative Life (FDVA), which supports small organisations that "contribute to the dynamism of local life" and have regular volunteer involvement. In a decision on 5 December 2023, the association was informed that its grant application for the previous year had been denied, based on a decision by the Finistère prefect. This was in spite of the fact that the regional consultative committee for the fund had already approved a €2,500 grant to the association for its "visual and education initiatives" in June.

In a letter dated 4 January 2024, the sub-prefect of Brest justified the decision to deny the grant, citing "a certain amount of information that [he had] been given" which showed that "certain aspects of [the association's] operations were incompatible with the CER[36]." He added that if the association were to submit an FDVA application again in 2024, it should "return to a mode of operation more in keeping with the spirit and letter of the CER".

34. https://alternatiba.eu/prefet-de-poitiers-0-1-desobeissance-civile/
35. TA Poitiers, 30 November 2023, no. 2202694, 2202695.
36. https://reporterre.net/Un-media-brestois-sanctionne-au-nom-de-la-loi-separatisme

In a letter dated 23 January 2024, the association asked the sub-prefect of Brest to specify which of the seven commitments in the CER it had failed to honour and the specific acts and breaches that it has violated. However, it received no response.

The association believes that the decision was political, linked to its involvement with L'Avenir, a cultural squat that was evicted by the local authorities in the summer of 2023. This development is serious given that three other associations that supported the squat have also lost their state funding. On 20 February 2024, the association appealed to the Rennes Administrative Court on grounds of abuse of power, seeking an annulment of the prefect's decision to deny the subsidy and an injunction to reconsider their application.

Given the above case, there is risk that a large number of associations and trade unions with a militant purpose or carrying out actions aimed at denouncing government actions could be accused of disregarding the CER. In the long run, this could lead to widespread self-censorship for the associative community.

On 2 September 2024, the LDH, along with nine other associative and trade union organisations, voluntarily intervened in support of the application for annulment filed by the Canal Ti Zef association.

To date, the legal process is still pending a decision.

Compagnie Arlette Moreau

Companie Arlette Moreau is a theatre company that produces interactive street performances designed to raise public awareness about important contemporary issues.

For example, before the mobilisation in Sainte-Soline,[37] the organisation had engaged in non-violent militant actions in marketplaces to raise awareness of the risks associated with the construction of "*megabassines*" (large artificial reservoirs).

More recently, the theatre company created an original artistic installation, *Désopressor 3000*, designed to raise public awareness of sexism and sexual violence by acting out sketches of ordinary sexist behaviour and inviting viewers to react. It received a grant from the Regional Directorate for Women's Rights and Equality (DRDFE) in New Aquitaine for this show in 2021, and the company applied for a renewal in 2023.

On 21 July 2023, the DRDFE refused to award the grant to the theatre company on the grounds of an alleged breach of the CER stating that "militant commitments do not comply with respect for the laws of the Republic as set out in the CER," without providing any further details. Compagnie Arlette Moreau lodged an action to annul this decision, which its board rightly described as a censure.[38]

In this respect, over and above the interests of the theatre company, the decision to refuse a grant is of broader concern to the associative sector. The reason given for breach of the CER related to militant commitments could be widely applied to a large number of associations with similar commitments and could ultimately lead to widespread self-censorship on the part of associations, even though civic commitment is intrinsically linked to their identity in the field of culture.

The LDH, together with Cimade, the Collectif des associations citoyennes, the Droit au logement organisation, la Groupe d'information et de soutien des immigrés, the Syndicat des avocats de France, the Mouvement contre le racisme et pour l'amitié entre les peuples, and the Union Fédérale d'Intervention des Structures Culturelles voluntarily intervened on 6 March 2024 in support of the action for annulment brought by the Compagnie Arlette Moreau.

In their intervention, the organisations stated that the decision is based on an erroneous interpretation of the obligations under the CER and that the separatism law cannot be interpreted to allow public authorities to stop funding associations on the grounds that they hold views or carry out actions that challenge the principles of the state.

To date, the court decision is still pending.

37. https://civic-forum.eu/wp-content/uploads/2024/05/CIVIC-SPACE-REPORT-2024-FRANCE.pdf
38. https://www.ldh-france.org/refus-de-subvention-de-la-compagnie-de-theatre-arlette-moreau-les-associations-se-mobilisent/

Funding for associations: amendments to the Finance Bill 2025

In June 2024, the French Economic, Social, and Environmental Council (CESE) sounded the alarm over funding for voluntary organisations, calling it a "democratic emergency."[39] Despite this, amendments to the 2025 Finance Bill tabled by several members of the Rassemblement National (RN) and the Droite Républicaine (DR),[40] risk a sharp reduction in funding for voluntary organisations and constitute a direct threat to civic space.

The intended effect of these amendments is to prevent donors that finance associations from accessing certain tax reductions when members of their beneficiaries are convicted of a number of offences. This may include any non-violent protest action, such as trespassing on an industrial site or broadcasting images without permission. The amendments could potentially led donors to withdraw support from associations, compromising their financial resources.

The proposed amendments raise serious concerns, particularly for associations working in environmental protection, the prevention of animal abuse, and those denouncing the excesses of industry, such as intensive agriculture. By targeting peaceful protests these amendments seek to discourage associations from carrying out acts that attract public attention. The association L214, which publicly raises awareness of the reality of animal farming and slaughter by entering the premises without permission, stated that "behind this amendment lies a strategy: to economically asphyxiate associations by depriving them of the financial support of their donors, and to discourage public support for organisations that document the suffering of animals."[41]

If such amendments were introduced, a vicious circle would be set in motion, making their action much less visible, with the effect of disengaging the donors who support their objectives. Rassemblement National MP Jean-Philippe Tanguy, who drafted this amendment,[42] justified it by denouncing the "radical actions" taken by specific environmental associations, particularly those aimed at agricultural or nuclear facilities. These amendments intimidate associations by putting pressure on their funding and reducing their ability to denounce injustice and environmental damage. While the amendment was not discussed due to the successful no confidence motion against the government, it could be put back on the agenda in 2025.

