THE OBSERVATORY
for the Protection of
Human Rights Defenders

LDH
Fondée en 1898

France: Dropping Out of Democracy

Obstructions to freedom of association and peaceful assembly



© Jerome Gilles / NurPhoto / NurPhoto via AFP



We are watching

THE OBSERVATORY
for the Protection of
Human Rights Defenders

LDH
Fondée en 1898

France: Dropping Out of Democracy

Obstructions to freedom of association and peaceful assembly

This document has been produced with the support of the European Union (EU). The contents of this publication are the sole responsibility of FIDH and OMCT and can in no way be taken to reflect the views of the EU.

Funded by
the European Union

DIRECTORS OF PUBLICATION:
Alice Mogwe, Gerald Staberock, Nathalie Tehio

AUTHORS:
Maria Lesire-Schweitzer, Mathilde Nilsson

CONTRIBUTORS:
Elena Crespi, Hugo Gabbero, Mariana Antunes Garrido, Abdelmoumene Khelil

EDITING AND COORDINATION:
Elena Crespi

TRANSLATION:
Gillian Sloane-Seale, Anne Withers

DESIGN:
FIDH/Noam Le Pottier

DÉPÔT LÉGAL:
Octobre 2025

FIDH (English ed.) = ISSN 2225-1804
Fichier informatique conforme à la loi du 6 janvier 1978 (Déclaration N°330 675)

FIDH INTERNATIONAL FEDERATION FOR HUMAN RIGHTS

OMCT Réseau SOS-Torture

Table of contents

Introduction 8

1. An increasingly hostile narrative towards civil society 12

(1.1) A turning point in public authority rhetoric 12

(1.2) The influence of the far right and the role of the media 16

2. The development of a legislative arsenal as deterrent 18

(2.1) The law strengthening respect for the principles of the Republic 18

Expanding the grounds for dissolving organisations and informal collectives 18

Agreement to respect the principles of the Republic 19

(2.2) Legislation to reinforce and guarantee public order during demonstrations 22

(2.3) Proliferation of criminal offences punishing civil society's means of action 23

3. Administrative and judicial harassment 24

(3.1) Administrative dissolution of organisations and informal collectives 24

Dissolution of the Collective Against Islamophobia in France: unspeakable causes? 24

Administrative dissolutions and freedom to protest 25

(3.2) Prohibitions and limitations on exercising the right to protest 26

Increased use of bans on public protests 26

Instrumentalisation of counter-terrorism measures 27

(3.3) Arbitrary arrests of peaceful demonstrators 28

Extensive use of vague criminal charges 28

Pre-emptive criminalisation: the offence of 'participating in a group with a view to preparing violence' 30

Abusive use of police custody 31

(3.4) Independence of judicial authority tested by the maintenance of public order 36
(3.5) Judicial harassment and strategic lawsuits against public participation (SLAPPs) 36

4. Police crackdown on activists and social movements 38

(4.1) The normalisation of the use of force and repressive practices 38
Crackdowns and escalating violence in managing protests 39
Arms and equipment used for law enforcement that are intrinsically incompatible with human rights 41

(4.2) Judiciary-driven law enforcement 45

(4.3) Protest surveillance 48

(4.4) Impunity for police violence 48

(4.5) Police harassment of human rights defenders 50
Violence and endangerment: the case of the A69 occupation 50
Police harassment of migrants' rights defenders 51

Focus
The criminalisation of environmental defenders in the fight against mega-irrigation reservoirs 52
Bans on demonstrations and accusations against trade unions 53
Police violence and the human toll 53
The battle for information 54
The refusal to allow discussion on mega-irrigation reservoirs: from law enforcement to water management 55
The attempt to dissolve Les Soulèvements de la Terre 56
Criminalising civil disobedience: widespread effects on associations 56
Extending the use of intelligence techniques: the Demeter Unit 57

5. Physical and verbal attacks on civil society representatives by non-state actors 58

(5.1) Agricultural violence against environmental defenders 58

(5.2) Threats and attacks from the far right 60

6. Restrictions and challenges facing civil society organisations in accessing funding 61

(6.1) 'Not a single euro of public money for the enemies of the Republic' 61

The Marianne Fund affair 62

Prefects, local authorities and the Agreement to respect the principles of the Republic 62

(6.2) The increasing precariousness of the voluntary sector in an unfavourable European and international context 66

7. Shrinking spaces for dialogue and participation in public policy-making 68

Conclusions 70

Recommendations 73

Introduction

For several years France has been experiencing a profound, structural deterioration in the environment in which civil society can speak out and act, accompanied by a worrying setback for public freedoms, particularly freedom of association and freedom of peaceful assembly. This evolution is part of a wider movement observed at European and international level, characterised by a rise in authoritarianism, the erosion of the democratic framework – notably in the form of a growing challenge to the legitimacy of opposition movements – and the normalisation of social control measures. One of the most alarming symptoms of the latter is shrinking civic space.

In this regional and global context, the situation in France merits particular attention, however. Often wrongly viewed as being shielded from such trends due to its republican tradition and its proclaimed attachment to human rights, France stands out today by the scale and seriousness of the restrictions imposed on civil liberties.

Policy and legislative developments in recent years in France attest to this evolution. The official lifting in 2017 of the state of emergency, which was introduced to deal with the terrorist threat following the November 2015 attacks, has not signalled a return to the situation prior to its adoption. A number of its measures have been incorporated into ordinary law through the law of 30 October 2017 strengthening internal security and counter-terrorism (SILT) permanently embedding exceptions on security grounds within the functioning of French institutions. The International Federation for Human Rights (FIDH) has warned since 2016[1] of the negative impacts of these measures on freedom of peaceful assembly, and this has proven to be the case during subsequent demonstrations.

The violent repression of the Yellow Vests (*Gilet jaunes*) movement between 2018 and 2019 in particular marked a turning point in police use of force and prompted much criticism from international organisations. In the years since, a climate of rising tensions around social and environmental protest has established itself, with the emergence of pre-emptive orders banning demonstrations, increased surveillance and the disproportionate use of force. Since the 2017 presidential elections, successive governments have adopted and displayed growing hostility towards civil society. We are witnessing the systematic repression of opposition voices in the form of a tougher State response which manifested itself particularly during the protests against the 2023 pension reforms imposed contrary to the people's wishes by resorting to Article 49.3 of the French Constitution, thereby bypassing parliamentary approval and sweeping aside the principles of representative democracy. Excessive use of force by public agencies was condemned at the time by FIDH and the Human Rights League (*Ligue des droits de l'Homme*, LDH), who were alarmed at the upsurge in police violence that was "reflecting the steamrolling of legislation".[2] The deployment of large-scale policing measures in the context of environmental protests has also marked the crossing of new red lines regarding the militarisation of policing and the adoption by the State of an approach designed to repress and punish rather than facilitate the exercising of civil liberties.

At the same time, the legislative framework governing freedom of association has been considerably tightened. The adoption of the law strengthening respect for the principles of the Republic has introduced new tools for controlling and sanctioning that are directed against organisations and their representatives. This has bolstered the State's capacity to impose conditions on their funding, dissolve constituted bodies and delegitimise certain rhetoric. LDH and FIDH have long condemned this legislative drift as well as the increasing stigmatisation of human rights defenders, particularly those defending the environment, women's rights, LGBTQIA+ people and people living in exile, and, in reality, civil society as a whole.

---

1 FIDH, 'France - Mesures antiterroristes contraires aux droits humains. Quand l'exception devient la règle [Counter-terrorism measures contrary to human rights. When the exception becomes the rule]', 9 June 2016. Online: **https://www.fidh.org/IMG/pdf/rapportfrance-hd1_def.pdf**.

2 Joint press release 'Violences policières en France : la FIDH et la LDH s'alarment [Police violence in France: FIDH and LDH increasingly alarmed]', 23 March 2023. Online: **https://www.ldh-france.org/violences-policieres-en-france-la-fidh-et-la-ldh-salarment/**.

In 2024, the appointment on two occasions of a prime minister from outside the political group which emerged as leader at the legislative elections accentuated the crisis of trust between institutions and the public. While such actions comply with the French Constitution, they reveal a distorted use of institutional mechanisms that breaks with the spirit of democracy. This reinforces the feeling that public opinion is being bypassed and sets alarm bells ringing about respect for the rule of law.

This report forms part of more wide-reaching research in the context of the Observatory for the Protection of Human Rights Defenders (the Observatory), undertaken by FIDH and its member organisations and aimed at documenting attacks on human rights and fundamental freedoms and warning of the erosion of the rule of law worldwide. The report is based on two findings: on the one hand, the growing number of warning signs regarding public freedoms in France; on the other hand, the disconnect between the image that France wishes to project internationally as the home of human rights and the realities experienced on the ground by many civil society actors. It seeks to analyse the extent to which France is participating in the European trend towards democratic deficit and shrinking civic space, while identifying the national specifics that are driving it.

The report is based on research and analysis conducted throughout the year by FIDH as part of the remit of the Observatory and of its member organisation in France, LDH. It sets out a rigorous and detailed situational analysis. It highlights the effects on individuals and organisations of the laws, policies and practices adopted in recent years and, at the same time, feeds into mobilisation, solidarity and advocacy efforts on a national, European and international scale.

The report is structured around seven key areas and opens with an analysis of the political and media narrative which is increasingly hostile towards civil society. It then examines the development of a legislative framework that deters the exercising of freedom of association and freedom of peaceful assembly. Next, it explores the forms of administrative and judicial harassment directed at civil society representatives as well as police crackdown on activism. It also focuses on violence and threats emanating from non-state actors, restrictions associated with access to funding, the undermining of the civil society sector and, lastly, the gradually diminishing spaces for dialogue between civil society and the public authorities.

Methodology

This report is based on 10 months of documentary and field research by FIDH as part of the Observatory, and its member organisation in France, the LDH, as well as on the ongoing observation, analysis and reporting work carried out by LDH. In addition to analysing national legislation, public policies, European and international legal instruments and national and regional court rulings, the documentary research consisted of reading numerous reports drawn up by international organisations and civil society organisations, academic reviews and press articles. In addition to documentary research, an international fact-finding mission was conducted in France from 10 to 14 March 2025. On this occasion, the delegation in charge of the fact-finding mission conducted 24 semi-structured interviews with 51 interlocutors from civil society, independent institutions and public authorities. Some interviews were followed up by written correspondence between the investigation team and the interviewees, so that the information provided could be corroborated by additional documents, such as internal reports, confidential files and court decisions.

The civil society representatives who were interviewed included three journalists, two lawyers, two magistrates, two teachers and researchers in public law, two trade union representatives and 25 members from 13 collectives and associations with a range of commitments, including environmental protection, support for exiled persons, the defence of women's and LGBTQIA+ rights, the fight against racism and police violence, support for the Palestinian people and the defence of freedom of association.

The delegation met with the French National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'Homme*, CNCDH)[3], the office of the Defender of Rights (*Défenseur des Droits*, DDD)[4] and the Controller-General of Places of Deprivation of Liberty (*Contrôleur général des lieux de privation de liberté*, CGLPL), as well as with the United Nations Special Rapporteur on environmental defenders under the Aarhus Convention.

The FIDH also exchanged views with the office of the Minister of Justice and the office of the Minister of the Interior. However, the Director of Civil Liberties and Legal Affairs, who had initially agreed to meet with the delegation, did not show up for the meeting. Requests for meetings with the Paris Police Prefecture and the Deux-Sèvres Prefecture were not followed up.

Given the threats and pressure faced by some of the interviewees from authorities or private actors, certain testimonies contained in the report have been anonymised so as not to expose them to additional risk to their safety or reputation, or to possible reprisals for their involvement in this investigation. While the report presents a number of illustrations of restrictions on specific individuals or structures, it does not claim to be exhaustive and aims above all to demonstrate the trends identified through documentary and field research into the narrowing of civic space in the country.

Given the specific characteristics of the situations in the various metropolitan departments and French overseas communities where the freedom of association and freedom of protest are concerned, which would require separate investigations, it was agreed to restrict the geographical scope of the investigation to continental France at this stage. Finally, without defining a strict time frame so that earlier contextual factors may be included, the investigation focuses on events that have occurred over the past five years, starting in 2020.

Who are human rights defenders?

The term "human rights defender" refers to any person or group who, individually or in association with others, acts peacefully on behalf of individuals or groups to promote, defend and protect the human rights and fundamental freedoms recognised by the Universal Declaration of Human Rights and guaranteed by various international human rights instruments. As active advocates for human rights, defenders are exposed to reprisals, harassment, and violations of their rights by state and non-state actors around the world.

The United Nations Declaration on Human Rights Defenders, adopted by the General Assembly on 9 December 1998, emphasises the right of individuals 'to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels,' as well as the responsibility and duty of States to 'protect, promote and implement all human rights and fundamental freedoms.'

The Observatory for the Protection of Human Rights Defenders looks beyond individual situations to analyse restrictions on freedom of expression, freedom of association and freedom of peaceful assembly as components of civic space. In accordance with the Observatory's practice, the names of people described as human rights defenders are shown in bold throughout the report.

[3] The French national human rights institution.

[4] The French Ombudsman.

National and international standards for the protection of freedom of association and peaceful assembly

National law:

In France, freedom of association is enshrined in the Law of 1 July 1901 on association contracts, under which Article 2 states that 'associations of persons may be formed freely without prior authorisation or declaration'. In 1971, the French Constitutional Council recognised its constitutional value based on the Preamble to the 1946 Constitution. As a fundamental principle recognised by the laws of the Republic, freedom of association is thus included in the constitutional corpus.[5]

Freedom of assembly also enjoys constitutional protection. The Constitutional Council, in its decision of 18 January 1995[6] on the Law on security policy and planning, recognised freedom of peaceful assembly as a component of freedom of expression, enshrined in Article 11 of the 1789 Declaration of the Rights of Man and of the Citizen. More specifically, it sees it as a form of collective expression of ideas and opinions, which, as such, must be given enhanced protection. According to the Court of Cassation, a demonstration, defined as 'any static or mobile gathering on public roads of an organised group of people for the purpose of publicly expressing a common opinion', constitutes one of the expressions of this freedom.[7]

European and international law:

The freedom of association and the freedom of peaceful assembly are generally linked and protected together in international and European human rights law, as in Article 20 of the Universal Declaration of Human Rights and Article 12 of the Charter of Fundamental Rights of the European Union. Freedom of assembly and association is also guaranteed by Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter the 'European Convention on Human Rights'), which states that 'No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.' This provision is included in Articles 21 and 22 of the International Covenant on Civil and Political Rights.

The interpretation of Article 11 of the European Convention on Human Rights has been clarified by the case law of the European Court of Human Rights (ECHR). The latter has repeatedly emphasised the requirement for States to tolerate peaceful assemblies, even if they are unauthorised or undeclared. The Court thus ruled that the police dispersal of an unannounced peaceful demonstration constituted a violation of the Convention, emphasising the obligation of the authorities to exercise restraint.[8] It also recognised the right to spontaneous gatherings, ruling that prohibiting them without relevant and sufficient grounds was unlawful.[9] It condemned the arbitrary arrest and administrative detention of peaceful demonstrators,[10] considering these practices incompatible with Article 11.

---

5 Conseil constitutionnel [French Constitutional Council], Decision No 71-44 DC, 16 July 1971, *Loi complétant les dispositions des articles 5 et 7 de la loi du 1er juillet 1901 relative au contrat d'association [Law supplementing the provisions of Articles 5 and 7 of the Law of 1 July 1901 on association contracts]*.

6 Conseil constitutionnel [French Constitutional Council], Decision no. 94-352 DC, 18 January 1995, *Loi d'orientation et de programmation relative à la sécurité [Law on security policy and planning]*.

7 Cass. Crim. 9 févr. 2016, *n° 14-82.234* [French Court of Cassation, Criminal Division, 9 Feb. 2016, No 14-82.234].

8 ECHR, 5 December 2006, *Oya Ataman v. Turkey*, Application No 74552/01, para. 42.

9 ECHR, 17 July 2007, *Bukta and Others v. Hungary*, Application No 25691/04, para. 36.

10 ECHR, 4 December 2014, *Navalnyy and Yashin v. Russia*, Application Nos 29580/12 and 4 others

The Court reiterated that, while a State may impose conditions on the legal recognition of an association, the refusal to register it must be both reasonable and proportionate to the legitimate aims pursued.[11] The scope of freedom of association is also defined by the Court of Justice of the European Union (CJEU), which has issued several important rulings on this matter. It acknowledged in 2020 that a legislative framework imposing systemic and dissuasive restrictions on NGOs, in this case those receiving foreign funding, could constitute a violation of the freedom of association protected by Article 12 of the EU Charter of Fundamental Rights.[12]

It should be noted that the scope of this investigation into restrictions on freedom of association and peaceful assembly is defined in accordance with the concept of freedom of association adopted from the Guidelines on Freedom of Association adopted jointly by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE) and the Venice Commission of the Council of Europe. According to these guidelines, respect for freedom of association implies that 'the State shall refrain from any interference with the rights and freedoms of associations and individuals exercising their right to freedom of association. It must protect them from interference by non-state actors. The State must also facilitate the exercise of freedom of association by creating a favourable environment in which associations can carry out their activities'.[13] This definition of freedom of association, which has also been adopted by the European Union Fundamental Rights Agency (FRA), makes it possible to include in the analysis of restrictions on freedom of association the various attacks, including physical and verbal attacks, on associations, collectives and the individuals who make them up, by both state and non-state actors.

1. An increasingly hostile narrative towards civil society

(1.1) A turning point in public authority rhetoric

Public authority narratives about civil society have evolved to adopt an increasingly hostile stance in recent years, driven particularly by economic, social and environmental crises. This hostility is often fed by the perception of a threat emanating from certain opposition movements, which in turn fuels the stigmatisation of civil society organisations by those in power.[14]

On 5 April 2023, when speaking before the Senate Law Commission, the former Minister of the Interior and current Minister of Justice, Gérald Darmanin, attacked LDH, a member organisation of FIDH and one of the oldest and most widely recognised human rights organisations in France. The minister threatened LDH with a review of its government and local authority funding for having acted as an observer of policing practices during numerous demonstrations linked to opposition to government policy by a large proportion

[11] ECHR (GC), 17 February 2004, *Gorzelik and Others v. Poland*, Application No 44158/98. While the Court found that this case did not violate Article 11, it emphasised that the margin of appreciation of States in this area is limited and that any measure restricting freedom of association must meet the requirements of necessity in a democratic society.

[12] CJEU, *Commission v. Hungary*, 18 June 2020, C-78/18.

[13] Joint Guidelines on Freedom of Association, adopted by the Venice Commission at its 101st Plenary Session (Venice, 12-13 December 2014), para. 27.