The Olympic Games and surveillance

The Olympic Games have been used to grant exceptional powers to the state, which are often trivialised once the period of "exception" is over.[43] It has been widely documented that states often "use an exceptional moment" (in this case the Games) "to make technology acceptable."[44] Reinforcing this idea, on 25 September 2024, the Paris police prefect declared that he was in favour of extending its use.[45]

The introduction of the algorithmic video surveillance (VSA) is a cause for concern for civil society organisations (CSOs) defending rights and freedoms: it threatens the right to privacy and freedom of expression; it entails risks of discrimination and stigmatisation of specific groups of people;[46] and it paves the way for other, more intrusive surveillance technologies, such as facial recognition. By becoming the first country in the European Union to legalise VSA, France is aiding in legitimising systems that could be used to restrict freedom of peaceful assembly and discourage collective action. CSOs are concerned that this use could become systematic and profoundly affect the quality of democratic life by making it increasingly difficult to express any concern in public space.

39. https://www.lecese.fr/sites/default/files/pdf/Avis/2024/2024_09_Financement_associations.pdf
40. Amendments Nos. I-689, I-848, I-1017, I-1148, I-1185 and I-1386
41. https://www.l214.com/communications/20241025-amendement-anti-l214/
42. Amendment No. I-848
43. Ibid.
44. https://www.laquadrature.net/toutsurlavsa/#partie2c
45. https://www.lemonde.fr/societe/article/2024/09/25/le-prefet-de-police-de-paris-se-dit-favorable-a-une-prolongation-du-recours-a-la-videosurveillance-algorithmique_6333125_3224.html#:~:text=A%20l
46. https://www.amnesty.fr/liberte-d-expression/actualites/pourquoi-la-videosurveillance-algorithmique-pose-probleme-cameras-technologies

Demonstrations in solidarity with Palestine repressed

In October 2023, the Council of State suspended the systematic ban on demonstrations in solidarity with Palestine that had been introduced by the interior ministry. However, the repression of solidarity actions continued in 2024.[47]

On 5 May 2024, Emmanuel Macron condemned the blocking of access to universities by students showing solidarity with Palestine.[48] This was followed by the violent evacuation of the students occupying an amphitheatre at the Sorbonne, a university in Paris, and the arrest of 37 students[49] and by police intervention to disperse a peaceful rally outside Sciences Po Paris.[50]

In July 2024, after a terrorist attack in La Grande-Motte, demonstrations in solidarity with Palestine were banned, as the authorities equated solidarity with Palestine with terrorist attacks.[51]

In the run-up to the start of the new academic year, with protests planned for October 2024, the ministry of higher education put in place additional measures to limit protests. On 4 October, an administrative circular[52] was sent to university presidents reminding them of their duty to maintain order within their establishments and urging them to report any offences relating to "pro-Palestinian demonstrations" to the public prosecutor. The tightening of such instructions, accompanied by threats of sanctions, highlights a clear desire to restrict the freedom of peaceful assembly and expression of those wishing to express solidarity with Palestine within universities.

Repression of environmental rights protests

In June 2024, the prefect banned a demonstration organised by opponents of the A69 motorway construction project. The ban is part of a trend of criminalisation of environmental rights protests. The interior ministry claimed that the demonstration was "expected to be extremely violent" and that it might be attended by up to "5,000 people, including 600 black blockers."[53] This anxiety-inducing announcement by the then interior minister is nothing new. In March 2023, before the demonstration against the *megabassines* he had already declared that "we will see extremely harsh images because there is a very large mobilisation of the far-left and those who want to attack the gendarmes and perhaps kill the gendarmes and kill the institutions."[54] This approach was repeated a few weeks later on 15 July 2024 in connection with a demonstration against *megabassines*, where Gérald Darmanin labelled the protests as due to "a thousand extremely violent people."[55]

During these demonstrations many cases of disproportionate and indiscriminate use of force were observed, including the use of particularly dangerous weapons such as explosive grenades.[56] During a June 2024 demonstration, medical teams evacuated ten people from the demonstration area in an "emergency". Three people had serious injuries that required hospitalisation.[57] During the July 2024 demonstration, the police threw grenades into the crowd, and people were unable to disperse because they were surrounded by the police. Independent observers and journalists[58] noted that police charged at protesters and hit people who showed no resistance, after which they withdrew without arresting or questioning anyone, thus constituting a purely punitive and manifestly illegal use of force.

It should be mentioned that Michel Forst, UN special rapporteur on environmental defenders, wrote in February 2024, that "the French state criminalises

47. https://civic-forum.eu/wp-content/uploads/2024/04/ECF-Rule-of-Law-Submission-Repeated-repressions-of-Palestine-solidarity.pdf
48. https://www.rtl.fr/actu/debats-societe/mobilisation-pro-palestine-macron-condamne-les-blocages-dans-les-universites-7900381307 h ttps://www.francetvinfo.fr/societe/manifestations-propalestiniennes-en-france/manifestations-propalestiniennes-emmanuel-macron-condamne-avec-la-plus-grande-fermete-les-blocages-dans-les-universites_6526277.html
49. https://www.bfmtv.com/paris/paris-intervention-policiere-en-cours-dans-la-sorbonne-pour-evacuer-des-manifestants-propalestiniens_AD-202405070934.html#:~:text=Les%20forces%20de%20l
50. https://www.lemonde.fr/societe/article/2024/05/07/l-entree-des-locaux-historiques-de-sciences-po-paris-de-nouveau-bloquee-par-des-etudiants-pro-palestiniens_6232000_3224.html
51. https://www.ldh-france.org/la-mobilisation-de-soutien-au-peuple-palestinien-de-nouveau-interdite-par-le-prefet-de-lherault/#:~:text=Conform%C3%A9ment%20%C3%A0%20son%20annonce%20publique,30%20et%2031%20ao%C3%BBt%202024 .
52. https://www.enseignementsup-recherche.gouv.fr/fr/manifestations-etudiantes-en-lien-avec-le-conflit-israelo-palestinien-97541
53. "Black blocs" refers to groups of demonstrators who wear black clothing and face coverings, to conceal their identity and to protect themselves from tear gas; https://www.lemonde.fr/planete/article/2024/06/05/autoroute-a69-toulouse-castres-les-opposants-determines-a-maintenir-leur-rassemblement-malgre-l-interdiction_6237315_3244.html
54. https://www.20minutes.fr/planete/4029433-20230324-mega-bassines-deux-sevres-plus-3-000-policiers-gendarmes-encadrer-manifestation
55. https://x.com/franceinfo/status/1812744580506198060
56. https://x.com/Ab7Media/status/1799447572198629489
57. https://lessoulevementsdelaterre.org/blog/a69--le-point-sur-les-blessees-et-les-milliers-de-
58. https://x.com/ActuCenter/status/1814625669092954251

human rights NGOs" and "restricts the exercise of fundamental freedoms".[59]

Restrictions on Olympic Games demonstrations

During the summer of 2024, security concerns surrounding the Olympic Games were used to as a pretext for repressive practices against social activists.

On 23 July,[60] dozens of activists were arrested and taken into custody for putting up anti-Olympics stickers in the metro. On 24 July, six people were searched and detained for 60 hours for throwing water-based paint (which is easily removable) on a civil aviation building to protest against the foreseen use of "flying taxis" in May. On 26 July, a dozen people were taken into police custody without charge.[61] On 27 July, journalists were rounded up for an hour,[62] and sixty activists were taken into police custody[63] ahead of an action consisting of throwing hay bales to protest against the Olympic Games, described by the prefecture as an act of "sabotage".[64] On 28 July, journalists were held in police custody for nearly 10 hours after attempting to cover an activist action which consisted of a "symbolic visit" to the damage caused by the Olympic Games in Seine-Saint-Denis.[65]

On 10 August 2024, members of Hijabeuses, a women footballers' collective fighting for the right to wear the hijab in sport, were supporting one participant in the *Marathon pour tous* wearing it during the closing event of the Olympic Games. They were arrested by the police for holding up signs that read "42 km for our forgotten French hijabis", "games for all" and "veiled and sporty". The police accused the collective of taking part in a prohibited protest and began by carrying out identity checks and public pat downs. The collective's members were taken into custody and searched, during which they had their veils removed.[66]

Repression of demonstrations in New Caledonia

Since May 2024, there have been severe restrictions to the freedom of movement and peaceful assembly, in connection with wider heavy repression in New Caledonia, through curfews, disproportionate use of public force, a two-week ban on Tik-Tok, and bans on peaceful demonstrations in Nouméa, Dumbéa, Païta, and Mont-Dore.

At least eleven Kanak demonstrators have been killed as well as one police officer. According to a statement by UN experts, based on information provided by pro-independence leaders, 169 others were injured, and more than 2,235 demonstrators were arrested, "many of whom were arbitrarily arrested and detained, and dozens of them were deported to mainland France. 500 Kanak people are reported to have been victims of enforced disappearance. There are also reports of allegations of criminalisation of Kanak human rights defenders through the abusive application of criminal law."[67] Even if these allegations are not substantiated, the refusal of the public prosecutor to open an investigation into the allegations of violence by the police or private militias raises doubts about colonial justice.

One incident deserves further attention. For several months, the state blocked the provincial road near Saint-Louis linking the communes of Yaté and Le Mont-Dore. This decision prevented all the inhabitants of the communes from travelling, forcing them to walk roughly five kilometres to do their shopping or take their children to school for several months. Both the high commissioner — the state's representative in New Caledonia — and the public prosecutor acknowledged that the very first consequence of the blockade, had been to make people's life more difficult.

Responding to a series of attacks on the local community on the stretch of road, for which only fifteen people were responsible, the authorities impacted the living conditions of the entire population for a long period. When the local tribal leaders requested the help of the

59. https://www.amnesty.fr/chronique/france-les-ong-cibles-d-attaques
60. https://france.attac.org/actus-et-medias/salle-de-presse/article/la-france-deja-championne-olympique-de-la-repression#:~:text=Cette%20r%C3%A9pression%20s
61. https://x.com/RevOlympique/status/1817138646069244403?mx=2 ; https://www.francetvinfo.fr/les-jeux-olympiques/jo-de-paris-2024-45-militants-interpelles-avant-l-organisation-d-une-action-du-mouvement-extinction-rebellion_6690138.html
62. https://x.com/ArnaudCesarV/status/1817099379905364373
63. https://www.francetvinfo.fr/les-jeux-olympiques/jo-de-paris-2024-45-militants-interpelles-avant-l-organisation-d-une-action-du-mouvement-extinction-rebellion_6690138.html
64. https://france.attac.org/actus-et-medias/salle-de-presse/article/la-france-deja-championne-olympique-de-la-repression#:~:text=Cette%20r%C3%A9pression%20s .
65. https://x.com/attac_fr/status/1817620514581467546
66. https://www.mediapart.fr/journal/france/160824/huit-femmes-du-collectif-des-hijabeuses-ont-ete-placees-en-garde-vue-en-marge-des-jo
67. UN Declaration of Experts on the Rights of Kanak Indigenous Peoples in the Non-Self-Governing Territory of New Caledonia and the Nouméa Accord, August 2024.