[14] In accordance with FIDH policy on the use of gender-neutral language, exceptions should be made when referring to governing bodies, as power is in fact exercised predominantly by men.

of the population and, more particularly, for having criticised the law enforcement mechanism deployed during a demonstration in Sainte-Soline [Deux-Sèvres department].[15]

Questioning of LDH's actions forms part of the wider context of increased stigmatisation and criminalisation of activism, which is seen as a threat to public safety. In this case, the former Minister of the Interior unleashed an extensive smear campaign against the backdrop of protests against the 'mega-basins', or giant irrigation reservoirs, in Sainte-Soline, describing the actions of environmental activists as "ecoterrorism" and linking them to forms of radical violence that merited a robust response from institutions. The Minister's words significantly contributed to the political legitimisation of law enforcement violence by failing to make any distinctions and by equating the demonstrators with dangerous delinquents whose activities needed to be stopped. Attacking human rights organisations that produce a counter-narrative in the context of their mission to observe how order is maintained is therefore an extension of this disinformation campaign (see Dossier: – *The criminalisation of environmental defenders in the context of the fight against the 'mega-basins'*).

While Gérald Darmanin's accusations provoked indignation among a large section of civil society and certain political representatives, they did not emerge from an isolated narrative. Then Prime Minister Élisabeth Borne, went further in the wake of her Minister of the Interior's words and accused LDH of 'areas of ambiguity towards radical Islam', thereby making the organisation bearing the brunt of expedient shorthand by the public authorities whenever it calls for individual freedoms to be respected.[16]

In April 2025, the Minister of the Interior, Bruno Retailleau, pursued the offensive against the century-old organisation. On the social media platform X, he accused LDH of "playing the game of drug traffickers and hoodlums who trade in death for a living"[17] for having lodged an appeal with the judge of the Rennes Administrative Court against the use of drones to tackle the drug trade. The organisation, who had claimed that the duration and scope of the measures constituted a disproportionate violation of civil liberties, was consequently accused "under the cloak of do-gooder action" of opposing the "right to security". As well as imposing a rhetoric in which security considerations take precedence over fundamental rights, the Minister attacked the organisation directly on social media, calling on public opinion to bear witness.



Crédit : Carine Schmitt / Hans Lucas / Hans Lucas via AFP

Legend: France, Paris, 2025-04-12. Several organisations have called for a rally at Place de la République in Paris to defend the rule of law. They include SOS Racisme, Greenpeace, Solidaires and Ligue des droits de l'Homme.

[15] Compte-rendu de la Commission des lois du Sénat [Minutes of the Senate Law Commission], 5 April 2023, Événements survenus à Sainte-Soline le 25 mars 2023 - Audition de M. Gérald Darmanin, ministre de l'Intérieur et des outre-mer. [Events that occurred at Sainte-Soline on 25 March 2023 – Audience with Mr Gérald Darmanin, Minister of the Interior and Overseas] Online: **https://www.senat.fr/compte-rendu-commissions/20230403/lois.html#toc11** [consulted on 6 May 2025].

[16] See 'Patrick Baudouin, président de la LDH: "Civil liberties in France are in peril"], quoted by Franck Johannès, *Le Monde*, 14 April 2023. Online: **https://www.lemonde.fr/societe/article/2023/04/14/patrick-baudouin-president-de-la-ldh-l-etat-des-libertes-publiques-en-france-est-en-peril_6169445_3224.html?random=440983664** [accessed on 6 May 2025].

[17] See post on X: **https://x.com/BrunoRetailleau/status/1913249368993333673**

In recent years, such attacks by local elected representatives against human rights organisations have also been on the rise. For example, the mayor of Montmagny in the department of Val d'Oise refused to include the local branch of LDH in the directory of organisations in the municipality, questioning its objectivity and legitimacy based in particular on LDH's observations of policing practices during the Sainte-Soline protests. In Valence, the opposition elected representative, Bruno Casari, opposed granting funds to the local LDH branch as well as to the Movement Against Racism and for Friendship Between Peoples (*Mouvement contre le racisme et pour l'amitié entre les peuples*, MRAP), based on offensive accusations of antisemitism directed at both organisations for their actions in solidarity with the Palestinian people.[18] Rhetoric aimed at stigmatising organisations is frequently accompanied by threats to withdraw the public funding they receive. On 11 February 2024, the Deputy Minister for Gender Equality, Aurore Bergé, stated that she had requested that all feminist organisations receiving government funding be 'thoroughly vetted'.[19] The reason was the supposed silence of the organisations in the face of sexual violence committed by members of Hamas during the 7 October 2023 attack in Israel. The feminist organisations, which affirmed that they had unambiguously denounced all the violence, condemned the climate of widespread mistrust reflected in the Minister's words.[20]

Since he took up the post of Minister of the Interior in September 2024, Bruno Retailleau has repeatedly targeted organisations defending the rights of people in exile, questioning their supporting role in administrative detention centres. The Minister criticises these organisations for acting contrary to government policy, stating: 'When the State funds organisations, it is not for them to pursue militant action'.[21] In his opinion, organisations benefiting from public funding must 'act in line with the State'.[22] To remedy what he condemns as 'the hijacking by these organisations of the management of migrants', he suggests that the role be assigned to the French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*, OFII), the public agency overseen by the Ministry of the Interior.

In other instances, the disqualification of organisations serves precisely to justify the withdrawal of funding to public opinion. Thus, in April 2025, the President of the Rhône Department explained the withdrawal of annual funding awarded to three environmental protection organisations – *France Nature Environement* (FNE), *Anthropologia* and the Bird Protection League (*Ligue de Protection des Oiseaux*, LPO) – stating: 'I've had enough of these organisations of barefoot dancers who come to explain to us, elected representatives, what we must do on our territory'.[23] The three organisations, sanctioned after having written to the elected representative to warn of the environmentally damaging consequences of constructing a river port, thus beaome the object of financial retaliatory measures and of an attempt to undermine the credibility of their commitment and expertise.

In addition to the financial impact itself, such narratives cast a threatening shadow over organisations and reveal a breakdown in the relationship between the public authorities and civil society. By spreading the idea that any initiative that might contradict government policy could result in a withdrawal of

---

18 'Valence: L'élu traite le MRAP et la LDH d'antisémites, le MRAP porte plainte [The elected representative calls MRAP and LDH antisemitic; MRAP sues]', *Blast*, 17 January 2025. Online: **https://www.blast-info.fr/articles/2025/valence-lelu-traite-le-mrap-et-la-ldh-dantisemites-le-mrap-porte-plainte-yKnKPqXLSY-TZTKgfRb9mA** [accessed on 6 May 2025].

19 See the transcript of the interview on Radio J. Online: **https://www.youtube.com/watch?v=eUQVeABYmXw** [accessed on 6 May 2025].

20 'Aurore Bergé menace de supprimer les subventions aux associations féministes qui auraient tenu des 'propos ambigus' sur l'attaque du 7 October [Aurore Bergé threatens to cancel funding to feminist organisations for reportedly having made 'ambiguous comments about the 7 October attack]', *Le Monde avec AFP (Agence France Presse)*, 12 February 2024. Online: **https://www.lemonde.fr/politique/article/2024/02/12/aurore-berge-menace-de-supprimer-les-subventions-aux-associations-feministes-qui-auraient-tenu-des-propos-ambigus-sur-l-attaque-du-7-October_6216137_823448.html** [accessed 6 May 2025].

21 Jean-Baptise Marty, 'À Metz, Bruno Retailleau plaide pour un meilleur encadrement des fonds de politique migratoire [In Metz, Bruno Retailleau appeals for better regulation of migration policy funds]', *Europe 1*, 3 May 2025. Online: **https://www.europe1.fr/politique/a-metz-bruno-retailleau-plaide-pour-un-meilleur-encadrement-des-fonds-de-politique-migratoire-715517** [accessed 8 May 2025].

22 Julia Pascual, 'Bruno Retailleau cible les associations d'aide aux migrants [Bruno Retailleau targets migrant support organisations]', *Le Monde*, 3 October 2024. Online: **https://www.lemonde.fr/societe/article/2024/10/03/bruno-retailleau-cible-les-associations-d-aide-aux-migrants_6342760_3224.html** [accessed on 8 May 2025].

23 Mathieu Boudet, '"J'en ai assez de ces associations de danseurs aux pieds nus !" : ce président de département prive de subventions des associations environnementales ["I've had enough of these organisations of barefoot dancers!: department president deprives environmental organisations of funding"]', *France 3* Auvergne Rhône-Alpes, 8 April 2025. Online: **https://france3-regions.francetvinfo.fr/auvergne-rhone-alpes/rhone/lyon/j-en-ai-assez-de-ces-associations-de-danseurs-aux-pieds-nus-ce-president-de-departement-prive-de-subventions-des-associations-environnementales-3135184.html** [accessed on 8 May 2025].

funding, the government is controlling the narrative and actions supported by the organisations, leading to a greater risk of self-censorship and a deterrent effect on the whole of civil society. It also conveys the idea that these organisations supposedly cost society too much, ignoring the fact that their mission is crucial to the proper functioning of a democratic society.

The campaigns by public authority representatives to stigmatise protestors and human rights defenders are far from trivial. They are part of a more global strategy generally to delegitimise and stifle discourse that is critical of government policy and are symptomatic of a drift towards 'illiberalism'[24] which threatens the foundations of democracy and the rule of law. Moreover, they often precede and justify repressive measures such as restrictive laws imposed on civic space, police repression and administrative and judicial harassment. Hostile rhetoric also legitimises the attacks supported by non-state actors on representatives of civil society. In this regard, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association highlights the fact that 'Hostile and stigmatising narratives directly or indirectly targeting associations and assemblies violate or facilitate violations of [...] the rights to freedom of peaceful assembly and of association'.[25]

Lastly, not only do these hostile narratives create a highly dissuasive environment with a long-lasting impact on civic space, but they are also used to render the causes promoted by human rights defenders and the demands of protesters less visible.

[24] The term 'illiberal democracy' is commonly used to designate hybrid regimes which conceal an authoritarian political plan behind an electoral facade and democratic rhetoric. In particular, it serves to describe practices in which the concept of democracy is misappropriated: the fact of having been elected becomes for those governing the justification for any form of abuse of power at the expense of counterbalancing powers, fundamental rights and pluralism. In reality, these regimes stem from majority authoritarianism in which the sovereignty of the people is invoked in opposition to liberal guarantees. See Thierry Chopin, *Démocratie illibérale ou autoritarisme majoritaire ? Contribution à l'analyse des populismes en Europe [Illiberal democracy or majority authoritarianism? Contribution to the analysis of populism in Europe]*, Institut Jacques Delors, Policy Paper No 235, 2019. Online: **https://institutdelors.eu/content/uploads/2025/04/Democratieilliberaleouautoritarismemajoritaire-Chopin-fevrier2019.pdf** [accessed on 30 May 2025].

[25] Report of the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, United Nations General Assembly, 30 July 2024, A/79/263, para. 9.

(1.2) The influence of the far right and the role of the media

The rise of the far right in France is playing an important role in the disseminating of the hostile narrative directed at civil society. In this respect, some media are criticised for serving the ideas of the far right by issuing regular invitations to political figures associated with its parties. They help feed into a rhetoric that stigmatises human rights defenders and protestors and that questions the legitimacy of their fight against discrimination and for economic, social and environmental justice.

There is a clear reason why this is happening: more than 80% of French media outlets are owned by a handful of billionaires[26], some of whom are notorious for using these platforms to spread far right views, raising concerns as to the consequences of this concentration for pluralism and democracy.[27] Hence, the purchase of several media groups, notably the information channel *CNews*, *Europe 1* radio station and the weekly newspaper *Journal du Dimanche* (JDD) by the ultra-conservative billionaire Vincent Bolloré is regularly depicted as part of a vast enterprise to promote far right discourse.[28]

The media owned by Vincent Bolloré appear to be significantly influencing the construction of a narrative designed to disqualify protesters, human rights defenders and civil society in general. Within the media sphere, they help impose the view that these actors can be equated with 'wokeism' or 'Islamic leftism'.[29] These ill-defined concepts, which stem from the semantic field of the far right, are intended essentially to discredit all those calling for equality and respect for fundamental rights, with feminists, defenders of LGBTQIA+ people, defenders of people in exile and anti-racist collectives the principal targets.

Demonising civil society actors also takes the form of systematically equating them with the 'far left'.[30] In October 2023, the JDD published an opinion piece by the lawyer and candidate for the National Rally (RN) party at the last legislative elections, Philippe Fontana, under the heading *La Cimade, une association militante qui partage les combats de l'extrême-gauche* [La Cimade, an activist organisation fighting the same battles as the extreme left][31]. *La Cimade*, one of the oldest organisations in France defending migrant people and refugees is accused in the article of 'waging an ideological battle'. Accusations directed at NGOs for their supposed 'ideological drift' also include putting activism 'on trial' by using powerful pejorative language rather than referring to their commitment to defend a cause.

The media owned by Vincent Bolloré are not the only ones that contribute to the semantic shift targeting human rights defenders. The same trend is found in newspapers such as *Valeurs Actuelles* or *Frontières*, which in January 2025 published a supplement titled Invasion migratoire. Enquête exclusive sur les coupables de l'immigration clandestine: Avocats militants, préfectures cédant aux associations pro-migrants, et journalistes de gauche complices [Migrant invasion. Exclusive investigation into the guilty parties in illegal immigration: militant lawyers, prefectures yielding to pro-migrant organisations and complicit left-wing journalists].[32] The media outlet *Franc-tireur* devoted its 24 January front page to a piece titled *ONG au service du pire* [NGOs serving the worst].

Furthermore, these media often act as mouthpieces for stigmatising rhetoric conveyed by the public authorities. The day after the threats issued by Gérald Darmanin against LDH, the news channel *CNews* pursued this line and led with *Ligue des droits de l'Homme : comment l'association a dérivé*

---

[26] Centre for Media Pluralism and Media Freedom, Rapport France, June 2024, pp.23-26.

[27] Summary report of the Senate Commission of Enquiry into media concentration in France, March 2022, pp.7-8.

[28] Report by Attac France and the Multinationals Observatory, '*Le Système Bolloré. De la prédation financière à la croisade politique [The Bolloré system: from financial predation to political crusade]*', April 2025, pp.14-19

[29] See Salomé Saqué, Résister [Resist], Editions Payot, Paris, 2024, pp.45-57.

[30] See for example: 'Les extrêmes se rejoignent-t-ils ? [Are the extremes joining forces?]', *Sans oser le demander* podcast, *France Culture*, 25 April 2023 et Alain Caillé, 'L'extrême droite naît des paradoxes du néolibéralisme [The extreme right is born from the paradoxes of neoliberalism]', *Philosophie magazine*, 16 June 2023. Online: **https://www.philomag.com/articles/alain-caille-lextreme-droite-nait-des-paradoxes-du-neoliberalisme** [accessed on 28 juin 2025] pour plus d'informations sur ce phénomène au regard de la « théorie du fer à cheval » et la théorie du « totalitarisme à l'envers ».

[31] Opinion column by Philippe Fontana, 'La Cimade, une association militante qui partage les combats de l'extrême gauche [Cimade, a militant organisation that shares the battles of the extreme left]', *Le Journal du Dimanche*, 21 October 2023. Online: **https://www.lejdd.fr/societe/la-cimade-une-association-militante-qui-partage-les-combats-de-lextreme-gauche-139076** [accessed on 9 May 2025].

[32] LDH, Utopia 56 and MRAP lodged a complaint of public defamation against *Frontières*.

de ses engagements initiaux au fil des années [The Human Rights League: how this organisation has deviated from its initial commitments over the years], criticising the organisation for having 'progressively adopted causes dear to the far left'. The news magazine *Le Point* also seized on the issue and published an article titled *La longue dérive de la Ligue des droits de l'Homme* [The Human Rights League and its long drift off course]. The article questions the organisation for calling out instances of police brutality. Following Bruno Retailleau's comments about third sector organisations working in administrative detention centres, La Cimade responded in an opinion piece in the newspaper *Le Monde*, reaffirming 'the legitimacy of organisations being able to expose the day-to-day reality in these places of deprivation of liberty'.[33] The same day, the JDD intervened in support of the Minister and published an article stating 'La Cimade lays into Bruno Retailleau'.[34]

On yet further occasions, political leaders have used the same media platforms, readily appearing on their programmes to give interviews in which questions were raised about civil society representatives. Thus, rather than expressing his views via public broadcasters, it was specifically on air with *CNews* and *Europe 1* that the Minister of the Interior, Bruno Retailleau, announced on 30 April 2025 his intention to launch a process to dissolve the group Palestine Emergency (*Urgence Palestine*).[35]

In her report on protecting the rights to freedom of peaceful assembly and of association against stigmatisation, the United Nations Special Rapporteur, Gina Romero, warns of the interrelationship between the stigmatising actions taken by public authorities and the media, the former potentially leading to the exclusion of civil society from public debate and of seeing its influence curtailed, and the latter contributing significantly to turning public opinion against civil society organisations, which inevitably emerges weaker.[36] Thus, because it 'must facilitate the exercise of freedom of association by creating an enabling environment',[37] the State must not only abstain from disseminating hostile or stigmatising narratives but must also protect civil society representatives from these narratives when they are relayed by non-state actors. In addition, it must guarantee media pluralism and act to ensure that the media do not disseminate false or biased information or contribute to stigmatising certain individuals or certain social categories. Under European law, states have a positive obligation to regulate the information market in order to prevent excessive media concentration, protect the diversity of voices heard and combat disinformation.[38]

---

33 Opinion column by Fanélie Carrey-Conte, Secretary-General of Cimade, 'Les associations doivent pouvoir continuer à déployer leur rôle de vigie citoyenne dans les centres de rétention administrative [Third sector organisations must be able to continue to pursue their role as citizen watchdogs in Administrative Detention Centres]', *Le Monde*, 21 February 2025. Online: **https://www.lemonde.fr/idees/article/2025/02/21/les-associations-doivent-pouvoir-continuer-a-deployer-leur-role-de-vigie-citoyenne-dans-les-centres-de-retention-administrative_6557602_3232.html** [accessed on 9 May 2025].

34 Audrey Senecal, 'Immigration : la Cimade se retire d'un centre de rétention face à la pression de Bruno Retailleau [Immigration: Cimade withdraws from a Detention Centre in the face of pressure from Bruno Retailleau]', *Le Journal du Dimanche*, 21 February 2025. Online: **https://www.lejdd.fr/Societe/immigration-la-cimade-se-retire-dun-centre-de-retention-face-a-la-pression-de-bruno-retailleau-155253** [accessed on 9 May 2025].

35 *CNews*, 30 April 2025, video extract available online: **https://www.cnews.fr/france/2025-04-30/bruno-retailleau-reclame-la-dissolution-durgence-palestine-et-celle-du-groupe** [accessed on 9 May 2025].

36 Report of the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, United Nations General Assembly, op. cit., pp.7-8.