gendarmes to put an end to the attacks, they could not have imagined that the authorities would act in such a way. It is only after months that the gendarmes intervened to arrest some of the suspects and provided protection in the morning and evening to allow people to safely use the stretch of road affected by the abuses. This finally enabled everyone to get to and from work. It is clear that the crisis management enforced by the authorities consisted of collectively punishing all members of the tribe, indiscriminately — a contradiction of the principle of personal responsibility laid down by criminal law and a flagrant breach of the rule of law.[68]

Repression of demonstrations in Martinique

On 16 September 2024, uprisings against the high cost of living broke out in Martinique. During these demonstrations, there were some acts of violence and damage. A curfew was introduced from 18 September to 26 September. From 21 September to 23 September, there was a ban on demonstrations in the municipalities of Fort-de-France, Lamentin, Ducos and Robert.[69] A Compagnie Républicaine de Sécurité (CRS) unit (CRS FAR or "CRS 8"), trained for intervening in the repression of urban violence, was deployed. The CRS had not intervened in Martinique since 1959 when their intervention led to the deaths of three Martinicans.[70] The decision to deploy this precise unit was even more alarming given its reputation for excessive and disproportionate use of force.[71]

Freedom of expression and right to privacy

Media freedom under pressure: violations of the confidentiality of sources and repression of journalists

Media freedom in France is increasingly under threat from both private and public actors. In September 2024, Bernard Arnault, one of the country's richest and most influential businessmen, banned employees of his companies from communicating with media outlets such as *La Lettre*, *Le Canard enchaîné*, and *Mediapart*.[72] This blanket "directive" was widely seen as an attempt to hinder the work of the press in providing information, and provoked reactions from journalist associations, which stressed the need to protect the ability of journalists to work without pressure.

Against a backdrop of repression, the case of Ariane Lavrilleux, an investigative journalist with *Disclose*, illustrates the seriousness of attacks on press freedom by public authorities.[73] In 2022, an investigation launched against her highlighted the use of invasive methods by the public authorities. The journalist was followed, geo-localised and even photographed in public. Her telephone was wiretapped, and her bank accounts were scrutinised. The investigation was launched on the grounds of disclosing sensitive information on national defence, specifically related to a secret French military operation in Egypt called Sirli. On 3 December 2024, *Disclose* announced that Lavrilleux had been summoned to appear before the Paris court to face charges of "appropriation and disclosure of a national defence secret", and could face up to five years imprisonment and a fine of €75,000. This case highlights the dangers facing investigative journalists, and the misuse of surveillance tools to stifle the freedom to inform the public.

In another case, which occurred on 18 June 2024, a journalist from *Blast* was arrested and held in police custody for 32 hours[74] without being charged. The incident occurred while she was investigating the sale of French arms to Israel that were potentially used in war crimes in Gaza. Despite her press card, she successively was accused of taking part in reputation damaging,

68. https://www.lemonde.fr/politique/article/2024/09/22/nous-sommes-face-a-des-gens-qui-preferent-mourir-que-se-rendre-en-nouvelle-caledonie-saint-louis-fief-independantiste-sous-haute-pression_6327452_823448.html?utm_source=chatgpt.com&random=1076389290
69. https://www.lemonde.fr/outre-mer/article/2024/09/21/en-martinique-certains-types-de-manifestations-interdits-dans-quatre-communes-dont-fort-de-france_6326054_1840826.html
70. https://www.liberation.fr/societe/police-justice/martinique-des-crs-deployes-pour-la-premiere-fois-depuis-1959-et-les-emeutes-de-decembre-noir-20240922_ZHDKEL55UVBUVKSQWN3D5VU4XI/
71. https://france3-regions.francetvinfo.fr/bretagne/ille-et-vilaine/rennes/violences-policieres-la-crs-8-visee-par-une-enquete-apres-des-arrestations-musclees-a-rennes-2779622.html
72. https://www.lemonde.fr/actualite-medias/article/2024/09/23/liberte-d-expression-pression-sur-les-sources-les-journalistes-repondent-a-bernard-arnault_6330003_3236.html
73. https://disclose.ngo/fr/article/filature-cyberespionnage-la-surveillance-hors-norme-subie-par-ariane-lavrilleux
74. https://www.blast-info.fr/articles/2024/apres-sa-garde-a-vue-la-journaliste-de-blast-contre-attaque-en-justice-06-RZaYOS76uLmrQ00b1_g

asked to give details about her sources, and pressured to unlock her phone, and provide a DNA sample. These incidents, which occurred while she was in arbitrary detention, raises concerns about repression against journalists. After her release, the journalist initiated legal proceedings to denounce the infringement of her rights and, more specifically, the abuse of power and institutional violence to which she was subjected.

These cases of repression against journalists, and more particularly against those who investigate sensitive subjects, tend to multiply, adding to the concern already raised with each individual case. The protection of sources, essential for guaranteeing press freedom, is being undermined by intrusive surveillance practices and pressuring journalists to divulge their sources of information. Once again, the scrupulous respect for the rule of law is being called into question. At the time of writing, Lavrilleux has just been released by a court decision from all the charges put against her.