37 Joint Guidelines on Freedom of Association, *op. cit*., Principle 2

38 Article 11 of the European Charter of Fundamental Rights and the new European Media Freedom Act protect access to a pluralist and non-biased media ecosystem by guaranteeing the independence of public service media, the transparency of media ownership, anti-concentration measures and protection against political interference. See also: Council of Europe, See also: Council of Europe, *Recommendation CM/Rec(2018)1 of the Committee of Ministers to Member States on media pluralism and transparency of media ownership*, adopted 7 March 2018 at the 1309th meeting of Ministers' Deputies; Council of Europe, *Recommendation CM/Rec(2022)11 of the Committee of Ministers to Member States on principles for media and communication governance*, adopted 6 April 2022 at the 1431th meeting of Ministers' Deputies and French Council of State (CE), 5th and 6th assembled chambers, 13 February 2024, Reporters Without Borders, Petition No 463162.

2. The development of a legislative arsenal as deterrent

(2.1) The law strengthening respect for the principles of the Republic

By introducing the law strengthening respect for the principles of the Republic, the so-called 'separatism law', adopted by parliament on 24 August 2021, the French executive marked a new turning point in the politicisation of the fight against 'Islamist separatism', with alarming consequences for relations between the public authorities and civil society. The terrorist attack of 16 October 2020 that led to the murder of Samuel Paty[39] in effect marked the beginning of strict control of Muslim cultural associations and organisations defending Muslim people, as evidenced by the dissolution of the Collective Against Islamophobia in France (*Collectif Contre l'Islamophobie en France*, CCIF), announced by the President of the Republic on 2 December 2020. However, the separatism law has enabled a restrictive environment to be imposed on human rights organisations far beyond these ones.

Professor of Law, Stéphanie Hennette-Vauchez, describes it as "one of the most concerning texts [she had] ever seen".[40] Fierce criticism has been directed at the separatism law for its impact on freedom of association in two principal respects: the extension of the criteria for dissolving organisations and informal collectives and the introduction of the *contrat d'engagement républicain* (CER), an agreement to respect the principles of the Republic.

Expanding the grounds for dissolving organisations and informal collectives

Article L212-1 of the French Internal Security Code, as amended by the separatism law in 2021, sets out seven grounds for administrative dissolution of organisations or informal collectives using decrees handed down by the Council of Ministers. These grounds have been introduced progressively since the law of 10 January 1936 governing private combat groups and militias.

In 1936, it was established that a decree by the Council of Ministers could dissolve organisations or informal collectives 'which incite armed demonstrations in the street'; 'which present in their military form and organisation the character of private combat groups or militias'; 'whose object or action aims to violate national territorial integrity or to attack by force the republican form of government'; or lastly, 'whose activity aims to defeat measures concerning the restoration of the legality of the republic'. These criteria, based on preserving the integrity of the Republic's system of law and order, were set against the backdrop of the rise of fascism in France and Europe in the 1930s and, notably, following the demonstration on 6 February 1934 during which several people lost their lives.

In 1944, the specific cases above, which had been envisaged to preserve political order, were supplemented by the option to dissolve organisations or informal collectives 'which are aimed at either bringing together individuals who have been condemned for leading collaboration with the enemy or for glorifying such collaboration'. Following the anti-racism law of 1 July 1972, provision was made for dissolving groups for inciting discrimination or hatred. From 1986, organisations or informal collectives that incited acts of terrorism could also be dissolved.

The substantive amendment introduced by the separatism law makes the following provisions: the grounds for dissolving organisations or informal collectives 'which provoke armed demonstrations in the street, introduced by the 1936 law, are replaced by those of inciting 'armed demonstrations *or violent actions directed at persons or property*'. This change of wording reveals a shift in the control exercised over organisations. The motives preceding the law of 24 August 2021 stemmed from a desire to confer exceptional powers on the executive in the event of a serious threat to the Republic's law and

[39] Samuel Paty, a teacher of history and geography, was murdered on 16 October 2020 in Conflans-Sainte-Honorine by an Islamic terrorist. He had shown his pupils caricatures of Muhammad during a class on freedom of expression.

[40] Interview by the delegation in charge of the FIDH international fact-finding mission, 10 March 2025.

order. Broader in scope, the separatism law turned administrative dissolution into an instrument for managing public order, which fundamentally changed the nature of this competence.[41]

By enabling an existing organisations or informal collectives to be dissolved on the basis of inciting "violent" deeds directed against property[42], the threshold at which an action is considered serious and warrants the use of the extreme measure of dissolution is considerably lowered. This provision in effect prompts the fear that administrative dissolution will be misused and applied on the grounds that certain groups have called for participation in demonstrations during which material damage may potentially be recorded.

Furthermore, the law of 24 August 2021 amends the grounds introduced by the anti-racism law of 1 July 1972 relating to incitement to discrimination and hatred. Previously, launching the process of dissolution on this basis was limited to racial and religious discrimination. It was henceforth extended to cover discrimination based on sex, sexual orientation and gender identity. No longer was inciting discrimination, hatred or violence alone punished but also 'the actions contributing [to it]'. Given how broadly the notion of contribution could be understood, the CNCDH asked that the extension in scope be withdrawn, 'given the severity of the punishment'.[43]

The Venice Commission reminds that "the principle of proportionality becomes essential in the assessment of whether an organisation may be banned or dissolved" and that banning or dissolution be used only in cases of serious violations of the law.[44] Given that administrative dissolution constitutes a measure to terminate an organisation's existence, it must only be used in quite exceptional circumstances and as a final resort.[45] It is therefore vital that its use be strictly regulated, particularly as it is not subject to judicial oversight.[46]

For their part, members of dissolved organisations or informal collectives are concerned by the potential legal repercussions of administrative dissolution. Paragraph 8 of Article L212-1 of the Internal Security Code makes clear that organising the maintenance or reconstitution of the dissolved organisation or informal collective is punishable by three years in prison and a fine of 45,000 euros (Article 431-15 of the French Penal Code). The provision may also justify the use of surveillance techniques by the authorities to monitor individuals suspected of belonging to dissolved groups.[47]

Agreement to respect the principles of the Republic

The law designed to strengthen respect for the principles of the Republic also provides for a *contrat d'engagement républicain* (CER), which came into force on 1 January 2022. Any organisation seeking funding or requesting accreditation from an administrative authority or body responsible for managing a public service now has to sign this agreement. Despite being described as a 'contract', which presupposes reciprocal obligations stemming from an agreement between willing parties, this document unilaterally requires signatory organisations to submit to general principles whose wide-ranging interpretation may lead to the withdrawal of their funding or accreditation. In the form of seven commitments, the CER requires the signatory organisation to respect the principles of freedom of conscience, equality, fraternity and dignity of human beings and the symbols of the French Republic; to undertake not to question the secular nature of the Republic; and to refrain from any activity that is against the law or that is prejudicial to public order.[48]

---

41 See Stéphanie Hennette-Vauchez, 'Dissolutions administratives : le contrôle à géométrie variable du Conseil d'État [Administrative dissolution: the variable geometry of the Council of State]', *AOC Media*, 29 May 2022. Online: **https://aoc.media/opinion/2022/05/18/dissolutions-administratives-le-controle-a-geometrie-variable-du-conseil-detat** [accessed on 5 April 2025]

42 French criminal law refers to damage to or destruction of property; violence can only refer to persons.

43 National Consultative Committee on Human Rights, Second opinion on the bill strengthening the principles of the Republic (A-2021-4), 25 March 2021, para. 26.

44 Joint Guidelines on Freedom of Association, *op. cit*., para. 114.

45 ECHR, 13 February 2003, *Refah Partisi ((the Welfare Party)) and others v Hungary*, Application Nos 41340/98, 41342/98, 41243/98 et 41344/98) ; and ECHR, 9 July 2013, *Vona v Hungary*, Application No 35943/10).

46 In France, the judicial order refers to the civil and criminal courts as opposed to the administrative courts.

47 Article L811-3 of the French Internal Security Code.

48 Decree No. 2021-1947 of 31 December 2021 issued under application of Article 10-1 of law No.2000-321 of 12 April 2000 and approving the Contrat d'engagement républicain (CER) for organisations and foundations benefiting from public funding or state accreditation.

One of the main concerns of the third sector, when faced with the risk that the CER may be manipulated to limit its means to take action, lies in the obligation included in the terms of the document's first commitment which instructs organisations to undertake '[not] to engage in or encourage any action that is manifestly against the law'. In a context in which relations between the State and environmental movements are particularly tense, this provision illustrates a 'zero tolerance' policy towards acts of civil disobedience.[49] These by their nature are against the law and yet are protected by international human rights law as they constitute the legitimate exercising of the right to peaceful assembly and to freedom of expression.[50]

What is civil disobedience?

Academic texts define civil disobedience as 'when citizens, for ethical reasons, deliberately break a law in force in a public, concerted and non-violent manner as a means of exerting pressure to have said law repealed or amended by the legislature'.[51] Throughout the twentieth century, acts of civil disobedience have successfully resulted in significant changes, such as the independence movement in India (1920-1947), the civil rights movement in the United States (1955-1968) and non-violent opposition to apartheid in South Africa. Civil disobedience has now become an emblematic form of resistance in the face of "the inadequate response from governments to the environmental emergency".[52]

In practice, environmental protection organisations which call for recourse to civil disobedience in the context of their activities are generally aware of exposing their members to legal action. However, while regulating civil disobedience is usually governed by the proportionality exercised by the criminal justice system after the event, the CER now entails administrative control over organisations' collective action before any offence is committed. By proscribing any action that is against the law, the CER makes organisations undertake in advance not to resort to civil disobedience.

Yet, the United Nations Human Rights Committee points out that 'Collective civil disobedience or direct action campaigns can be covered by [freedom of peaceful assembly] provided they are non-violent'[53], and to be considered as non-peaceful, an assembly must be characterised by 'widespread and serious violence', that is 'the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property'.[54] Accordingly, the United Nations Special Rapporteur on Environmental Defenders under the Aarhus Convention states that 'Just as they have an obligation to respect and ensure the right of peaceful assembly, States have an obligation to respect and protect the right to engage in peaceful civil disobedience, regardless of whether it takes place outdoors, indoors, online, or in public or private spaces'.[55] The outright rejection in advance of recourse to civil disobedience consequently appears to openly contradict international human rights law. In their current drafting, the obligations imposed on associations by the CER do not provide the nuance required to afford organisations any guarantee that they would not be subject to punitive measures stemming from the denial or withdrawal of funding on these grounds.

It is precisely the vague and imprecise nature of the obligations contained in the CER that was denounced by the deputies in their written submission to the Constitutional Council as well as by the organisations who lodged an appeal with the Council of State to oppose the decree of 31 December 2021 that detailed the measures for its implementation. While the constitutional judge

[49] The ODIHR/OSCE and Venice Commission describe civil disobedience in their Guidelines on Peaceful Assembly, 3rd edition (2020), as 'non-violent actions that, while in violation of the law, are undertaken for the purpose of amplifying or otherwise assisting in the communication of a message'.

[50] See notably ECHR, Third Section, 17 July 2018, Application No.38004/12., *Mariya Alekhina and others v. Russia*, Application No 38004/12.

[51] See notably the analysis of the concept at **https://www.universalis.fr/encyclopedie/desobeissance-civile/** [accessed on 28 July 2025].

[52] Position paper by Michel Forst, United Nations Special Rapporteur on Environmental Defenders under the Aarhus Convention, *State repression of environmental protest and civil disobedience: a major threat to human rights and democracy* February 2024, p.5.

[53] United Nations Human Rights Committee, General Comment No.37 (2020) on the right of peaceful assembly (Article 21), para. 16.

[54] *Ibid*, para. 15.

[55] Position paper by Michel Forst, United Nations Special Rapporteur on Environmental Defenders under the Aarhus Convention,, *op. cit.*, p.7.

and the administrative judge both concluded that the disputed provisions did comply with freedom of association as guaranteed by the French Constitution[56] and by the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union and the International Covenant on Civil and Political Rights[57], their scrutiny of theoretical aspects regrettably failed to consider the risks posed by the arbitrary use of the CER by administrative and local authorities. In this regard, the CNCDH in its first opinion on the law to strengthen respect for the principles of the Republic warned that, while the obligation to subscribe to the CER did not in itself contravene freedom of association, 'it seriously affected the means to exercise it'.[58]

Furthermore, the CER not only obliges organisations to refrain from any illegal action, the sole fact of encouraging such action is justification enough for the potential refusal or withdrawal of funding. On this basis, the prefect of Vienne demanded the withdrawal of grants awarded to the organisation Alternatiba Poitiers for reportedly encouraging illegal activities by organising a workshop on civil disobedience. On this matter, the decision of the Poitiers Administrative Court dated 30 November 2023 tempered the incompatibility of civil disobedience with the CER. First, the administrative judge specified that to constitute a violation of the first commitment of the CER the 'manifestly illegal' actions must also be 'violent or likely to lead to serious public disorder', these conditions therefore applying cumulatively.[59] Second, by examining the content of the workshop on the theoretical aspects of civil disobedience, the administrative judge concluded '[that] at no point were the participants encouraged [...] to carry out or set in motion actions that were violent or of the type to seriously disrupt public order', and that the organisation had not disregarded its commitments under the CER.

However, the administrative judge also noted that it could not be established whether the organisation had 'implicitly endorsed' acts of civil disobedience to the extent that the workshop had been facilitated by other organisations (Extinction Rebellion and Greenpeace), and noted that the comments that could be regarded as encouraging such acts had 'not been made by the officers, paid staff, members or volunteers of Alternatiba Poitiers'.[60] Questions thus arise about the scope of the judgement in the absence of the application of Article 5 of the decree setting out the terms and conditions of the CER, according to which organisations are responsible for violations committed by their members,[61] the contentious comments in this case not having been pronounced by the representatives of the organisation in question.[62].

Moreover, while the administrative judge assumed a fairly protective role regarding freedom of association in cases where the CER had been mobilised by the administration as grounds for refusing or withdrawing funding, the courts interevened after the organisations concerned had devoted time and resources to the proceedings to secure annulment of the contested administrative decision. In addition, it appears that, in practice, the CER is most often deployed informally and decisions delivered orally. Given that local authorities have discretionary powers to grant funding, this informal use of the CER makes it particularly difficult for organisations to contest decisions. Attorney Marion Ogier, who represents several organisations in these disputes, also reports that the CER is often 'wielded as a threat' by the administration to put pressure on organisations. This raises the real risk of

[56] Constitutional Council, Decision No.2021-823 DC, 13 August 2021, *Loi confortant le respect des principes de la République [Law strengthening respect for the principles of the Republic]*.

[57] Council of State, 10ème-9ème assembled chambers, 30 June 2023, n° 461962.

[58] National Consultative Committee on Human Rights, Opinion on the bill strengthening respect for the principles of the Republic, (A-2021-1), 28 January 2021, para 4.

[59] Poitiers Administrative Court, 30 November 2023, *Préfet de la Vienne*, n°s 2202694, 2202695, para. 13.

[60] *Ibid*. para. 17.

[61] Under the terms of Article 5 para. 1 of the decree of 30 December 2021, *op. cit.*: 'The organisation or foundation shall be liable for violations committed by its officers, paid staff, members or volunteers acting in this capacity, as well as any other violation committed by them and directly linked to the activities of the organisation or foundation, where these governing bodies, although made aware of these actions, refrained from taking the measures necessary to put an end to them, given the means at their disposal.'

[62] Elsa Fondimare, 'Républicanisme versus écologisme. Quelle place pour la désobéissance civile écologiste à l'heure du contrat d'engagement républicain ? [Republicanism versus environmentalism. What place is there for environmental civil disobedience at the time of the agreement to respect the principles of the Republic?]', *La Revue des droits de l'homme*. Online: **http://journals.openedition.org/revdh/19295** [accessed on 17 April 2025], para. 20.

self-censorship in a context in which the civil society sector is heavily reliant on public funding[63] (see section 6.2. *Prefects, local authorities and the agreement to respect the principles of the Republic*).

The primary effect of the introduction of the CER has been to considerably alter the dynamics of relationships between organisations and local authorities by bestowing oversight authority on prefects, who find themselves in the position of being able to exert pressure on local authorities. In this respect, the circular addressed to prefects by the Ministry of the Interior in October 2022,instructs them to to exercise their new oversight duties in the context of '[strengthening] the framework for funding allocated to organisations'[64] testifies to the hierarchical considerations which constrain the various actors, and which ultimately are likely to ultimately impact the organisations.

In short, the CER is contributing to a breakdown in the trust afforded non-profit sector actors and is creating a deterrent effect for both the organisations who are obliged to adapt their discourse or activities when fearful that these will be perceived as undesirable, and for the local authorities who might wish to avoid coming into conflict with the prefecture. The result is that 'the entire fabric of French civil society is being made to toe an ideological line'.[65]

(2.2) Legislation to reinforce and guarantee public order during demonstrations

Adopted in the context of the Yellow Vests movement, the law of 10 April 2019, which was intended to strengthen and guarantee public order during demonstrations – the so-called 'anti-wreckers law' –, was part of a move to toughen legislation governing the right to protest. It has introduced several provisions which strengthen the tools for controlling and repressing those participating in protests. Article 3 in its original version provided the option for the prefect to ban an individual from participating in a demonstration using an administrative order, without the need for a prior offence and without effective judicial oversight. Being based on the mere suspicion of a threat to public order, this measure was condemned by the Constitutional Council in its decision of 4 April 2019[66], on the grounds that it disproportionately infringed the collective freedom to express ideas and opinions.



Crédit: Valérie Dubois / Hans Lucas / Hans Lucas via AFP

Legend: France, Paris, 01/05/2025. May 1st 2025 demonstration for International Workers Rights Day. Yellow vest demonstrators face the head cortege of the intersyndicale. Their new union, criticised by traditional organisations, wants to radically change the system of trade unionism, which it considers corruptible and too far removed from the grassroots.

63 Interview by the delegation in charge of the FIDH international fact-finding mission, 10 March 2025.

64 Circular from the Minister of the Interior and Overseas, 10 October 2022, NOR : INTD22116361C.

65 Interview by the delegation in charge of the FIDH international fact-finding mission with the journalist Jérôme Hourdeaux, *Mediapart*, 14 March 2025.

66 Constitutional Council, Decision No.2019-780 DC 4 April 2019*Loi visant à renforcer et garantir le maintien de l'ordre public lors des manifestations*.

Other provisions have been retained, however, despite similar criticisms concerning civil liberties. Article 2 of the law gives public prosecutors the power to use a warrant to order bag and vehicle searches in the vicinity of demonstrations[67], extending the options for pre-emptive control. This measure is part of the rationale for greater surveillance of public space and potentially acts as a deterrent on exercising the right to demonstrate. The anti-wreckers law has also created the new offence of deliberate face concealment.[68] If no legitimate reason is given, this offence is punishable by one year in prison and a €15,000 fine. This criminalisation may target non-violent behaviour which is motivated by a concern to protect oneself from tear-gas or to safeguard one's privacy. The imprecise nature of the notion of legitimate reason and the wording of the element of intent create a risk that the burden of proof shifts to the defendant.