Academic freedom under threat: interference in researchers' work

The respect for academic freedom in France has taken a worrying turn over the course of 2023–2024, with increasing interference in the work of researchers, particularly those who follow subjects considered sensitive by the authorities. In recent years, researchers working on policing, social movements (such as the yellow vests) or environmental issues have reported being targeted by the authorities.[75]

In 2024, the Île-de-France region announced that going forward universities would be required to sign a "republican charter", inspired by the CER in the separatism law, as a condition for receiving regional subsidies. According to Valérie Pécresse, president of the region, the purpose of the charter is to remind the management of higher education establishments of their "legal obligations" in this area with regard to "active minorities" mobilising within universities. This measure has been characterised as an attack on university autonomy and academic freedom, and there are fears that it could have similar misuses to those of the CER (*see box 1*).

Restrictions on freedom of movement in connection with Olympic and Paralympic Games

In connection with the games, a personal QR code was required to access some areas of the capital. 1.2 million people had to undergo an administrative enquiry in order to receive a pass which authorised them to move around and was even necessary for to accessing back their homes. People working near the Olympic Games sites were denied access to their workplaces. Some people had no choice but to remain at home. 559 individual measures of administrative control and surveillance (Micas) were issued by the interior ministry, solely on the basis of "white notes" (unsigned and unsourced administrative notes) from the intelligence services attached to the decisions.[76] The use of Micas was massive and indiscriminate. While Micas are intended as a counter-terrorism measures, a large proportion of the people concerned have never been convicted, charged, or arrested for any connection with terrorism. Furthermore, the Micas lasted for three months, a period that far exceeded the duration of the games. According to *Le Monde*, "Not since the state of emergency introduced in the wake of the 13 November 2015 attacks have so many measures restricting freedoms been taken."[77]

The implementation of such massive and indiscriminate measures illustrates a serious violation of fundamental rights. Depriving individuals of their freedom of movement and access to their place of work on the basis of mere unverified suspicions, without proper legal proceedings, contradicts the protection of privacy and individual freedoms.

75. https://www.radiofrance.fr/franceculture/podcasts/l-info-culturelle-reportages-enquetes-analyses/liberte-academique-liberte-des-scientifiques-nouveaux-dangers-nouveaux-chantiers-6282743
76. https://www.lemonde.fr/societe/article/2024/09/03/des-avocats-contestent-la-capacite-de-darmanin-a-prendre-des-micas-en-periode-de-gestion-des-affaires-courantes_6303183_3224.html
77. https://www.lemonde.fr/societe/article/2024/09/11/securite-et-jeux-olympiques-une-reussite-grace-a-d-enormes-moyens-et-beaucoup-de-pression_6313797_3224.html

Islamophobia and secularism gone astray

Secularism, as defined by the 1905 law, guarantees freedom of conscience and the neutrality of public institutions. However, it has increasingly been used to justify restrictions disproportionately affecting Muslim people.

Municipal decrees banning the burkini, such as in Mandelieu-la-Napoule and Lecci, persist despite repeated rulings from the Council of State since 2016 which recognise them as serious and unlawful infringements on fundamental freedoms. Similarly, decisions to ban alternative school meals, as seen in Beaucaire and Châlons-en-Champagne, have been challenged and deemed incompatible with the principles of secularism. The French Football Federation (FFF) maintains a ban on the hijab under its delegated public authority status (Article L.131-8 of the Sports Code), which excludes many Muslim women from competitions.

Another concerning aspect is the selective enforcement of the *déféré-laïcité*, introduced by the 2021 "separatism" law (Article L.2131-6 of the CGCT), allowing prefects to suspend local decisions that undermine secular principles. Prefectures have failed to act against repeated unlawful decrees, as evidenced in Mandelieu-la-Napoule. Breaches of neutrality favouring Christian symbols, such as nativity scenes installed in town halls, face minimal scrutiny despite a Council of State ruling in 2016 prohibiting them without cultural justification.

Rather than promoting equality, secularism is increasingly weaponised to justify discriminatory measures, undermining the rule of law and public trust *(See box 2 below)*.

BOX 2
SECULARISM

Secularism, as defined in France by the 1905 law, guarantees freedom of conscience. From this stems the freedom to express one's beliefs or convictions in the public arena. However, this freedom is to be exercised with respect for public order. The law also states that secularism implies the neutrality of the state, public authorities and public services with regard to all religions and beliefs and imposes equal treatment for all regardless of religion or belief.

Article 5 of Law No. 2021-1109 of 24 August 2021, known as the "separatism" law, aimed at reinforcing respect for the principles of the republic, created a new *"déféré-suspension"* ("suspension on referral") procedure available to prefects. It allows them to request the suspension of the implementation of any act by a local authority that seriously undermines the principles of secularism and neutrality of public services.

Article L.2131-6 of the General Local Authorities Code now states that: "The representative of the State in the "department" shall refer to the administrative court the acts mentioned in article L. 2131-2 that he considers to be contrary to the law within two months of their transmission. [...] When the contested act is likely to compromise the exercise of a public or individual freedom, or to seriously undermine the principles of secularism and neutrality of public services, the president of the administrative court or the magistrate delegated for this purpose shall order its suspension within forty-eight hours".

This *déféré-laïcité* prefectural order by a ministerial instruction dated 31 December 2021, published on 14 January 2022, sets out the conditions for its application. In the appendix to the ministerial instruction, prefects are given an overview of what constitutes a serious breach of the principles of secularism and neutrality in public services, citing examples such as resolutions "imposing a denominational menu in a municipal canteen" or decisions "to install a religious insignia or emblem on public property."

The *déféré-laïcité* procedure has only been used twice to date.

In the first case, the city of Grenoble passed a resolution authorising the wearing of the burkini in municipal swimming pools. The Isère prefect lodged an appeal and the interim relief judge of the Grenoble Administrative Court ordered the suspension of the municipal swimming pool rules permitting the wearing of full-length swimming costumes, on the grounds that they undermined the neutrality of the public service (see Administrative Court of Grenoble, 25 May 2022, req. No. 22203163, concerning the internal rules of

the Grenoble swimming pools). On 21 June 2022, the Council of State upheld the suspension (CE, order of 21 June 2022, no. 464648).

In the second case the Seine-Saint-Denis prefect challenged a decision authorising the sale of a plot of communal land to a religious association at a price considered too low. However, his application was rejected.

As the number of cases involving breaches of neutrality in local authority areas increases, confusing case law is developing around the principle of secularity. This is particularly obvious in disputes relating to the installation of nativity scenes in town halls or the wearing of burkinis on maritime property.

An extremely worrying confusion is being created between public freedoms linked to beliefs and the neutrality of public institutions with regard to religions and beliefs. On the one hand, there is a trend towards infringement of the rights of Muslim women, and on the other, there are breaches of neutrality.

The examples below illustrate the situation.

A - Ban on wearing the burkini tolerated by the government

Against a backdrop of hate speech directed at people of the Muslim faith, in the summer of 2016, France saw several municipal by-laws banning the wearing of the burkini — the swimwear used by Muslim women — on beaches. When they were introduced, these municipal decrees were presented as being based on the principle of secularism and not as part of the application of the "separatism" law (which was not in place at the time).

The principle of secularism was not upheld by the high administrative court, which censured these measures on the grounds that they constituted a serious and manifestly illegal infringement of the fundamental freedoms including freedom of movement, freedom of conscience and personal freedom.[78]

With regard to the rule of law, it is concerning that some municipalities continue to take such decisions as summer approaches. These decisions are often made without any reaction from or, worse, with the tacit approval of, the prefectural authorities, who have failed to exercise their legal oversight. In particular, they have neglected to use the *déféré-laïcité* which allows prefects to challenge decisions that undermine the principles of secularism.

Several examples illustrate this wrongdoing.

A.1 - Mandelieu-la-Napoule

On 7 June 2023, the mayor of Mandelieu-la-Napoule regulated the wearing of clothing on beaches and bathing areas by banning access "to any person whose clothing does not comply with hygiene and safety rules" and "to any person whose clothing is likely to cause a public disturbance."

After an application by the LDH, in a decision dated 17 July 2023, the Council of State suspended this order, noting that the mayor of Mandelieu-la-Napoule had intended to prohibit the wearing of clothing ostensibly expressing a religious affiliation. The court also overturned the order of the interim relief judge of the Nice administrative court, which had rejected the LDH's application on the basis of Article L. 522-3 of the Administrative Justice code.

However, in a decree dated 8 July 2024, drafted in the same terms as that of 7 June 2023, the mayor of Mandelieu-la-Napoule once again banned "access to beaches and swimming [...] to any person whose attire contravenes public order," repeatedly flouting republican law by banning access to beaches to people wearing clothing that expresses a religious affiliation, such as the burkini. The mayor once again flouted the consistent case law of the Council of State which since 2016 has censured these decrees in the name of respect for fundamental freedoms.

Faced with the prefect's latest failure to act, the LDH filed a summary application with the administrative court to enforce the rule of law in this municipality.

Against all expectations, on 20 August 2024, the interim relief judge of the Nice court reiterated his rejection of the LDH's request and considered that the decision of the mayor of Mandelieu-la-Napoule did not seriously and manifestly illegally infringe on fundamental freedoms. On the same day, the LDH yet again lodged an appeal with the Council of State and, on 21 August 2024, the LDH filed a new application for interim relief against the order in question. On 30 October 2024, the Council of State dismissed the appeal against the interim relief judge's order of 20 August

78. https://www.conseil-etat.fr/decisions-de-justice/dernieres-decisions/ce-ordonnance-du-26-aout-2016-ligue-des-droits-de-l-homme-et-autres-association-de-defense-des-droits-de-l-homme-collectif-contre-l-islamophobi

2024 (the order having ceased on 2 September 2024). However, the court clearly stated that not only was the municipal order manifestly illegal, but also that the interim relief judge had disregarded his duty by dismissing the appeal.

The LDH has decided to lodge an appeal for annulment with the Nice administrative court, which is still pending, in order to ensure that the administrative court rules again on the principle and substance of such a ban. However, if this is not ordered by the Nice Administrative Court, which has little respect for the decisions of the highest administrative court, the Marseille Administrative Court of Appeal or the Council of State should censure the decision of the mayor of Mandelieu-la-Napoule, as they did in 2023.

This example illustrates the seriousness of the repeated breach of the rule of law allowed by the prefect's practice as the representative of the state in this department.

A.2. Lecci

In a separate case, in a decree dated 7 August 2024, the mayor of the commune of Lecci in the department of Southern Corsica banned "access to beaches and swimming" "to anyone who is not properly dressed in a manner that respects public decency and secularism." The order, published on the commune's Facebook page, was issued for all beaches in the commune, applying until 30 September 2024. At the same time, another Corsican commune — Zonza — issued a similar decree.