(2.3) Proliferation of criminal offences punishing civil society's means of action

In addition to security legislation specifically adopted to deal with the scale of opposition to government policies, new offences are proliferating which are having a direct impact on the scope of civil society organisations' action. For example, the law of 27 July 2023, which is intended to protect premises against illegal occupation (the so-called 'anti-squatting law'), creates the offence of incitement to commit the offence of illegal occupation.[69] Organisations which defend the right to housing fear being criminalised when they advise people living in insecure situations and inform them of their rights. The United Nations Special Rapporteur on adequate housing and the United Nations Rapporteur on extreme poverty and human rights had warned France in advance of the adoption of the law of the risks of obstructing the work of non-governmental organisations and the possibility that this provision would be used to 'discourage acts of solidarity'.[70]

Following the same logic, new criminal offences have been created to impose harsher penalties on potential acts of civil disobedience by environmental activists and organisations. The offence of trespass on an airport runway, quietly introduced by the law of 8 October 2021 which deals with various provisions to align with European Union law on transport, environment, economy and finance, is punishable by six months in prison and a €7,500 fine and one year in prison and a €15,000 fine 'when preceded, accompanied or followed by an act of destruction, damage or vandalism'.[71] Organisations condemn the targeting of environmental activists at a time when this type of action is being increasingly used by organisations and collectives, such as Greenpeace and Extinction Rebellion, to warn of the consequences of air travel for global warming.[72]

Once again, this targeting is contrary to international law. The United Nations Human Rights Committee has made clear that, while restrictions imposed on gatherings may be required to protect the rights and freedoms of others, assemblies also constitute a legitimate use of public spaces and, "since they may entail by their very nature a certain level of disruption to ordinary life, such disruptions must be accommodated, unless they impose a disproportionate burden, in which case the authorities must be able to provide detailed justification for any restrictions".[73]

---

67 Article 78-2-5 of the French Criminal Code of Procedure.

68 Article 431-9-1 of the French Criminal Code

69 Article 226-4-2-1 of the Criminal Code now makes 'propaganda or publicity, in whatever format, that promotes methods intended to facilitate or incite' illegal occupation punishable by a fine of €3,750.

70 Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, and of the Special Rapporteur on extreme poverty and human rights, Public Communication, OL FRA 2/2023, 30 March 2023, p.4.

71 Article L. 6372-11 of the Code on Transport.

72 Mickaël Correia, 'Une loi criminalisant l'activisme climatique passe en catimini" [A law criminalising climate action voted in on the quiet]', *Mediapart*, 14 September 2021. Online: **https://www.mediapart.fr/journal/france/140921/une-loi-criminalisant-l-activisme-climatique-passe-en-catimini** [accessed on 27 April 2025]

73 United Nations Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (Article 21), para. 47.

3. Administrative and judicial harassment

(3.1) Administrative dissolution of organisations and informal collectives

Since the introduction of the law of 10 January 1936, approximately 100 administrative dissolution decrees have been issued against orgnisations or informal collectives, about 40 of them since the beginning of Emmanuel Macron's first term in office in 2017. There has therefore been a clear and discernible increase in the use of this measure in recent years, notably during the period when Gérald Darmanin was Minister of the Interior (27 dissolution decrees were issued between July 2020 and September 2024).

In practice, the public authorities justify the majority of these measures as being designed to "prevent the spread of a radical Islamist ideology and the resurgence of far right groupuscules" and moreover believe that the figure is modest compared to the number of actual associations in France.[74]. Nevertheless, a large proportion of civil society is alarmed by the rise in the use of the dissolution measure in that it sheds light on a system that negatively impacts on the environment in which associations operate. According to attorney Raphaël Kempf, 'the use of the technique of dissolution and the proliferation of its deployment in recent years show that [administrative] dissolution is becoming a legitimate tool to manage differences in political opinion or to designate an opponent or even an enemy'[75].

Dissolution of the Collective Against Islamophobia in France: unspeakable causes?

In the aftermath of the terrorist attack that led to the murder of Samuel Paty on 16 October 2020, Gérald Darmanin, then Minister of the Interior, announced his intention to dissolve the Collective Against Islamophobia in France (CCIF), describing it as an 'enemy of the Republic'.[76]. The organisation, which voluntarily dissolved following the Minister's statements and was consequently attacked as being an informal collective, was particularly criticised in the decree of 2 December 2020[77] pronouncing the dissolution of CCIF for having described as Islamophobic certain measures taken by the public authorities in the fight against terrorism; for failing to moderate hateful comments posted by internet users in response to its publications on social media; and for having maintained relations with supporters of fundamentalist Islam.

An appeal was submitted to the Council of State on the grounds that the authorities had exceeded their powers. The Council of State set aside the government's case for dissolving CCIF on the grounds of inciting acts of terrorism. The judge, however, did side with the authorities on the remaining grounds and sanctioned CCIF for its 'unqualified remarks'[78] concerning public policy relating to counter-terrorism measures and for having characterised France as 'a country hostile to Muslims'[79], to the extent that this rhetoric constituted incitement to hatred and religious discrimination. This conclusion is particularly striking given that the reason for dissolution, which was introduced in the anti-racism law, is being directed in this case against an organisation whose purpose is precisely to combat discrimination against Muslim people.[80]

---

[74] European Economic and Social Committee, Fundamental Rights and the Rule of Law, Report on the visit to France, 27-28 November 2024, Observations of the authorities, p. 15.

[75] Morgane Sabouret, 'Record de dissolutions d'associations: un inquiétant signal autoritaire [Record of dissolution of associations: a worrying authoritarian signal]', *Blast*, 17 mars 2025. Online: **https://www.blast-info.fr/emissions/2025/record-de-dissolutions-dassociations-un-inquietant-signal-autoritaire-cU54gyvdRiGzFlw6_32Kcw** [accessed on 6 April 2025]

[76] Statement by Gérald Darmanin on Europe 1 on 19 October 2020. Online: **https://www.europe1.fr/politique/attentat-de-conflans-darmanin-annonce-des-operations-de-police-en-cours-et-51-associations-controlees-3999582** [accessed on 14 April 2025]

[77] Decree of 2 December 2020 dealing with the dissolution of a de facto group (*Journal officiel* [parliamentary papers] of 3 December 2020).

[78] CE, 24 septembre 2021, *Association de défense des droits de l'homme - collectif contre l'islamophobie en France [Human rights association – collective against Islamophobia in France]*, Application No 449215, para 9.

[79] *Ibid*.

[80] See Vincent Sizaire, 'Fortune et infortune du procès d'intention [Fortunes and misfortunes of the witch-hunt]', *La Revue des droits de l'homme*, 3 January 2022. Online: **http://journals.openedition.org/revdh/13194** [accessed on 9 April 2025]

The Council of State also considered that it was incumbent on the organisation to moderate hate speech prompted by what it had published on its social media networks, thereby equating the lack of moderating with incitement to hatred or discrimination. Such a position sets a particularly worrying precedent as regards the often limited means – including in terms of human resources – which organisations have at their disposal to ensure rigorous moderating at a time when hate speech is proliferating extensively online.

The decision was fiercely criticised for the 'weak level of judicial oversight exercised'[81] and for the deterrent effect it has generated on the civil society sector[82]. Indeed, many organisations are highly critical of the abuses associated with the fight against terrorism and their repercussions on civil liberties. Assuming that the criticisms expressed by CCIF did indeed lack subtlety, to sentence the organisation to civil death seems a particularly harsh punishment.

An application was submitted by CCIF on 24 March 2022 to the European Court of Human Rights on the basis of Articles 10 and 11 of the Convention and conveyed to the French government on 9 January 2023.[83] At the time of this report, the petition is still pending before the Court.

Administrative dissolutions and freedom to protest

While most administrative dissolutions of organisations or informal collectives in recent years have concerned groups linked to the far-right or perceived to be associated with fundamentalist Islam, the Ministry of the Interior has launched several dissolution proceedings against collectives regarded as "ultra-left" that mobilise the public to participate in demonstrations.

One of the latest dissolution proceedings against a collective with this type of profile targeted, by the decree of 3 April 2024, Collective Defence (*Défense Collective*), a collective created in Rennes in 2016 with the objective to 'organise in the face of the repression of social movements, defend individuals in court and participate in street protests'.[84] In this case, the accusations of the Ministry of the Interior rested essentially on messages constituting calls for violence posted on social media via the account 'Rennes DTR', which intelligence service reports claimed were linked to Collective Defence. In its decision of 27 January 2025, the Council of State annulled the dissolution decree on the grounds that the link had not been sufficiently established and that consequently "the decree could not legally be founded on the actions attributed to 'Rennes DTR'"[85].

However, it should be noted that the grievances referred to in the dissolution decree included the accusation that Collective Defence had organised itself to respond to police repression and potential legal proceedings in the context of participation in demonstrations. The Ministry of the Interior pointed in particular to the use of protective gear such as masks to defend against the effects of tear-gas[86], even though international law states that the wearing of protective equipment such as gas masks or helmets by demonstrators would not in itself equate to violent behaviour.[87] This argument can also be found in the dissolution decree directed at the environmental collective *Les Soulèvements de la Terre* (see Focus - *The criminalisation of environmental defenders in the context of the fight against the 'mega-basins'*), which was annulled by the Council of State on 9 November 2023 and which had targeted the recommendations by the demonstration organisers about wearing protective glasses

---

81 Observatoire des libertés associatives, *Enquête sur la répression des associations dans le cadre de la lutte contre l'islamisme, 'Une nouvelle chasse aux sorcières' [Investigation into the repression of organisations in the context of the fight against Islamism, 'A new witch-hunt']*, 2022, p.39.

82 Communiqué inter-associatif signé par le Gisti, la Ligue des droits de l'Homme, *Attac et al.*, 'La dissolution du CCIF validée par le Conseil d'État : les associations en danger' [The dissolution of CCIF validated by the Council of State: organisations under threat], 8 October 2021.

83 ECHR, Fifth Section, Application No 15745/22.

84 See 'Des nouvelles de la bataille juridique autour de la dissolution de la Défense Collective [Latest from the legal battle over the dissolution of Défense Collective]', article published on the blog of *Défense Collective* on 29 June 2024. Online: **https://defensecollective.noblogs.org/** [accessed on 28 April 2025]

85 Council of State, 10th-9th assembled chambers, 27 January 2025, No 494845, para. 6.

86 Decree of 21 June 2023 concerning the dissolution of a de facto association (published in the *Journal officiel* [parliamentary papers] on 22 June 2023), Recital 5.

87 Human Rights Committee, General Comment No.37 on the right to peaceful assembly, *op. cit.*, para. 20.

and FFP3 masks to protect against tear-gas.[88] While these elements themselves do not provide the grounds for the dissolution decisions, they are incorporated into the government's reasoning to characterise the spread of so-called violent operational methods. This illustrates the authorities' denial of the persistent abuses committed by law enforcement against demonstrators and of the legitimacy of protecting oneself in the face of brutal police repression of social movements.

It should be noted more generally that the abovementioned collectives mobilise large numbers of people to protest. Dissolution has the effect of immediately suspending the activities of a group, blocking demonstrators' access to key information and appropriate support for the exercising of their right to demonstrate. Lastly, while the dissolution decrees were suspended using the *référé-liberté* mechanism, an emergency procedure to protect civil liberties, and were ultimately annulled by the Council of State, the fact of them being issued sends a strong message from the Ministry of the Interior with regards to whom it considers its enemies and provides evidence of the administrative dissolution procedure shifting towards being used as a means of silencing dissenting voices.

(3.2) Prohibitions and limitations on exercising the right to protest

Increased use of bans on public protests

The growing use of prefectural orders banning demonstrations is part of a particularly worrying trend towards the restriction of civil liberties. Originally regulated by law as exceptional measures and justified by the existence of tangible threats to public order,[89] the orders are gradually becoming instruments for dissuading collective mobilisation.

Banning orders have multiplied in recent years, notably during the protest movement against pension reforms between January and June 2023. They have been frequently adopted as a matter of urgency without adequate publicising or effective judicial control: at the height of the spontaneous protests against pension reforms in 2023, some demonstrators were fined although no ban had been made public or it had been posted on the gates of the prefecture just some minutes before the start of the gathering. The fact that information was not accessible or made available in advance placed bystanders in the position of committing an offence without being made aware of it.

The prefectural administration was using the timing of banning orders in effect as a mechanism for neutralising the emergency procedure for contesting an order. Banning orders were being posted at 5pm for immediate enforcement, which involved waiving the principle that bans should come into force the day after publication. Sometimes they have even been posted after the event. Given such machinations to bypass judicial control, LDH, the French lawyers' union (*Syndicat des avocats de France*), the Magistracy Union (*Syndicat de la magistrature*) and the "Union syndicale Solidaires" decided to apply to the Paris Administrative Court on 31 March 2023 – before the order was even made public and in anticipation of it being published late – for the court to order the prefect of police to publicise the orders regulating public gatherings on the public roads before they came into force. The Paris Administrative Court judged the delayed publication of orders to have breached the right to effective remedy,[90] as it materially prevented any submission to the administrative judge in a timely manner to allow a summary case to be examined before the time set for the gathering. The court ordered the prefecture of police to publish on its website in advance any orders banning rallies in certain areas. The prefecture subsequently complied.

---

88 Decree of 21 June 2023 concerning the dissolution of a de facto association (published in the *Journal officiel* [parliamentary papers] on 22 June 2023), Recital 5.

89 Article L211-4 of the French Internal Security Code: *'If the authority invested with police powers considers that the planned demonstration by its nature constitutes a disruption to public order, it issues a banning order which is immediately notified to the signatories of the declaration at the chosen address. Within twenty-four hours, the mayor conveys the declaration to the representative of the State in the department. A copy of the banning order is attached to it as required. If the mayor, who is authorised to issue a banning order, abstains from doing so, the representative of the State can fulfil this role under the conditions set out in Article L. 2215-1 of the General Local Authority Code."*

90 Ruling by the Paris Administrative Court, 4 April 2023, No. 2307385.

The proliferation of orders banning protests is all the more worrying given that in the vast majority of cases they are often judged to be inadequately justified, in breach of fundamental freedoms and are subsequently suspended by the administrative courts in summary proceedings. According to information gathered in the context of this investigation, almost 80% of these orders in Paris have been suspended by the administrative courts in appeal.[91] As grounds for the bans, the prefectures repeatedly invoke the lack of available police resources, in particular as a result of an overwhelming number of simultaneous protests or sporting events. In this context, the prefectures increasingly demand that demonstration organisers make their own internal security arrangements, notably for safety personnel, thus making authorisation dependent on logistical requirements which are difficult to manage, and which ultimately impose constraints on the organisers, when the duty to protect demonstrations lies with the State.

In practice, the argument of inadequate policing resources is often revealed to be contradicted by the facts. When protests are banned, police are mobilised in large numbers to ensure the ban is observed. Moreover, this type of argument leads to a form of discretionary selection of protests, where the authorities choose which demonstrations to regulate. During hearings, this justification switches the principle of responsibility from prefecture to administrative judge: the administrative courts, often sitting in summary proceedings less than 24 hours before a demonstration, are placed in a delicate position. If a court lifts a ban despite the prefecture's arguments about insufficient law enforcement officers, the judge then assumes responsibility if an incident arises. According to attorney Marion Ogier, this constitutes "a distortion in the rule of law and makes judges liable" for a decision which should normally come within the remit of the administrative authorities. This arguably fuels the notion in public debate of a putative 'government of judges', when in reality judges often find themselves constrained by the decisions or shortcomings of the authorities.[92]

Lastly, on 29 November 2024, the Paris Administrative Court annulled eight orders banning all undeclared parades, marches and rallies during the social protest movement against the pension reforms. The administrative judge considered that such general bans on undeclared demonstrations and gatherings were disproportionate in so far as they were also directed at groups seeking to peacefully exercise their freedom of assembly.[93]

Instrumentalisation of counter-terrorism measures

The example of the movement against pension reforms in 2023, and in particular the "pot-banging" as a form of protest, is cause for alarm due to the way counter-terrorism measures have been used as an instrument to suppress public demonstrations.[94]

To ban this form of protest, the prefectures have applied Article L. 226-1 of the Internal Security Code which permits "security cordons" to be set up in the event of a terrorist threat. Prefectural orders, such as those issued in the regions of Loir-et-Cher, Bas-Rhin, Hérault and Doubs, established protective cordons and banned portable sound devices (such as saucepans) during rallies. The Ministry of the Interior itself opposed the use of this article to suppress demonstrations.[95] In Hérault, where such a cordon was placed around the town of Ganges during a visit by Emmanuel Macron, the order was contested by the Association for the Defence of Constitutional Freedoms (*Association de défense des libertés constitutionnelles*,Adelico) [and LDH. In February 2025, the Montpellier Administrative

[91] Interview by the delegation in charge of the FIDH international fact-finding mission with lawyer Marion Ogier, 10 March 2025.

[92] *Ibid*.

[93] Paris Administrative Court, 29 November 2024, *Ligue des droits de l'Homme et autres*, No 2311484-2311485-2311486-2311487-2312158-2312163-2312467-2312470/6-1.

[94] *Casserolades*, or the banging of saucepans in peaceful protest, is used to describe groups of people who position themselves where members of the government pass by in order to show their discontent by making a noise with saucepans.

[95] Alexandre Horn, 'Casserolades : le ministère de l'Intérieur recadre les préfets qui utilisent des lois antiterroristes contre les manifestations, 27 mars 2023 [Saucepan banging: prefects who employ counter-terrorism laws against demonstrations are reminded of the rules by the Ministry of the Interior]', *Libération*, 27 April 2023. Online: **https://www.liberation.fr/checknews/casserolades-une-note-du-ministere-de-linterieur-recadre-les-prefets-qui-utilisent-des-lois-antiterroristes-contre-les-manifestations-20230427_RVMM2ES5JFCBJCYCVYXJCZBIOM/?redirected=1** [accessed on 13 May 2025].

Court annulled the order, viewing it as a misuse of a counter-terrorism measure.[96] Such instances of exceptional measures being misused reveal a determination to stop peaceful forms of protest that fall within the scope of freedom to protest.

(3.3) Arbitrary arrests of peaceful demonstrators

In France, the growing number of activities classified as criminal offences in the context of demonstrations testifies to a move towards expanding the scope of repression to include peaceful behaviours. Analysis of police and judicial practices reveals extensive deployment of the legal weapons available. The boundaries of these are often blurred and this, combined with the fact that they are applied in a manner that is lacking in rigour and often perceived as arbitrary, raises important questions about fundamental guarantees. Several, sometimes minor offences of dubious scope or which deviate from their original objective are regularly invoked to justify police questioning, detention in custody and even legal proceedings, while the material elements demonstrating the existence of a genuine disturbance to public order are sometimes lacking. This push raises questions about whether these practices comply with what is required for the legality of offences and punishments and for legal certainty as well as with the right to freedom of peaceful assembly. On this point, the CNCDH regrets 'the massive use made of detention in custody during such demonstrations, which in the vast majority of cases fails to lead to further legal proceedings, raising the fear that they have no basis in law'.[97] Furthermore, detention in custody is often a traumatic experience and thus acts as a massive deterrent on exercising the freedom to demonstrate.



Crédit: Patrick Cockpit / Hans Lucas / Hans Lucas via AFP
Legend: Paris, 2023-03-28. Demonstration against pension reform. A young demonstrator arrested by mobile gendarmes.

Extensive use of vague criminal charges

The offence of deliberate face concealment during a demonstration has been included in the Criminal Code since the so-called anti-wreckers law of 2019. The Criminal Code delineates it as follows: 'The fact of a person within or in the immediate vicinity of a demonstration on the public highway, during or following which public order is breached or risks being breached, deliberately concealing all or part of the face without a legitimate reason'.[98] The way this offence is characterised does not require intent

[96] Montpellier Administrative Court, No.2302263, 2302324, 2303490, 4 February 2025.
[97] CNCDH, Opinion on relations between the police and the population of 19 October 2023, A-2023-2, p. 5.
[98] Article 431-9-1 of the French Criminal Code.

to conceal one's identity for violent ends to be demonstrated. This potentially leads to behaviour being punished that has no ulterior intent and often poses no objective threat to public order. This rationale is all the more concerning given that the offence may be used arbitrarily, including against persons whose face is masked for health reasons or for personal safety, given that these same facts also constitute a misdemeanour and allow the police officer to choose the degree of repression.

The requirement for a 'legitimate reason' appears to offer protection but reveals itself to be problematic in the absence of a clear legal definition. A host of potential motives justify face concealment – health reasons, fear of professional or personal reprisals, protection against tear-gas – but the absence of objective criteria allows the police to freely interpret what does or does not constitute a legitimate motive with no precise framework.[99] This led to paradoxical situations during the Covid-19 health crisis when the wearing of a mask was both obligatory for public health reasons and likely to be subject to criminal sanctions when demonstrating. Lastly, the absence of a direct link between face concealment and public disorder makes this measure problematic in terms of international norms.

According to international law 'The wearing of face coverings or other disguises by assembly participants, such as hoods or masks, or taking other steps to participate anonymously may form part of the expressive element of a peaceful assembly'.[100]

The extension of the offence to cases where a breach of the peace has not yet happened but where there is merely a risk it may happen is equally problematic from a legal perspective. Moreover, the possibility of sanctioning behaviour which has reportedly occurred not only within a demonstration but in its immediate vicinity means that the behaviour of people who might not even have been involved and taken part in a demonstration can be criminalised.

Similarly, the offence of outrage or contempt for police officers (or those in authority),[101] which is regularly used in protest situations, relies on a particularly broad legal basis, encompassing any speech or behaviour perceived as harming the dignity of a public official. In many cases, the offence relies solely on the word of a police officer without any material evidence. The lack of clarity in how it is defined, and the absence of procedural guarantees, make these accusations difficult to contest.[102]

The offences used to repress demonstrators also include that of participating in a gathering after summons have been issued.[103] In theory, this offence presupposes that the police have ordered the dispersal of a gathering, namely a rally of persons likely to cause public disorder, by means of audible and clearly formulated warnings. In practice, many people stopped and questioned challenge claims that they heard such warnings either because they were inaudible or because they were purely and simply not issued.[104] This dearth of information poses a serious question of legality[105], particularly since case law requires warnings to be effective and to allow people to disperse.[106] The extensive application of the offence provides an opportunity to incriminate not only those rally participants actually causing serious disturbance to public order but also those simply presumed to be likely to breach the peace, without any evidence of a genuine threat to public order being provided.

---

99 Amnesty International France, *Préoccupations relatives à la proposition de loi visant à renforcer et garantir le maintien de l'ordre public lors des manifestations [Concerns relating to the draft law intended to strengthen and guarantee the maintenance of public order during demonstrations]*, following the adoption of the law at its first reading in the National Assembly on 5 February 2019, February 2019. Online: **https://amnestyfr.cdn.prismic.io/amnestyfr%2F8c60cd46-46b1-497e-b079-e399050dab45_pr%C3%A9occupations+aif+ppl_droit+de+manifester.pdf** [accessed on 17 April 2025].

100 United Nations Human Rights Committee, General Comment No 37, *op. cit.*, para 60.

101 Articles 433-5 et seq. of the French Criminal Code.

102 Amnesty International, *Arrested for Protest – Weaponizing the law to crackdown on peaceful protesters in France*, 2020. Online: **https://www.amnesty.org/fr/documents/eur21/1791/2020/fr/** [accessed on 17 April 2025].

103 Articles 431-3 et 431-4 of the French Criminal Code.

104 See Observatories of policing practices and civil liberties, *Contrôle, surveillance, punition : pratiques policières pendant la mobilisation contre les mégabassines [Control, surveillance, punishment: policing practices during mobilisation in opposition to the mega-basins]*, p.34, July 2025. Online: **https://www.ldh-france.org/wp-content/uploads/2025/06/RAPPORT_MEGABASSINES2024-1.pdf** [accessed on 27 juin 2025].

105 Under the terms of Article 427 of the French Criminal Code of Procedure: 'With the exception of cases where the law provides otherwise, offences may be established by any method of proof, and the judge decides based on his or her strong conviction. The judge can only base his or her decision on evidence brought before the court during debates and counterarguments presented before him or her.'

106 Court of Cassation, criminal chamber, 23 January 2019, No18-81.219; see also Court of Cassation, criminal chamber, 31 October 2018, No18-81.220.

Pre-emptive criminalisation: the offence of 'participating in a group with a view to preparing violence'

Within the arsenal of legal weapons mobilised against demonstrators, particular attention should be paid to pre-emptive criminalisation, a mechanism that allows police to intervene before any criminal act has actually been committed, using the offence of participating in a group with a view to preparing acts of violence[107], referred to in French as *délit de groupement*. Introduced by the law of 2 March 2010, the offence of associating with a group for the purpose of preparing acts of violence was initially devised to respond to a specific phenomenon, namely clashes between rival gangs. Legislators were aiming to equip the police with a legal instrument for intervening before violent acts were perpetrated as part of efforts to eliminate gang violence.[108] Now deployed in the context of demonstrations, this instrument is used to carry out mass arrests in what is a clear departure from the original intent of the law.

This offence is distinguished by its deliberately generalised wording which gives the police the authority to take someone in for questioning on the basis of presumed intent where proven acts of violence are absent. In this sense, it embodies the strategy of anticipatory repression in which criminal law no longer intervenes to sanction established facts but to neutralise behaviour that is considered potentially threatening.

According to the Magistracy Union[109], the text of the law which establishes this offence is problematic due to its lack of precision. The French term *groupement*, used for associating as a group, raises questions as to the number of persons who have to be present for it to be considered as such, the duration for it to qualify as a wrongdoing and how preparations to commit damage or acts of violence are depicted. The vague nature of this offence makes it contrary to the demands for precision in criminal law, whereby it must be clear and comprehensible to be accessible to all citizens, and thus opens it up to being arbitrarily enforced. According to international law, arrests and detentions are arbitrary when they are based on a law whose lines are blurred, too general or incompatible with international law.[110]

In practice, the offence is a 'catch-all', a classification that enables the authorities to go ahead with mass questioning of individuals by the police and their detention in custody before damage or violence has even ensued. The grounds for being arrested and held in police custody are often based on reasons that do not characterise violent intent, such as the mere presence of a person at a rally or the possession of objects unrelated to any wrongdoing, such as protective glasses, saline solution or an item of clothing.[111] Thus, the text permits presumed future intentions to be punished and justifies the police arresting individuals without the need to prove criminal intent or demonstrate a concrete link to any acts of violence or criminal damage actually carried out. Moreover, by placing the accused person in the position of having to prove the absence of such intent and of a link to any potential criminal acts not yet committed, this measure goes against the fundamental principles of criminal law.

Analysis of the ways in which it has recently been applied, notably during the movement opposed to the 2023 pensions reforms, illustrates the dangers of such an approach for fundamental freedoms. The offence was widely deployed as a means to criminalise spontaneous demonstrations: on 16 March 2023 in Paris, 258 people were arrested by police[112] for taking part in a spontaneous protest while, according to rulings by the Court of Cassation35, participation in a spontaneous demonstration is a

[107] Under the terms of Article 222-14-2 of the French Criminal Code: 'The fact of a person knowingly associating as part of a group formed, even temporarily, for the purpose of preparing – as characterised by one or several material facts – deliberate violent acts against persons or destruction of or damage to property is punishable by one year in prison and a €15,000 fine'.

[108] Law No 2010-201 of 2 March 2010 strengthening the fight against gang violence and protection for persons tasked with a public service role.

[109] Interview by the delegation in charge of the FIDH international fact-finding mission, 14 March 2025.

[110] United Nations Working Group on Arbitrary Detention, Fact Sheet No.26, sections IV-A and B. Online: **https://www.ohchr.org/sites/default/files/documents/publications/Fact-sheet-26-WGAD_fr.pdf**

[111] Nadia Sweeny, 'Répression: la mécanique infernale [Repression: the diabolical apparatus]', *Politis*, 5 April 2023. Online: **https://www.politis.fr/articles/2023/04/repression-la-mecanique-infernale/** [accessed on 17 April 2025].

[112] 'Réforme des retraites: 258 personnes interpellées à Paris après la manifestation place de la Concorde, des heurts à Nantes et Rennes [Pension reforms: 258 people arrested in Paris following the demonstration in Place de la Concorde, clashes in Nantes and Rennes]', *Le Monde*, 16 March 2023. Online: **https://www.lemonde.fr/politique/article/2023/03/16/reforme-des-retraites-120-personnes-interpellees-a-paris-apres-la-manifestation-place-de-la-concorde_6165800_823448.html** [accessed on 18 April 2025].

matter of exercising a fundamental freedom and could not, as such, constitute a criminal act. When a demonstration is banned, the fact of participating does not constitute a crime either as it is categorised as a "fourth-class contravention" in France[113] (punishable by a fine of €135 when a fixed fine procedure is chosen, €750 being the maximum fine that can be imposed by a judge).

In most cases, the mere presence of demonstrators has been equated with the offence of 'participating in a group with a view to preparing violence'. Furthermore, this interpretation has been adopted and defended by the Minister of the Interior who affirmed on *BFMTV*, "It's important to be aware that to be in an unannounced demonstration is a fellony, [which] warrants arrest".[114]. Such a statement, despite coming from a government authority, stems from manifest misinformation: this depiction is contrary to the law and its interpretation by the Court of Cassation, which rules that the mere fact of taking part in an unannounced demonstration does not constitute an offence. Such a depiction thus amounts to criminalising the exercising of a fundamental freedom. It is also contrary to international law.

What is more, equating participation in these demonstrations with criminal offences and public disorder leads the police to make use of force to prevent them happening and to disperse them when they do take place.[115]

The authorities also make use of this offence as it means that the accused persons can appear in summary hearings. This procedure, employed as a strategy of fast-track repression that is condemned by civil society actors,[116] compromises the rights of the defence and respect for the guarantees of a fair trial. It enables defendants to be brought to court at the end of the custody period, sometimes in less than 24 hours or within a maximum timescale of threedays.

Abusive use of police custody

The aforementioned criminal acts are used to justify taking people into custody during demonstrations, sometimes in mass arrests as on the evening of 16 March 2023 during the spontaneous demonstrations against the pension reforms. Detention is used as a crowd-control tool that enables large numbers of people to be extracted from a demonstration. This departure in how detention is used is all the more serious given that it can be a traumatic experience. The consequences of this pre-emptive repression go beyond the risk of a criminal conviction: detention in custody can last hours and even days[117] in deplorable conditions and can have a long-lasting psychological impact on the persons concerned in addition to deterring peaceful demonstrators from exercising their fundamental freedom in the future.

In 2023, the Controller-General for Places of Deprivation of Liberty (CGLPL), Dominique Simonot, warned about the mass detention of demonstrators and the detention conditions during the protest movement against the pension reforms.[118]. Her report shed light on the alarming conditions in which people were being held in custody: the cells were often overcrowded, occasionally measured just

---

113 Article R644-4 of the French Criminal Code

114 Sophie Cazaux 'Participer à une manifestation non déclarée est-il un délit, comme l'affirme Gérald Darmanin [Is taking part in an undeclared demonstration an offence, as Gérald Darmanin affirms?]' *BFMTV*, 22 March 2023. Online: **https://www.bfmtv.com/police-justice/participer-a-une-manifestation-non-declaree-est-il-un-delit-comme-l-affirme-gerald-darmanin_AV-202303220721.html** [accessed on 24 April 2025].

115 See Angevin Observatory for Civil Liberties, *Rapport d'observations: Maintien de l'ordre sur dix manifestations à Angers [Observations Report: Maintaining order in ten demonstrations in Angers in 2022 and 2023]* in 2022 and 2023, 2025, p. 9. Online: **https://www.ldh-france.org/wp-content/uploads/2025/01/rapport-angers.pdf** [accessed on 7 April 2025] ; Observatoire parisien des libertés publiques, *Escalade des violences et opération de communication : La stratégie de la Préfecture de police de Paris pour le 1er May [Escalation in violence and communications operation: the Paris Prefecture of Police strategy for 1 May]*, July 2023, p. 23. Online: **https://site.ldh-france.org/paris/files/2023/07/Rapport-OPLP-1er-May-2023-ESCALADE-DES-VIOLENCES.pdf** [accessed on 6 May 2025].

116 Patrick Baudouin, Judith Krivine, Kim Reuflet, Jean-Claude Samouiller, '*Le délit de groupement, une entrave au droit de manifester qui doit être abrogé* [The offence of associating as a group with criminal intent impedes the right to demonstrate and should be abolished]', Tribune collective, *le Club de Mediapart*, 25 November 2023. Online: **https://blogs.mediapart.fr/patrick-baudouin/blog/251123/le-delit-de-groupement-une-entrave-au-droit-de-manifester-qui-doit-etre-abroge** [accessed on 1July 2025].

117 Under the terms of Article 63 of the French Criminal Code of Procedure, custody can last a maximum of 24 hours unless extended by 24 hours by the prosecutor of the Republic.

118 General Inspector of Prisons (CGLPL), *Enquête sur les mesures de garde à vue prises dans le contexte des manifestations contre la réforme des retraites [Enquiry into the custody measures taken in the context of demonstrations against the pension reforms]*, May 2023. Online: **https://www.cglpl.fr/app/uploads/2023/05/Enqu%C3%AAte-GAV-manifestation_lettre-ministre-de-lint%C3%A9rieur-et-rapport.pdf** [accessed on 23 April 2025].

5 m² and held up to six people, forcing some to sleep on the often-filthy floor with no mattress or blanket. Access to drinking water was very limited and toiletries were not automatically provided. In many cases, those in custody had not been informed of their rights or had seen their right to speak to a lawyer delayed or impeded. These findings echo the concerns expressed by the United Nations Committee Against Torture (CAT) in its recommendations of April 2025 when it raised the alarm over the mass detentions and the custodial conditions during demonstrations in France. CAT called for effective access to fundamental rights to be guaranteed, arbitrary detention to be avoided and the principle of proportionality to be rigorously respected.[119]

The CGLPL report highlights a further alarming aspect: in many cases the custody officers did not have a clear understanding of which offences those detained were accused of committing.[120] This evident lack of clarity resulted in people being placed in custody on the basis of vague and even non-existent legal classifications at the time of their detention. Furthermore, the inspectors noted that some procedures were initiated without the police having received clear instructions as to the legal basis for the detention. This shows that custody was being manipulated as a tool for maintaining public order rather than a substantiated judicial measure. The Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE), which acted as observers of how order was maintained during the demonstration on 1 May 2022, also noted that 'the arrests carried out by French law enforcement appeared to be at random and without a clearly identifiable ground'.[121]

> *'A person held in custody reports having heard police officers say about him "Right, for him we'll put face concealment then throwing a missile, there you go!"; another person testifies having heard them ask "What are we going charge this one with?"'*

Controller-General for Places of Deprivation of Liberty (CGLPL), [Enquiry into the custody measures taken in the context of demonstrations against the pension reforms], May 2023

These detentions also led to police files on demonstrators being opened during the protest movement against the pension reforms. In Lille, during the March 2023 demonstrations, the public prosecution service introduced a database to allow the arrests and personal data of those detained to be recorded, even when a case was closed and no further action taken. This system was set up without any clear legal framework. It was condemned as a form of criminal record subcategory and ruled illegal by the Lille Administrative Court on 19 March 2023.[122].

The extensive use of placing demonstrators in custody during demonstrations, particularly in the context of vague offences such as 'participating in a group with a view to preparing violence', raises major civil liberty issues. The imprecise nature of the regulatory framework used to target the demonstrators, the sense of arbitrariness and the poor custody conditions help create a climate of fear and uncertainty and, ultimately, deter people from demonstrating.

Repressing solidarity with the Palestinian people

Since autumn 2023, following the 7 October attack carried out by Hamas and Israel's military response against the Gaza Strip, France has witnessed a wave of protest movements in support of the Palestinian people. However, this mobilisation, led by citizen collectives, trade union organisations, student associations and public figures, has been subject to intense administrative and legal repression. An increased use of

[119] Committee Against Torture (CAT), *Experts of the Committee Against Torture [...] Ask about Prison Overcrowding, the Excessive Use of Force by the Police and the Definition of the Crime of Torture*, 17 April 2025. Online: **https://www.ohchr.org/fr/meeting-summaries/2025/04/experts-committee-against-torture-praise-frances-engagement-review** [accessed on 10 juin 2025].

[120] *Ibid*. p.2.

[121] OSCE, Office for Democratic Institutions and Human Rights, *Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating* States (May 2022 – June 2024), p. 28. Online: **https://www.osce.org/files/f/documents/e/6/585436_0.pdf** [accessed on 22 April 2025].

[122] Lille Administrative Court, 19 May 2023, N°2304177,2304186.

criminal law, extensive application of the notion of 'public disorder' and institutional censorship have progressively clamped down on support for Palestine.

— Banning demonstrations in solidarity with Palestine

In October 2023, in a message addressed to the country's prefects, the Minister of the Interior at the time, Gérald Darmanin, requested a general ban on demonstrations in solidarity with Palestine, making no distinction between the organisers, the slogans or the local context. Seized with an emergency proceeding, the Council of State reiterated on 18 October 2023 that any restriction on the right to demonstrate must be justified, proportionate and founded on concrete circumstances, and that it was up to the prefect alone to assess the existence of a local risk of disorder and to ban a demonstration.[123]

Nevertheless, some prefectures proceeded to ban demonstrations systematically. The terms of the autumn 2023 orders equate solidarity with the Palestinian people with covert support for Hamas or consider such solidarity as inherently contrary to human dignity.[124] The issue was no longer about knowing whether the risk of a clash or damage to property existed: the authorities passed judgement on the message conveyed. Thus, since 7 October 2023, the notion of public order has been extended to include 'intangible public order' and also covers incitement to hatred, discrimination and violence: discourse itself, or its presumed intent, has become a breach of public order.