On 8 August 2024, the LDH contacted the prefect, requesting that he exercise his control over the legality of these decrees by lodging a *déféré-préfectoral* on the basis of Article L. 2131-6 of the General Local Authorities Code. While the prefect lodged appeals with the municipalities concerned, and the municipality of Zonza immediately withdrew its order, the mayor of Lecci decided to maintain it. In the absence of a prefectural referral, the LDH lodged an application with the Bastia administrative court for interim relief against the order issued by the mayor of Lecci on 14 August 2024.

On 19 August 2024, the interim relief judge suspended the order on the grounds that it had not been established that "there was a risk of public disorder on the beaches of the municipality of Lecci as a result of the clothing worn by certain people for swimming. In the absence of such risks, the context of the terrorist threat and the climate of international tension, particularly in the Middle and Near East, referred to in the order, as well as the circumstance relating to the maintenance of the state of emergency, which is in fact incorrect, are not sufficient to legally justify the contested ban". In addition, the judge added that it had not been established that "the wearing of clothing of the kind prohibited by the contested order would constitute a risk to the hygiene or safety of beach users and bathers."

The judgement confirms that the mayor could not, without exceeding his police powers, issue provisions prohibiting access to the beach and bathing when they were based neither on proven risks of disturbance to public order nor, moreover, on grounds of hygiene or bathing safety. By prohibiting access to the bathing area to anyone who is not properly dressed, in keeping with public morality and the principle of secularism, and who complies with the health and safety rules applicable to the public maritime domain, the contested orders impede free access to a public area open to all and prevent the exercise of fundamental freedoms in that area, in a discriminatory manner and without any justification whatsoever.

It should be noted that inaction on the part of the prefects, as evidenced by the failure to implement the *déféré-laïcité* on "anti-burkini" decrees, is likely to give rise to liability on the part of the state, especially when such decrees are repeated and identical, as the Toulon Administrative Court pointed out in its order of 5 August 2023: "The fact that an order identical to the one at issue had been issued for the 2022 summer season without having been referred to the administrative court by the Prefect of Var has no bearing on the infringement of fundamental freedoms, but would only be likely to give rise to liability on the part of the State for gross negligence due to shortcomings in the exercise of control over the legality of the acts of local authorities (see Council of State ruling of 9 October 2000, no. 205959)".

It is important to draw attention to the repetitive nature of the infringement of people's rights and the passivity of state representatives in failing to respect the rule of law. Moreover, as underlined in the LDH-ECF contribution in 2023,[79] the disregard for the respect of rule of law by the highest authorities of the state, illustrated during the discussion of the migration law, is all the more concerning as it is conducive to breaches by all levels of institutions. Developments taking place cannot be analysed as only localised failings.

79. https://civic-forum.eu/wp-content/uploads/2023/03/Civic-Space-Report-2023-FRANCE-European-Civic-Forum.pdf

B - Prohibition on alternative school meals

In another example of misuse of the principle of secularism, some mayors have decided to ban alterative meals at schools when pork is on the menu. The LDH successfully challenged the decisions taken by the mayors of Beaucaire, Le Meriot and Châlons-en-Champagne. While mayors remain free to introduce substitute meals, the Council of State ruled that when defining the rules for organising and running the service, the manager must take the general interest into account, which requires all users to be able to benefit from what is provided. It pointed out that neither the principles of secularism and neutrality, nor the principle of equality of users before the public service, preclude the provision of substitute meals based on the religious convictions of children.[80]

C - The French Football Federation (FFF) bans players from wearing the hijab, depriving them of a right to practice

Although the FFF has the status of an association, it benefits from a "delegation contract" with the Ministry of Sport, which is the highest degree of recognition of sports federations by the state. The only sports federations that can be "delegated" are those that have received an approval issued by the minister for sport under Article L. 131-8 of the French Sports Code. Delegated federations have public authority prerogatives and are entrusted with a public-service mission. As such, they have a legal monopoly in areas explicitly provided for by law or regulation.

Where such a "delegation contract" has been given, the state and the sport federation set out the conditions under which these prerogatives and missions linked to the delegation are exercised.

Paragraph 1 of Article 1 of the statutes of the French Football Federation (FFF), drawn up for the 2021-2022 season, prohibited "on the occasion of competitions or events organised on the territory of the federation or in connection with them, (from) any speech or display of a political, ideological, religious or trade union nature, (from) the wearing of any sign or clothing ostensibly expressing a political, philosophical, religious or trade union affiliation, (and from) - any act of proselytising or propaganda manoeuvres."

By introducing such a rule, the FFF has created an obligation of neutrality for its members, and therefore its users, the scope of which is as general as it is absolute. It therefore effectively excludes women footballers wearing the hijab from any football competition organised by the FFF (an exception from other European national football federations).

At the same time, every weekend, on many pitches, many players make a religious sign before entering the pitch or to celebrate a goal. This again illustrates a "general and absolute" rule whose application is not in fact "general and absolute"; only applying to a particular group of licence-holders as delegated by the FFF.

Noting the discrimination against players wearing a hijab, the LDH applied to the Council of State for the repeal of article one of the FFF's statutes, which lays down the rule of strict political, trade union, philosophical and religious neutrality. The court rejected this appeal, thus imposing a strict duty of "neutrality" on participants in a football competition.

Similarly, the Hijabeuses, a Muslim women's collective, took the case to the European Court of Human Rights (ECtHR), claiming that the right to freedom of thought, conscience, and religion (Article 9 CESDH) and the right to respect for private and family life (Article 8 CESDH) was violated. The LDH intervened in support of this application.