The case of the banned demonstrations in Nice is a perfect example of prefectural overreach in managing the freedom to demonstrate. In autumn 2023, the prefect of Alpes-Maritimes issued a series of orders banning the weekly rallies for peace in Palestine. These orders were issued on virtually identical grounds from one week to the next and were systematically suspended by the Nice Administrative Court which, on several occasions, pointed out the requirements for specific and contextual grounds imposed by law. Despite successive decisions by the administrative judge annulling these orders, the prefect repeatedly reissued the bans, referring to the same grounds, notably relating to the slogans and rhetoric that were anticipated. These orders were issued systematically at the last moment. As they could not be anticipated, they limited the effectiveness of any appeal. In its decision of 18 November 2023,[125] the court condemned the repetitive and systematic nature of the orders, underlining that it was the fourth measure aimed at banning the same organisation in the space of one month and that the prefect had publicly declared his intention to continue to ban the demonstrations, independent of their actual context. The judge concluded that this was a serious and manifestly illegal breach of fundamental freedoms and pointed out that the role of administrative authority was not to judge the legitimacy of a political message but to assess the real risks of public disorder.

More recently, the banning of a feminist demonstration in Paris on 7 March 2025 was based on the presence of certain collectives, slogans and messages on banners such as 'liberation of Palestine from the sea to Jordan', once again deploying the concept of intangible public order. According to the prefect, the ban 'helps prevent breaches of public order by striving to preserve a system of objective values that cement social harmony without excessively impinging on the exercising by citizens of their fundamental

123 Council of State, Summary Proceedings, 18 October 2023, No 488860.

124 See in particular the ruling by the Poitiers Administrative Court, *Charente Palestine Solidarité Association et al. v. Prefect of La Charente*, No 2302858, para. 6 'In pronouncing the contested ban, the Prefect of La Charente [...] considered that 'the holding of a rally in support of the Palestinian people, organised by the associations whose public stance involves assigning responsibility for the massacres to the Israelis themselves' in itself constitutes an attack on human dignity and a breach of public order'.

125 Nice Administrative Court, 18 November 2023, No 2305676.

freedoms'.[126]. Seized through an emergency procedure, the Paris Administrative Court ruled the risks to be inadequately defined and lifted the ban.[127]

Added to this overreach is a worrying confusion over the roles of institutions. Although the Ministry of the Interior has no legal powers at its disposal – these coming solely within the competence of the prefects – it has issued multiple injunctions to local authorities requiring them to issue bans systematically. In addition to the aforementioned message from Gérald Darmanin for the attention of prefects, the current Minister of the Interior, Bruno Retailleau, claimed in a reply posted on X[128] that he '[had] requested the ban' of the demonstration on 7 March from the prefecture. This interference contributes to the politicisation of public order and leads to bans based on ideological considerations.

— The offence of incitement to terrorism

Since the law of 13 November 2014, Article 421-2-5 of the Criminal Code sanctions the incitement to terrorism even in the absence of incitement to violence. The offence thus punishes any statement perceived as presenting a terrorist act in a favourable light. Since the Hamas attack on 7 October 2023, the French authorities have multiplied the number of prosecutions for 'glorifying terrorism'[129] of people expressing their solidarity with Palestine, especially based on the circular of 10 October 2023 from the Minister of Justice,[130] about tackling offences likely to be committed linked to the terrorist attacks suffered by Israel. Although it does not explicitly refer to acts of solidarity with the Palestinian people, the circular has been used to target rhetoric that is critical of Israeli government policy or supportive of Palestinian civilians, which is sometimes equated with approval of Hamas, classed as a terrorist organisation by the European Union. A former counter-terrorism judge issued a warning about this complete departure from how the law should be applied,[131] emphasising the risk of disproportionate infringements of freedom of expression. On the basis of this offence, a trade unionist was handed a one-year suspended prison sentence for a leaflet referring to the 7 October attacks as "responses" to the violence of the occupation.[132] Several political figures, including elected representatives such as Mathilde Panot and Rima Hassan, were also summoned by the police in the context of investigations launched for similar charges,[133] amounting to criminalising speech in support of Palestine and critical of Israeli government policy.

126 Order banning the demonstration of 7 March 2025, No 2025-00281.

127 Paris Administrative Court, 7 March 2025, No 2506199/9 and No 2506224/9.

128 See post on X: **https://x.com/BrunoRetailleau/status/1898291913670750436**.

129 Article 421-2-5 of the French Criminal Code.

130 Circular of 10 October 2023 about tackling offences likely to be committed linked to the terrorist attacks suffered by Israel since 7 October 2023, No. CRIM 2023-17/E1, Ministry of Justice.

131 'Apologie du terrorisme: l'ex-juge antiterroriste Marc Trévidic dénonce un 'usage dévoyé de la loi [Glorifying terrorism: ex-counter-terrorism judge, Marc Trévidic condemns a "misuse of the law"]', *Libération*, 9 October 2024. Online: **https://www.liberation.fr/societe/apologie-du-terrorisme-lex-juge-antiterroriste-marc-trevidic-denonce-un-usage-devoye-de-la-loi-20241009_KN66MILFKVGMNHC5IXBFF3LAPE/** [accessed on 15 May 2025].

132 'Un responsable CGT condamné à un an de prison avec sursis, pour 'apologie du terrorisme' après l'attaque du Hamas contre Israël [A CGT leader handed a one-year suspended prison sentence for "glorifying terrorism" following the Hams attack against Israel]', *Le Monde*, 19 April 2024. Online: **https://www.lemonde.fr/societe/article/2024/04/19/un-responsable-cgt-condamne-a-un-an-de-prison-avec-sursis-pour-apologie-du-terrorisme-apres-l-attaque-du-hamas-contre-israel_6228605_3224.html** [accessed on 15 May 2025].

133 'Convocation pour 'apologie du terrorisme': Rima Hassan et Mathilde Panot ont été entendues par la police [Summoned for "glorifying terrorism": Rima Hassan and Mathilde Panot interviewed by the police]', *France info*, 30 April 2024. Online: **https://www.francetvinfo.fr/monde/proche-orient/israel-palestine/convocation-pour-apologie-du-terrorisme-rima-hassan-et-mathilde-panot-ont-ete-entendues-par-la-police_6517670.html** [accessed on 16 May 2025].

— Repressing student movements

Higher education establishments, traditional hubs of politicisation and protest, have not escaped this wave of repression. In April and May 2024, as part of an international university solidarity movement, several French universities were occupied by students demanding withdrawal from partnerships with Israeli institutions. On 5 May 2024, Emmanuel Macron publicly condemned the blocking of access to universities by students demonstrating solidarity with Palestine.[134] In Paris, protests at Sciences Po, the Sorbonne and the Higher School of Social Sciences (EHESS) were roughly ejected by law enforcement officers.[135] On 7 May 2024, 88 students were taken into custody following the peaceful occupation of a lecture theatre in the Sorbonne.[136] At the same time, talks by figures expressing critical views, such as that by Rima Hassan, member of the European Parliament and a public supporter of solidarity with Palestine, were banned on the grounds that they constituted a 'risk to public order'. [137]

On 4 October 2024, a circular from the Higher Education Minister[138] was also addressed to university chancellors stating that "Patrick Hetzel, Minister for Higher Education and Research, strongly condemns these actions which are contrary to the principles of neutrality and secularity of public sector higher education", reminding them of their obligation to prevent security risks within their establishments and strongly urging them to report to the public prosecutor any offence associated with demonstrations in solidarity with Palestine. This toughening of the administration's stance, accompanied by the threat of sanctions, reveals a clear determination to restrict the freedom of assembly and freedom of expression of individuals wishing to demonstrate their solidarity with Palestine in higher education establishments.

134 'Manifestations propalestiniennes: Emmanuel Macron condamne 'avec la plus grande fermeté' les blocages dans les universités [Pro-Palestinian demonstrations: Emmanuel Macron condemns "in the strongest terms", the blockades in universities]', *France info*, 5 May 2024. **https://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** [accessed on 15 May 2025].

135 'Intervention de la police dans la Sorbonne à Paris pour évacuer des militants pro-palestiniens [Police intervention in the Sorbonne in Paris to clear pro-Palestinian activists]', *RMC*, 29 April 2024. Online: **https://rmc.bfmtv.com/actualites/societe/intervention-de-la-police-dans-la-sorbonne-a-paris-pour-evacuer-des-militants-pro-palestiniens_AD-202404290606.html** [accessed on 15 May 2025] ; 'Des étudiants délogés de l'EHESS après trois jours de blocage et de mobilisation propalestinienne [Students ousted from EHESS after a three-day blockade and pro-Palestinian mobilisation]', *Le Monde*, 16 May 2024. Online: **https://www.lemonde.fr/societe/article/2024/05/16/des-etudiants-deloges-de-l-ehess-apres-trois-jours-de-blocage-et-de-mobilisation-propalestinienne_6233535_3224.html** [accessed on 15 May 2025]; 'Mobilisation pro-palestinienne à Sciences Po: deux étudiants placés en garde à vue, des examens perturbés [Pro-Palestinian mobilisation at Sciences Po: two students in custody and exams disrupted', *Le Monde*, 7 May 2024. Online: **https://www.lemonde.fr/societe/article/2024/05/07/mobilisation-propalestienne-a-sciences-po-deux-etudiants-places-en-garde-a-vue-des-examens-perturbes_6232101_3224.html** [accessed on 24 juillet 2025].

136 Soazig Le Nevé, 'Mobilisation propalestinienne: 88 étudiants en garde à vue après avoir occupé un amphithéâtre à la Sorbonne [Pro-Palestinian mobilisation: 88 students in custody following lecture theatre sit-in at the Sorbonne]', *Le Monde*, 8 May 2024. Online: **https://www.lemonde.fr/societe/article/2024/05/08/mobilisation-propalestinienne-88-etudiants-en-garde-a-vue-apres-avoir-occupe-un-amphitheatre-a-la-sorbonne_6232233_3224.html** [consulté 15 May 2025].

137 'L'interdiction de la conférence de Rima Hassan à Sciences Po Paris est justifiée, selon le Conseil d'Etat " [The ban on Rima Hassan's lecture at Sciences PO is justified, according to the Council of State]', *France info*, 29 novembre 2024. Online: **https://www.francetvinfo.fr/societe/education/l-interdiction-de-la-conference-de-rima-hassan-a-sciences-po-paris-est-justifiee-selon-le-conseil-d-etat_6926834.html** [accessed on 16 May 2025].

138 Ministère de l'Enseignement supérieur et de la Recherche, 'Manifestations étudiantes en lien avec le conflit israélo-palestinien [Student protests linked to the Israeli-Palestinian conflict]', press release, 4 October 2024. Online: **https://www.enseignementsup-recherche.gouv.fr/fr/manifestations-etudiantes-en-lien-avec-le-conflit-israelo-palestinien-97541** [accessed on 16 May 2025].



Crédit: Telmo Pinto / NurPhoto / NurPhoto via AFP

Legend: More than 20,000 people are attending the anti-fascist demonstration in Paris, France, on June 1, 2024, in memory of Clement Meric, an 18-year-old young man who was killed in 2013 by far-right militants. Associations in favor of the Palestinian cause and the Kanak people of New Caledonia are also joining this movement.

(3.4) Independence of judicial authority tested by the maintenance of public order

The deployment of judicial instruments to manage demonstrations persistently raises questions about the independence of judicial authority, a corollary of the rule of law. The circular of 22 April 2021[139], addressed by the Minister of Justice to public prosecutors, recommended a rapid, firm and systematic response from criminal justice to offences committed in the context of social protests. As an instruction issuing from the executive power and explicitly steering the action of the prosecution service, the circular calls the independence of judicial authority into question. More broadly, the role assigned to the prosecution service in the mechanisms for maintaining public order reveals that judicial authority and prefectural administration are increasingly enmeshed. Judicial warrants, notably requested to authorise searches prior to demonstrations, are often sought at the prefecture's initiative. Thus, they are not a reflection of independent judicial control but an extension of the executive's strategy for maintaining public order.

More generally, the Magistracy Union points to a weakening of the instinct to protect freedoms within the judiciary.[140] The normalising of the use of custody with minimal justification and the absence of collective mobilisation in the face of violations of demonstrators' fundamental rights are contributing to a climate of resignation and even disengagement, which raises questions about the capacity of judicial authority to fully exercise its role as a counterbalancing power.

(3.5) Judicial harassment and strategic lawsuits against public participation (SLAPPs)

When civil society organisations and human rights defenders voice their condemnation of abuses by the authorities, companies or other public and private actors, they are increasingly exposed to lawsuits.

[139] Circular from the Ministry of Justice on the treatment of offences committed in association with violent gatherings during demonstrations, 22 April 2021, NOR: IUSD212858C.

[140] Interview by the delegation in charge of the FIDH international fact-finding mission with the Magistracy' Union, 14 March 2025.

Such procedural abuses, known as SLAPPs, pursued with the aim of deterring human rights defenders from participating in public debate, are a serious threat to freedom of expression. They also have worrying repercussions for freedom of association as they do not seek merely to discredit comments made by journalists, activists and civil society organisations, but also to neutralise them by draining their human and financial resources.

These procedural abuses take multiple forms and depend broadly on the profile and methods of action of the organisations concerned. However, the preferred routes include accusations of libel, slander and forgery and falsification of records, as a way of deflecting the accusations and denunciations that have the backing of civil society. This is a common practice engaged in by the Bolloré Group, which issues multiple complaints of libel against media outlets and organisations as soon as they publish an article, news item or report exposing the abuses associated with its commercial activities on the African continent.[141]

For the organisation Utopia 56, these procedures are among the weapons wielded by the authorities to intimidate organisations and impede the work they do supporting those in exile.[142] The target of three criminal investigations relating to assistance provided by the organisation to migrant people in the north of France, Utopia 56 is accused of disseminating false information and of libelling law enforcement. Two of these proceedings result from reports from the maritime prefecture after the organisation had relayed to the rescue services calls for help from people in distress on boats in the Channel. The organisation is criticised for having transmitted false information leading to an unnecessary call-out of the rescue services. The Pas-de-Calais prefecture also accuses the organisation of libel following the publication on its social media of a video of a boat on fire, accompanied by testimony that raises questions about the implication of law enforcement in the wake of tear-gas being fired at the people on board.[143]

In addition to deterring human rights organisations from speaking out, the lawsuits directed against them can also have financial consequences which are particularly inhibiting. In this respect, the judicial harassment to which the anti-racist activist **Assa Traoré** has been subjected is particularly emblematic. Since the death of her brother Adama in police custody in 2016[144], Assa Traoré has become a figure for mobilisation against police violence in France. In the face of the impunity surrounding the death of her brother, she has regularly spoken up to demand justice. Following the publication in 2019 on the Facebook account of *Comité Adama*, in which she pointed out the responsibility of experts, police officers and the judicial authorities, whom she accused of obstructing the investigation, the police officers referred to in the article filed a complaint against Assa Traoré. She was convicted in February 2021 by the Court of Appeal in Paris for violating the presumption of innocence. Although she was acquitted by the criminal courts following the libel proceedings, Assa Traoré was also prosecuted in the civil courts by the police officers and sentenced in April 2023 to pay €5,000 in damages and €4,000 in legal costs to one of the complainants. In the context of the various lawsuits launched against her, she was sentenced to pay several tens of thousands of euros in legal costs and damages to the police officers she accused of being implicated in the unlawful death of Adama Traoré.[145]. The activist condemned a campaign of harassment directed at her family with several of her brothers also having been harried by the justice system.[146]

---

141 Joint opinion piece, 'Des journalistes et des ONG dénoncent des 'poursuites bâillons' de la part du groupe Bolloré [Journalists and NOGs condemn SLAPPs on the part of the Bolloré Group]', *Le Monde*, 24 January 2018. Online: **https://www.lemonde.fr/idees/article/2018/01/24/des-journalistes-et-des-ong-denoncent-des-poursuites-baillons-de-la-part-du-groupe-bollore_5246496_3232.html** [accessed on 20 May 2025].

142 Interview by the delegation in charge of the FIDH international fact-finding mission, 13 March 2025.

143 Julia Pascual, 'L'association d'aide aux migrants Utopia 56 visée par trois enquêtes pénales [Utopia 56, a migrant support organisation, the focus of three criminal investigations]', *Le Monde*, 29 November 2024. Online: **https://www.lemonde.fr/societe/article/2024/11/29/l-association-d-aide-aux-migrants-utopia-56-visee-par-trois-enquetes-penales_6420371_3224.html?random=592564111** [accessed on 20 May 2025].

144 See International Service for Human Rights and La Vérité pour Adama, report to the Human Rights Committee, 142nd session.

145 Interview by the delegation in charge of the FIDH international fact-finding mission, 11 April 2025.

146 Clara Monnoyeur and Nnoman Cadoret, 'Bagui Traoré : "Ils m'ont enfermé parce que je suis le frère d'Adama" [They locked me up because I am Adama's brother.]', *Street Press*, 2 December 2021. Online: **https://www.streetpress.com/sujet/1638377861-bagui-traore-temoignage-acquittement-detention-prison-traitement-particulier-adama-assa** [accessed on 21 May 2025].

For several years, UN bodies have been voicing their concern at the harassment of Adama Traoré's family in relation to a case which has still not resulted in criminal proceedings, despite expert opinion raising questions about the theory of accidental death linked to his state of health.[147]



Crédit: Valérie Dubois / Hans Lucas / Hans Lucas via AFP

Legend: France, Paris, May 1, 2025. Tribute to Aboubakar Cisse, a young Muslim murdered at the La Grand-Combe mosque at the end of April, and rally against Islamophobia. Denouncing racist and anti-Muslim crimes, participants also honoured the memory of Brahim Bouarram and Ibrahim Ali, killed by Front National militants on May 1, 1995.

Given the rise in the number of SLAPPs in some European countries, the European Union adopted a directive on 11 April 2024 on strategic prosecutions designed to distort public debate (the so-called 'anti-SLAPP' directive).[148] Its aim is to protect civil society actors from abusive legal proceedings designed to intimidate, silence or financially drain those who speak out on public interest issues. Under the directive, which is due to be transposed into national law before 7 May 2026, Member States undertake to establish a procedure for dismissing appeals that are manifestly unfounded, sanctioning those who initiate abusive lawsuits, introducing mechanisms for compensating victims and raising the awareness of legal professionals in order to protect critical voices against the misuse of the judicial system. On 13 February 2025, the national human rights institution (CNCDH) adopted an advice note setting out recommendations for the transposition of the directive into French law. In the note, it stressed the extent to which these prosecutions have a deterrent effect on all of civil society, pointing out that 'SLAPPs are not merely dissuasive strategies with a negative impact on the situations of individuals but a procedure that undermines public debate as a whole'.[149]

4. Police crackdown on activists and social movements

(4.1) The normalisation of the use of force and repressive practices

The normalisation of the use of force during protests in France is embodied in a particularly militarised law enforcement arsenal, the increasing use of which goes well beyond the legal framework of absolute necessity and strict proportionality.[150] These so-called 'sublethal' weapons, initially

147 See Human Rights Committee, Concluding observations on the sixth periodic report on France, 3 December 2024, CCPR/C/FRA/CO/6, para. 18; Committee Against Torture, Concluding observations on the eighth periodic report on France, 30 April 2025, CAT/C/FRA/CO/8, para. 28.

148 Directive (EU) 2024/1069 of the European Parliament and the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings.

149 CNCDH, Advice note to "counter gag proceedings" on the occasion of the transposition of EU Directive 2024/1069 dated 11 April 2024, A-2025-2, p. 11.

150 Article R211-13 of the Interior Security Code.

intended as alternatives to lethal force, have become standard instruments of crowd management, including peaceful crowd management, contributing to an escalation of tensions and more serious consequences[151] for those against whom they are used. At the same time, coercive practices, such as the abusive use of kettling,[152] illustrate a shift towards repressive methods that undermine the fundamental freedoms, dignity and physical integrity of protesters. These developments reflect a worrying shift in law enforcement towards a punitive function, contrary to the principles of a democracy that respects human rights and individual freedoms.

Crackdowns and escalating violence in managing protests

For several years, France has been regularly called upon by international bodies concerned about law enforcement practices observed during social unrest. In March 2023, the Council of Europe Commissioner for Human Rights expressed serious concern, reiterating that 'sporadic acts of violence [...] cannot justify the excessive use of force' and emphasising that force must only be used 'as a last resort',[153] in accordance with the principles of absolute necessity and strict proportionality, as provided for by international law[154] and French law.[155]

Far from being strictly defensive in nature, the use of force or repressive techniques can in some cases be seen as a way of punishing protesters or dissuading them from repeating their action. Independent observers have been warning for several years on law enforcement practices, reporting illegal violence and the indiscriminate, unnecessary or disproportionate use of force, including against peaceful protesters.[156][157] These practices include the firing of defence ball launchers (LBDs), the widespread use of tear-gas, and police charges, sometimes without apparent justification,[158] which often target protesters indiscriminately. Moreover, the use of force is rarely preceded by the regulatory warnings[159] that are supposed to allow protesters to disperse before force is used to stop a public disturbance. Furthermore, ODIHR observation teams noted during the 1 May 2022 protest in Paris that 'the decision to disperse, including through the use of illegal, unnecessary and disproportionate force

151 See in particular: United Against Torture Consortium (UATC), *Protesting without fear. Protecting the right to peaceful assembly in the face of abusive use of force and torture by security forces, advocacy report*, June 2024. Online: **https://www.omct.org/site-resources/legacy/UATC-policy-paper-Protesting-** [accessed 29 July 2025].

152 See below for a more detailed definition of the concept of kettling and the weapons used in law enforcement

153 Council of Europe, Commissioner for Human Rights, Declaration on demonstrations in France - freedoms of expression and assembly must be protected against all forms of violence, 24 March 2023. Online: **https://www.coe.int/en/web/commissioner/-/manifestations-en-france-les-libert%C3%A9s-d-expression-et-de-r%C3%A9union-doivent-%C3%AAtre-prot%C3%A9g%C3%A9es-contre-toute-forme-de-violence**

154 Principle on the use of force and firearms by law enforcement officials: the use of force must be lawful (provided for in law), serve a legitimate purpose, and remain strictly necessary and proportionate

155 Article L435-1 of the French Internal Security Code.

156 See in particular: Observatoire rennais des libertés publiques [Rennes Observatory of Civil Liberties], *Annual report 2023*, online: **https://www.ldh-france.org/wp-content/uploads/2024/05/Rapport-annuel-ORLIB-2023-2024_compressed.pdf** [accessed 7 April 2025]; Observatoire parisien des libertés publiques[Paris Observatory of Civil Liberties], *Escalade des violences et opération de communication [Escalation of violence and communication operation]*, 2023, online: **https://site.ldh-france.org/paris/files/2023/07/Rapport-OPLP-1er-May-2023-ESCALADE-DES-VIOLENCES.pdf** [accessed 7 April 2025]; Observatoire lillois des libertés publiques et des pratiques policières [Lille Observatory on Civil Liberties and Police Practices], *Rapport suite à la manifestation du 7 juillet au soir 2024 [Report following the protest on the evening of 7 July, 2024]*, online: **https://site.ldh-france.org/lille/files/2024/10/Rapport-OL3P-LDH-SAF-Lille-Manifestation-du-7-juillet-2024-13072024-DEF-2.pdf** [accessed 7 April 2025]; Observatoire angevin des libertés publiques [Angers Observatory Civil Liberties], *Rapport d'observations du maintien de l'ordre sur dix manifestations à Angers en 2022 et 2023 [Report on law enforcement ten protests in Angers in 2022 and 2023]*, online: **https://www.ldh-france.org/wp-content/uploads/2025/01/rapport-angers.pdf** [accessed 7 April 2025]; Observatoire toulousain des pratiques policières [Toulouse Observatory of Policing Practices], *Rapport sur les opérations de police et de gendarmerie dans le cadre des oppositions à la construction de l'autoroute A69 [Report on police and gendarmerie operations in connection with protests against the construction of the A69 motorway]*, 2024, online: **https://hal-lara.archives-ouvertes.fr/hal-04575512v1** [accessed 7 April 2025].

157 OSCE, Office for Democratic Institutions and Human Rights, *Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States, op. cit.*, p.24.

158 Rapport des observatoires des pratiques policières et des libertés publiques [Report of the observatories of police practices and civil liberties], *Contrôle, surveillance, punition : pratiques policières pendant la mobilisation contre les mégabassines [Control, surveillance, punishment: police practices during the protests against the mega-basins]*, 16 to 21 July 2024, p.32. Online: **https://www.ldh-france.org/wp-content/uploads/2025/06/RAPPORT_MEGABASSINES2024-1.pdf** [accessed 27 June 2025].

159 Article L435-1 of the French Internal Security Code.

without warning, significantly increased tensions between law enforcement officials and members of the public present, who expressed their support for the protestors.'[160]

According to Amnesty International, the equipment used by law enforcement agencies, as well as the methods of intervention observed, illustrate a crowd management doctrine 'based on crackdown rather than de-escalation'.[161] Following a study by the Defender of Rights, it was also found that 'the representations of the French actors interviewed seem to be strongly influenced by a confrontational perspective with the protesters,'[162] leading to the perception of the protests primarily as potentially conflictual situations requiring a firm response.

France stands out for its isolation in terms of de-escalation: while some ten European states[163] committed in 2010-2013 to developing best practices in crowd management, notably through the GODIAC project ('Good Practice for Dialogue and Communication as Strategic Principles for Policing Political Manifestations'[164]), France chose to distance itself from this initiative. This confrontational approach, combined with a lack of institutional will to adopt principles of de-escalation, has tangible consequences on the ground. These doctrinal choices are reflected in the practices of law enforcement agencies, where the use of force is no longer confined to maintaining law and order in the strict sense of the term, but is based on a preventive and punitive approach, often disconnected from the actual level of threat.

The use of force often seems to be seen as the only response to protests where there is a risk of disorder. Observers regularly see indiscriminate baton charges against groups of protesters, with no apparent objective other than to inflict pain, before the police withdraws. According to Amnesty International, the French police regularly uses truncheons excessively and unlawfully on people who are on the ground and already immobilised.[165] On 19 January 2023, during a protest against pension reform, a protester was charged and hit in the crotch with a truncheon while on the ground. He had to have a testicle amputated.[166] A few months later, on 1 May 2023, an identical practice was observed: during a spontaneous demonstration, police officers charged a group of people who showed no signs of aggression, or even of belonging to the spontaneous procession.[167] Baton blows were delivered at head height to the group, splitting open the skulls of two people. The officers then withdrew, leaving the injured where they were. These practices violate the conditions of absolute necessity and strict proportionality imposed by French and international law. On this subject, following its observation of the 1 May protest in Paris, the OSCE report states that 'on every occasion when ODIHR observed the use of force, it was indiscriminate, affected a large number of people present in the assembly area, was disproportionate and did not meet the criterion of necessity'.[168]

The escalation of violence seen in France, particularly during protests against pension reform and for climate protection, has led United Nations experts to express their concern at the systematic crackdown on protests.[169] These experts have warned of the disproportionate use of force, which threatens not only the safety of protesters, but also the very exercise of their right to protest. The implementation

160 OSCE, Office for Democratic Institutions and Human Rights, *Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States*, *op. cit.*, p.29.

161 Interview with the delegation in charge of the FIDH international fact-finding mission, 11 March 2025.

162 Defender of Rights, *De-escalating violence and managing protest crowds. What are the link(s) in France and Europe today?* 2021, p.15.

163 Austria, Germany, Cyprus, Hungary, Romania, Sweden, United Kingdom, Denmark, Spain, Netherlands, Portugal, Slovakia.

164 The GODIAC project recommends refocusing protest crowd management arrangements around four key principles: detailed knowledge of the protesting public in order to adapt police action to their specific characteristics (*knowledge*), facilitation of the legitimate expression of demands (*facilitation*), constant communication with protesters on the day of the mobilisation (*communication*) and differentiated use of force, targeting only violent individuals (*differentiation*).

165 Interview with the delegation in charge of the FIDH international fact-finding mission, 11 March 2025.

166 Amnesty International, « Manifestations en France: un recours excessif à la force et aux arrestations abusives » ['Protests in France: excessive use of force and abusive arrests'], 23 March 2023. Online: **https://www.amnesty.fr/actualites/france-manifestations-un-recours-excessif-a-la-la-force-et-aux-arrestations-abusives** [accessed 22 April 2025].

167 Observatoire parisien des libertés publiques [Paris Observatory of Civil Liberties], *Escalade des violences et opération de communication [Escalation of violence and communication operation]*, *op. cit.* p.26

168 OSCE, Office for Democratic Institutions and Human Rights, *Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States*, *op. cit.*, p.24.

169 Office of the UN Human Rights Council, 'France must respect and promote right to peaceful protest: UN experts', press release, 15 June 2023. Online: **https://www.ohchr.org/en/press-releases/2023/06/france-must-respect-and-promote-right-peaceful-protest-un-experts** [accessed 22 April 2025].

of this law enforcement policy exacerbates tensions and social divisions, replacing social dialogue with violence management. The UN also highlighted the urgent need for a radical overhaul of the way authorities deal with protests, to encourage peaceful resolution of social conflicts. The authorities have not responded to these criticisms.

> *'The lack of restraint in the use of force against members of civil society for demanding their rightful participation in decision-making processes concerning their future, access to natural resources, the protection of human rights, dignity and equality would not only be anti-democratic, but profoundly worrying for the protection of the rule of law, (...) We remind France that any law enforcement strategy must respect the principles of necessity and proportionality, with the sole aim of facilitating peaceful assemblies and protecting the fundamental rights of participants – including their right to life and to physical and psychological integrity'.*

United Nations Special Procedures, Press release, 'France must respect and promote right to peaceful protest: UN experts', 15 June 2023.

Arms and equipment used for law enforcement that are intrinsically incompatible with human rights

These recurrent violations of the legal framework for the use of force are all the more serious given that France has one of the most militarised law enforcement arsenals in Europe. French law enforcement agencies are equipped with sub-lethal weapons, such as tear-gas grenades and LBDs, as well as explosive grenades, such as stingball grenades[170] (non-lethal flashbang grenades), and sting ball grenades (ASSD, GM2L), which are particularly dangerous and damaging, and whose use in law enforcement appears intrinsically incompatible with human rights.

From an operational perspective, these weapons lower the threshold for the use of force, producing a perverse effect: initially presented as alternatives to lethal force, these weapons tend to become established as routine tools for managing protests, even against non-violent crowds.[171] This phenomenon, described by sociologist Cédric Moreau de Bellaing as 'the absolute certainty that, at worst, you will be injured but not killed,'[172] adds to a culture of force that goes way beyond stopping potential violence or damage. Finally, the use of these weapons often seems counterproductive, exacerbating tensions and further disrupting public order instead of restoring it. In reality, the use of increasingly offensive weapons escalates violence, leading to heightened tensions between protesters and law enforcement. Sometimes, these weapons are even used for purely preventive purposes: tear-

[170] These grenades project rubber studs at more than 300 km/h in all directions. They must theoretically be rolled on the ground to avoid the risk of explosion at head level and mutilation. In practice, it has been observed that these grenades were regularly thrown in an arc, exploding at head height – see the investigation: Sébastien Bourdon, Emile Costard and Antoine Schirer '2016-2021. Cinq ans de manifestations disséqués : comment les forces de l'ordre usent des grenades au mépris des règles' [2016–2021. Five years of protests under scrutiny: how law enforcement agencies use grenades in violation of the rules], *Mediapart*, 5 July 2021. Online: **https://www.mediapart.fr/journal/france/050721/2016-2021-cinq-ans-de-manifestations-dissequees-comment-les-forces-de-l-ordre-usent-des-grenades-au-mepris** [accessed 29 April 2025].

[171] For the UN, '*the widespread availability of incapacitating weapons also tends to lower the threshold for the use of force and entails a significant risk of "overuse" in situations in which the desired purpose could reasonably have been achieved through less coercive, less dangerous and less harmful means.*' United Nations, *Note by the Secretary-General to the General Assembly*, 'Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment', doc. A/72/178, 20 July 2017, §54.

[172] Action des chrétiens pour l'abolition de la torture [Action by Christians for the Abolition of Torture], *Maintien de l'ordre, à quel prix ? [Policing, at what price?* 2020, p.91. Online: **https://www.acatfrance.fr/app/uploads/2024/10/rapport-maintien-ordre-acat-france.pdf** [accessed 21 April 2025].

gas grenades are fired at protesters because they stray from the route or because a spontaneous protest has formed.[173]

The nature of some weapons raises questions about whether they can ever be used with any degree of proportionality. This is particularly the case with tear-gas, which is supposed to be used to keep violent individuals at bay or to disperse participants in a violent protest,[174] but is used very frequently during large protests even though its effect is inherently indiscriminate: when these weapons are used, they affect everyone in the area indiscriminately. These practices are contrary to the case law of the European Court of Human Rights, which considers that a person retains the right to freedom of peaceful assembly as long as their behaviour remains peaceful, even if other protesters commit violent or reprehensible acts.[175] It was also observed that people trying to disperse, passers-by, local residents[176], injured people[177] were victims of the effects of the gas. The Defender of Rights has warned about the use of these weapons, which are used indiscriminately and make it impossible to distinguish between protesters and non-protesters, or between healthy and vulnerable individuals.[178]

Intended to provide alternatives to firearms during law enforcement operations, the use of these weapons has been criticised by human rights defenders. The use of these weapons in France has caused numerous mutilations, including 25 documented cases of eye gouging during the Yellow Vests[179] movement. This weaponry also raises questions on the institutional side: a parliamentary report[180] has recommended banning the use of LBDs during demonstrations, except in cases of serious and imminent danger. The Defender of Rights also called for them to be banned[181] in law enforcement, because of the serious injuries they can cause, including to bystanders, especially since it is inherently not very precise.[182] These recommendations were not followed by the French Ministry of the Interior.

Furthermore, the deployment of these weapons is not announced to the public in advance, and information on how they are used is revealed by the press rather than by the authorities. The use of new projectiles and grenades is therefore often discovered directly during protests. Even the technical

---

173 Rapport d'observations du maintien de l'ordre sur dix manifestations à Angers en 2022 et 2023, Observatoire angevin des libertés publiques [Report on law enforcement at ten protests in Angers in 2022 and 2023, Angers Observatory of Civil Liberties], 2024, p.7: '*Any spontaneous march, even if peaceful and unprovoked, on roads leading to the city centre or to symbolic locations such as the railway station or the university hospital, is immediately blocked by tear gas and prevented by police barriers in protective gear. On numerous occasions, the firing of tear gas grenades to bring the protest march back to its designated route was neither necessary nor proportionate, given that the protesters were peaceful. Moreover, the shots should have been preceded by summonses.*' Online: **https://www.ldh-france.org/wp-content/uploads/2025/01/rapport-angers.pdf** [accessed 7 April 2025].

174 Amnesty International, « Maintien de l'ordre: ces armes dangereuses utilisées dans les manifestations » ['Policing: these dangerous weapons used in demonstrations'], 1 March 2023. Online: **https://www.amnesty.fr/liberte-d-expression/actualites/maintien-de-l-ordre-ces-armes-dangereuses-utilisees-en-manifestation** [accessed 22 April 2025].

175 ECHR, 26 April 1991, *Ezelin v. France*, Application No 11800/85, para 53; ECHR, 21 April 2021, *Shmorgunov and Others v. Ukraine*, Application No 15367/14 and 13 others, para. 490.

176 See for example: Observatoire parisien des libertés publiques [Paris Observatory of Civil Liberties], Observation note *Manifestation contre le projet Green Dock [Protest against the Green Dock project]*, 2024, p. 6. Online: **https://site.ldh-france.org/paris/files/2024/07/2024_07_Note_Green_Dock_V2.pdf** [accessed 22 April 2025]; Observatoire parisien des libertés publiques [Paris Observatory of Civil Liberties], *Escalade des violences et opération de communication [Escalation of violence and communication operation]*, p. 11. Online: **https://site.ldh-france.org/paris/files/2023/07/Rapport-OPLP-1er-May-2023-ESCALADE-DES-VIOLENCES.pdf** [accessed on 22 April 2025].

177 *Empêcher l'accès à la bassine quel qu'en soit le coût humain [Prevent access to the basin at any human cost]*, Rapport des observatoires des pratiques policières et des libertés publiques [Report by the observatories on police practices and civil liberties], July 2023, p.102. Online: **https://www.ldh-france.org/wp-content/uploads/2023/07/Rapport-final-10.07.23_DEF.pdf** [accessed 22 April 2025].

178 Défenseur des droits [Defender of Rights], Decision No 2024-087, 2024. Online: **https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=22270&utm** [accessed 23 April 2025].

179 'Number of DBL eye injuries up sharply with "gilets jaunes (yellow vests)"', *Le Monde*, 2019. Online: **https://www.lemonde.fr/societe/article/2019/11/01/le-recensement-des-blessures-aux-yeux-par-lbd-en-forte-hausse-avec-les-gilets-jaunes_6017756_3224.html** [accessed 23 April 2025]

180 Assemblée nationale [French National Assembly], *Rapport fait au nom de la commission d'enquête relative à l'état des lieux, la déontologie, les pratiques et les doctrines de maintien de l'ordre [Report prepared on behalf of the commission of inquiry into the state of affairs, ethics, practices and doctrines of law enforcement]*, 2021. Online: **https://www.assemblee-nationale.fr/15/rap-enq/r3786.asp** [accessed 23 April 2025].