If, as is likely, the ECtHR rules in favour of the Hijabeuses' request, it remains to be seen whether France will bring its practice in line with the ECtHR or whether there will be a further breach of the rule of law.

D - Religious symbols in public buildings

The constitutional principle of secularism, which enshrines essential freedoms for everyone living in France, has as its corollary the principle of neutrality on the part of public bodies with regard to all religions, and it is this requirement for neutrality that in particular guarantees individuals the respect of their freedom of conscience.

Public bodies and institutions are therefore subject to obligations such as the prohibition on worshipping or favouring one religion over another, for example by granting aid or showing recognition.

80. CE, 11 December 2020, Commune de Chalon-sur-Saône, no. 426483

The neutrality of the state and public bodies with regard to every religion is thus not only a guarantee of freedom of conscience but, more broadly, a guarantee of the principle of equality (Cons. Const. decision no. 86-217 DC of 18 September 1986; see also: Cons. Const. decision no. 2012-297 QPC of 21 February 2013; CE, 16 March 2005, no. 265590, published in Lebon).

The principle of religious neutrality is reflected in the terms of the law of 9 December 1905 on the separation of Church and State.[81] The principle of the neutrality of the state and public authorities has a concrete and inalienable application: the absence of any official expression of religion must be totally absent both from public buildings and by public officials in the performance of their duties. No act should endorse or imply the recognition or celebration of a religion.

However, in parallel with the intolerance shown by the public authorities towards certain practices of the Muslim faith, some mayors have violated this principle in the past period by showing their preference for the Christian faith in their town halls. During the festive season, several mayors put up a nativity scene in town halls or other public buildings.

However, compliance with the principle of secularism would prohibit the installation of nativity scenes in buildings that house the headquarters of a public authority, as the Council of State ruled in 2016,[82] although it does authorise them in special circumstances where they are recognised as being of a cultural, artistic, or festive nature. Most of the decisions to install nativity scenes in recent years, which have run counter to the principle of secularism, have been censured by the administrative courts, but some mayors have repeated this practice, claiming to consider in that way France's "Christian origins".

Every year since they were elected in Beaucaire, Béziers and Perpignan, the mayors of these three towns have failed to respect the principles of secularism and neutrality of public services, using absurd methods to try to get around administrative rulings, such as a Christmas nativity scene on wheels in Béziers or including in the scene a Santon bearing the effigy of Salvador Dali in Perpignan. In 2024, the mayors of the same cities repeated these acts, with the complicity of the prefects, who for two years now have not exercised their control over legality.

It must be noted that it is no coincidence that some of those who set up the Christmas nativity scenes are among those who invoke republican principles and secularism to take measures that penalise Muslim citizens, for example by refusing pork-free meals in their local canteens.

With regard to the neutrality towards religions that is required of public officials in the course of their duties, it is astonishing to see that the French president took part in the celebration of the Jewish Hanukkah in 2023 in his official residence at the Élysée Palace. Following this, the Mayor of Béziers planned to celebrate Hanukkah on 26 December 2024 at Béziers town hall.

The failure by all elected representatives to apply securalism, respecting all religions equally and not favour some over others, must be considered as a breach of the rule of law. This is a serious breach as secularism is a fundamental principle that allows everyone to live together without discrimination. In this respect, there is a rapid deterioration of the respect for the rule of law in this area at all levels of the state, with an obvious detrimental bias towards Muslims.

In summary, these cases illustrate a systemic deterioration in respect for the principles of secularism and fundamental freedoms. The absence of sanctions against elected officials or institutions that violate these principles fosters a climate of distrust in institutions and undermines confidence in the rule of law, particularly among the communities that are the victims of these abuses. Moreover, the proliferation of arbitrary decisions sets a dangerous precedent in which secularism is used as a tool to restrict religious freedom rather than to protect it.

81. Article 2 of the Constitution enshrines the cardinal principle that the Republic does not recognise, pay the salaries of or subsidise any religion and this principle is reflected in particular in the prohibition set out in Article 28 relating to the policing of religion, which states that : "It is forbidden, in the future, to erect or affix any religious sign or emblem on public monuments or in any public place whatsoever, with the exception of buildings used for worship, burial plots in cemeteries, funerary monuments, museums or exhibitions".
82. Council of State, Assembly, 09/11/2016, 395223

Recommendations

- Urgently amend the law "on the respect of the republican principles" and withdraw "Contrat d'engagement républicain" (CER) in line with international human rights standards on freedom of association. Both of these steps should be done by the end of 2025.

- Strengthen the mechanisms monitoring and sanctioning abuses in relation to the application of secularism and guarantee the effectiveness of the freedom of conscience and the neutrality of public institutions, which brings a protective equal treatment of all citizens whatever its faith or absence of faith.

- Refrain from repeatedly targeting movements that are exercising their right to peaceful assembly, including the environmental rights movement and the Palestine solidarity movement, and respect this right in line with international human rights standards.

- Promote an enabling environment for civil society by halting all attacks on CSOs. In cases of police and judicial harassment, the perpetrators should be held accountable immediately.

- Protect the confidentiality of journalists' sources in line with the European Media Freedom Act.

CIVIC SPACE REPORT 2025

About European Civic Forum

European Civic Forum (ECF) is a pan-European network of nearly 100 associations and NGOs across 29 European countries. Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity and democracy in Europe.

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Civic Space Watch is an online platform that gathers data and reports on developments in civic space at the national and EU level and analyses national and European trends in civic space. Powered by the European Civic Forum, it collects findings through regular contact and interviews with a strong network of members and partners on the ground, as well as ongoing media and social media monitoring.

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