181 See for example: Défenseur des droits [Defender of Rights], Decision No 2020-131, [accessed on 23 April 2025].

182 Défenseur des droits [Defender of Rights], *Contribution au sixième examen périodique de la France par le Comité des droits de l'Homme [Contribution to the sixth periodic review of France by the Human Rights Committee]*, September 2024, p.15.

characteristics and use of these weapons are opaque:[183] for example, grenade launchers are used differently by the police and the gendarmerie. No formal instructions have been established either by law or by trainers, who interpret them differently depending on the body, leading to dangerous practices and even mutilation, as was the case for Manuel Coisne, a protester during the yellow vest movement, who was blinded by a tear-gas grenade fired from a launcher in an irregular manner because it was too low.[184]

The presence of these weapons, even when they are not being used, also provokes a feeling of fear in people who see them. They fuel fears of participating in protests[185] and foster a culture of self-censorship: more and more people are giving up their right to protest, fearing these weapons and police violence.[186]

While it is difficult to accurately measure the trend in the number of protesters injured due to a lack of detailed public data, the resurgence of serious injuries and even mutilations during protests can only raise alarm about the obstacles to freedom of peaceful assembly and the physical integrity of protesters linked to the techniques and weapons used by police forces.[187] In 2023, the Defender of Rights condemned the fact that, although protecting freedom to protest is in principle a central objective of law enforcement, the measures actually implemented are often insufficient to guarantee the physical integrity of protesters.[188]

The kettling tactic

Disproportionate and repressive tactics, such as the use of kettling, a tactic used to surround protesters, are regularly employed against peaceful protesters or those who do not pose a threat to public order. According to the Defender of Rights, kettling consists of 'depriving several people of their freedom to move within or in the immediate vicinity of a protest by having the police surround them to prevent them from entering or leaving the defined perimeter'.[189]

Until 2020, kettling had no legal basis. France has, moreover, been condemned by the ECHR for this reason.[190] In 2020, kettling the net was included in the first French National Law Enforcement Framework (*Schéma national de maintien de l'ordre*, SNMO)[191] but was censored by the Council of State in June 2021 due to insufficient safeguards, as it was deemed 'likely to significantly affect the freedom to protest, discourage its exercise

183 See on the issue of firing grenade launchers: Luc Bronner, Pierre Bouvier and Marie-Béatrice Baudet, 'Enquête sur la formation alarmmante de la police française au lance-grenades Cougar [Investigation into the alarming training of French police in the use of Cougar grenade launchers]', *Le Monde*, 28 May 2023, Online: **https://www.lemonde.fr/societe/video/2023/05/28/enquete-sur-la-formation-alarmante-de-la-police-francaise-au-lance-grenades-cougar_6175228_3224.html** [accessed 23 April 2025].

184 Arthur Carpentier, 'Un policier responsable de l'éborgnement d'un «gilet jaune» en 2019 renvoyé devant la justice [Police officer responsible for blinding a "yellow vest" protester in 2019 to face prosecution]', *Le Monde*, 25 October 2024. Online: **https://www.lemonde.fr/societe/article/2024/10/25/le-policier-responsable-de-l-eborgnement-d-un-gilet-jaune-en-2019-renvoye-devant-la-justice_6359695_3224.html** [accessed 13 May 2025].

185 In 2023, according to a survey, 53% of French people were 'afraid' of going to trade union marches and being a 'victim of violence'. See: Anthony Berthelier, 'Contre la réforme des retraites, les Français soutiennent le mouvement social, mais ont peur de manifester [The French support the social movement against pension reform, but are afraid to protest]', *Huffpost*, 6 April 2023, online: **https://www.huffingtonpost.fr/politique/article/contre-la-reforme-des-retraites-les-francais-soutiennent-le-mouvement-social-mais-ont-peur-de-manifester_216213.html** [accessed 12 May 2025].

186 CNCDH, Opinion on the restriction of civic space: a major challenge for democracy and human rights, A-2025-7, 17 June 2025 p.25.

187 Arthur Dumas '+24,7 % de blessées graves, + 173 % de grenades : les chiffres officiels de la police qui montrent une répression toujours plus violente [+24.7% serious injuries, +173% grenades: official police figures show increasingly violent crackdowns]', *l'Humanité*, 6 February 2025. Online: **https://www.humanite.fr/societe/igpn/247-de-personnes-gravement-blessees-en-plus-la-repression-policiere-a-atteint-des-sommets-en-2023-selon-le-rapport-de-ligpn** [accessed 13 May 2025].

188 Defender of Rights, Activity Report 2023, 2024, p. 16. Online: **https://www.defenseurdesdroits.fr/sites/default/files/2024-03/ddd_rapport-annuel-activite-2023_20240325.pdf** [accessed 23 April 2025].

189 Défenseur des droits [Defender of Rights], *Le maintien de l'ordre au regard des règles de déontologie [Maintaining order under the rules of professional conduct]*, 2017, p. 39. Online: **https://www.defenseurdesdroits.fr/fr/rapports/2018/01/le-maintien-de-lordre-au-regard-des-regles-de-deontologie** [accessed 28 April 2025].

190 ECHR, 8 February 2024, *Auray and Others vs France*, Application No 1162/22.

191 Document published by the French Ministry of the Interior aimed at establishing the operational procedures for the maintenance of order by all internal security forces.

and undermine the freedom of movement'.[192] It was however approved in 2023[193] after its terms and conditions were clarified in a new SNMO in December 2021. According to the document, kettling may now be used if it is intended to prevent or stop serious and imminent violence, avoids the use of more dangerous techniques, provides a controlled exit point at all times, and remains strictly proportionate in terms of duration. It also requires continuous communication with the protesters and constant reassessment of the threat justifying its use.[194] The text as drafted carries with it the risk of arbitrariness. In fact, insofar as the police can use kettling to prevent violence, the authorities have a very wide margin of discretion. Law enforcement officers can therefore surround protesters for several hours as a preventive measure, even if there is no disturbance of public order.

In practice, kettling is often set up in conditions that clearly exceed this framework. During the movement against pension reform in 2023, this practice was used to prevent spontaneous protests from breaking out, to round people up en masse,[195] or to carry out identity checks.[196] During a protest in solidarity with the Palestinian people on 28 October 2023 in Paris, it was used for more than five hours to issue fines to all those who participated in the protest, which had been banned,[197] far exceeding the limits set by the SNMO.

Furthermore, kettling has repeatedly led to inhumane and degrading treatment, with protesters being locked up for hours without water, food or toilets, as was the case during the protests against the Total General Assembly on 24 May 2024,[198] which, according to the Bloom association, demonstrates 'the new turn in the crackdown on environmental protests'.[199] Kettling is sometimes made worse by the use of force, such as tear-gas in the middle of protests, when the protesters are unable to disperse.[200]

Thus, in practice, the weak legal requirements governing the use of kettling allow the police to use it for punitive rather than preventive purposes. The lack of a legal framework for kettling, as well as the way it is used on the ground, leads to significant infringements of the freedom to protest and the freedom of movement.

192 CE, 10 June 2021, No 444849, para 2 and 28

193 CE, 29 December 2023, *Ligue des droits de l'Homme et autres[Human Rights League and others]*, No 461513.

194 Schéma national du maintien de l'ordre [French National Policing Plan], December 2021, para. 3.1.4, p.25.

195 Antoine Albertini 'Réforme des retraites : pour Elias, Charlène et Etienne, l'interminable garde à vue de la nuit du 16 [Pension reform: for Elias, Charlène and Etienne, the interminable police custody of the night of the 16th],' *Le Monde*, 21 March 2023. Online: https://www.lemonde.fr/societe/article/2023/03/21/reforme-des-retraites-pour-elias-charlene-et-etienne-l-interminable-garde-a-vue-de-la-nuit-du-16_6166438_3224.html [accessed on 24 April 2025].

196 See Rapport annuel de l'Observatoire rennais des libertés publiques [Annual report of the Rennes Observatory of Civil Liberties], 2023, p.22, *op. cit*... Online: **https://www.ldh-france.org/wp-content/uploads/2024/05/Rapport-annuel-ORLIB-2023-2024_compressed.pdf** [accessed 30 April 2025].

197 AFP, 'A Paris, des milliers de participants à un rassemblement pro-palestinien interdit [In Paris, thousands of participants in a banned pro-Palestinian rally]', *L'Express*, 28 October 2023. Online: **https://www.lexpress.fr/societe/a-paris-des-milliers-de-participants-a-un-rassemblement-pro-palestinien-interdite-RZJYJDNFMJFFBJQT7QBNMASB34/?cmp_redirect=true** [accessed 24 April 2025].

198 Observatoire parisien des libertés publiques [Paris Observatory of Civil Liberties], *Des pratiques policières violentes et manifestement illégales, Blocage du bâtiment Amundi [Violent and clearly illegal police practices, Blockade of the Amundi building]* - 24 May 2024, Online: **https://site.ldh-france.org/paris/files/2024/06/Note-Amundi-1.pdf** [accessed 25 April 2025]; Rapport des observatoires des pratiques policières et des libertés publiques [Report by the Observatories of Police Practices and Civil Liberties,], *Contrôle, surveillance, punition : pratiques policières pendant la mobilisation contre les mégabassines [Control, surveillance, punishment: police practices during the protests against the mega-basins]*, 16 to 21 July 2024, p.35. Online: **https://www.ldh-france.org/wp-content/uploads/2025/06/RAPPORT_MEGABASSINES2024-1.pdf** [accessed 1 July 2025].

199 Interview with the delegation in charge of the FIDH international fact-finding mission, 11 March 2025.

200 See Fédération de Paris de la LDH, Note de synthèse : retour sur l'évacuation de la Gaîté Lyrique [Paris Federation of the LDH, Summary note: review of the evacuation of the Gaîté Lyrique], 18 March 2025 p.22. Online: **https://obs-paris.org/wp-content/uploads/2025/07/rapport_GL.pdf** [accessed 8 July 2025].

(4.2) Judiciary-driven law enforcement

For several years now, arrests have been central to law enforcement strategies, to the point of becoming a performance indicator, also known as a 'numbers game', highlighted in government and prefectural communications.[201] The number of arrests, police detention cases, or immediate court appearances is regularly cited as proof of effectiveness, pushing demands for de-escalation and respect for civil liberties into the background and leading to groundless police custody. This trend towards judicialisation, or the reliance on courts and judicial means, has been reinforced by circulars issued by the former Minister of Justice, Eric Dupont-Moretti, who recommended in 2021 that 'prosecutors must act, in coordination with the police, as early as possible'.[202]

This rationale favours a repressive approach to crowd management: an increasing number of officers untrained in this type of operation have been mobilised, primarily to carry out arrests, applying their own methods of intervention, which are often out of step with, or even contrary to, the principles usually applied in French law enforcement doctrine, such as keeping a safe distance,[203] which involves avoiding physical contact and delaying coercive action to minimise disruptive behaviour. Social distancing prioritised collective interventions, enhanced protective equipment and non-lethal means to minimise damage.[204]

More mobile units are being deployed to carry out these arrests,[205] and are replacing specialised crowd control units trained to quell violence. The actions of these units, such as the anti-crime brigade (BAC) or the motorised brigade against violent actions (BRAV-M), are regularly criticised for being excessive.[206] They intervene without taking into account the coherence of the overall law enforcement strategy, which fuels tensions.[207] These units are known to charge into crowds during protests and penetrate processions to extract individuals for questioning, often using batons, shields, or tear-gas. Once in the middle of the crowd to make arrests, they are exposed to the risk of being surrounded by demonstrators, increasing their likelihood of resorting to force to escape. The use of force, particularly tear-gas and crowd control grenades, during simple retreat manoeuvres has been frequently reported by observers. As highlighted by the Paris Observatory for Civil Liberties in its report on the May Day protest, 1 May 2023: 'each challenge produces conflictual situations, which in turn provide the grounds for subsequent challenges'[208]. The objective of arrest quotas and the policy of focusing on numbers therefore lead to unclear measures that encourage escalating tensions and can provoke confrontations.

The conditions under which the arrests were made raise serious concerns about respect for fundamental rights. The 2023 CGLPL report[209] on police custody during the protests against pension reform reveals that many of the people interviewed were clearly traumatised by the conditions of their arrest and detention. They reported physical violence by officers during their arrest, including baton

---

201 Un splendide isolement Les politiques françaises du maintien de l'ordre [A splendid isolation French law enforcement policies by Olivier Fillieule & Fabien Jobard], 24 May 2016. Online: **https://laviedesidees.fr/Un-splendide-isolement** [accessed 26 April 2025].

202 Circular on dealing with offences committed in connection with violent groups during protests, 22 April 2021

203 Marion Guémas, *Maintien de l'ordre en France, L'escalade de la violence est-elle inévitable? [Maintaining law and order in France: is escalating violence inevitable?]*, 2021. Online: **https://shs.cairn.info/revue-alternatives-non-violentes-2021-1-page-10?lang=fr** [accessed 21 April 2025].

204 ACAT-France, *Pratiques et conséquences du maintien de l'ordre en France, Note d'analyse adressée au Défenseur des droits dans le cadre de sa mission d'enquête relative au maintien de l'ordre [Law enforcement practices and consequences in France, Analysis note addressed to the Defender of Rights as part of his investigation into law enforcement]*, July 2017, p.3. Online: **https://www.acatfrance.fr/app/uploads/2024/10/pratiques-consequences-maintien-ordre-acat-france-2017.pdf** [accessed 26 April 2025].

205 The creation of the 'BRAV-M' (national police officers travelling on motorbikes), for example, was in response, according to Prefect Didier Lallement, to a new requirement for arrests.

206 See in particular: *[BRAV-M goes on the offensive against protests]* Rapport de l'Observatoire parisien des libertés publiques [Report by the Paris Observatory of civil liberties], April 2023. Online: **https://www.ldh-france.org/wp-content/uploads/2023/04/Rapport-BRAV-M-complet-12.04.2023.pdf** [accessed 24 April 2025].

207 Interview of the delegation in charge of the FIDH international fact-finding mission with the Office of the Defender of Rights, 13 March 2025.

208 Observatoire parisien des libertés publiques [Paris Observatory of Civil Liberties], *Escalade des violences et opération de communication [Escalation of violence and communication operation]*, 2023, p. 15 Online: **https://site.ldh-france.org/paris/files/2023/07/Rapport-OPLP-1er-May-2023-ESCALADE-DES-VIOLENCES.pdf** [accessed on 22 April 2025].

209 Contrôleur général des lieux de privation de liberté [Controller-General of Places of Deprivation of Liberty], *Enquête sur les mesures de garde à vue prises dans le contexte des manifestations contre la réforme des retraites [Investigation into police custody measures taken during protests against pension reform]*, 2023, *op. cit.*, p. 1.

blows and being pinned to the ground, and even insults and threats while waiting to be transported to a police station.

Such violence is in itself a violation of the rights of the victims, but it also has a profound deterrent effect on the exercise of the right to protest. These figures are all the more alarming given that many arrests are made as a preventive measure and are not based on actual or suspected offences. The use of violent and illegal arrests thus feeds a strategy of fear, producing widespread crackdown without necessarily having to resort to criminal conviction: the fear of arrest and police custody is enough to discourage participation.

Crackdown during the Olympic Games

The organisation of the Olympic Games in the summer of 2024 prompted an escalation in the use of control and repressive measures against protests. Arrests of activists for symbolic actions, preventive police custody and restrictions on media coverage of protest events were reported,[210] raising questions about respect for freedom of expression, protest and information in a climate of heightened security.

On 23 July, dozens of activists were arrested and taken into custody for putting up stickers against the Olympic Games in the subway.[211] On 24 July, six people were searched and detained for 60 hours, a period reserved for the most serious offences,[212] for throwing a water-based paint product at a civil aviation building on 1 May 2024 in protest against the use of 'flying taxis'. On 26 July, approximately 10 people were also placed in 'preventive' police custody even though they had not committed any offence.[213][214] On 27 July, journalists were kettled for an hour[215] and 60 activists were taken into custody[216] before they even started to build a barricade using bales of straw[217] to protest the Olympic Games, which the police described as an act of 'sabotage'. On 28 July, journalists were held in police custody for almost 10 hours for attempting to cover a 'symbolic visit' by activists to the damage caused by the Olympic Games in Seine-Saint-Denis.[218] On 10 August 2024, as members of a group of women footballers fighting for the right to wear the hijab in sport were cheering on a fellow participant in the 'Marathon for All', the closing event of the Olympic Games, they were stopped by the police because they were holding up signs reading '42 km for our forgotten French hijabis', 'Games for All' and 'Veiled and sporty'. The police began by conducting identity checks and then public body searches, their 'crime being to wave placards and therefore organising a protest'. The members of the association were taken into custody, searched and unveiled.[219]

---

210 ATTAC France, ' [France, already an Olympic champion in crackdown]', 29 July 2024. Online: **https://france.attac.org/actus-et-medias/salle-de-presse/article/la-france-deja-championne-olympique-de-la-repression** [accessed 23 April 2025].

211 *Ibid*.

212 Article 706-88 of the French Code of Criminal Procedure.

213 'JO de Paris 2024 : 45 militants interpellés avant l'organisation d'une action du mouvement Extinction Rebellion [Paris 2024 Olympics: 45 activists arrested before the organisation of an Extinction Rebellion protest]', *France info*, 27 July 2024. **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**

214 **https://x.com/RevOlympique/status/1817138646069244403** [accessed 29 April 2025]

215 **https://x.com/ArnaudCesarV/status/1817099379905364373**

216 'JO de Paris 2024 : 45 militants interpellés avant l'organisation d'une action du mouvement Extinction Rebellion [Paris 2024 Olympics: 45 activists arrested before the organisation of an Extinction Rebellion protest]', *op. cit*.

217 ATTAC France, *op. cit*.

218 **https://x.com/attac_fr/status/1817620514581467546**

219 Névil Gagnepain 'Huit femmes du collectif des Hijabeuses ont été placées en garde à vue en marge des JO [Eight women from the Hijabeuses collective were taken into custody on the sidelines of the Olympic Games]', *Mediapart*,16 August 2024. Online: **https://www.mediapart.fr/journal/france/160824/huit-femmes-du-collectif-des-hijabeuses-ont-ete-placees-en-garde-vue-en-marge-des-jo** [accessed 29 April 2025].

These measures, often justified by the authorities on the grounds of preventing public disorder, targeted non-violent or strictly symbolic actions. The use of exceptional policing measures during a large-scale international event appears to have had the effect of lowering the threshold for tolerance of public protest, including when it was exercised within the law. While restrictions on freedom of assembly may be permissible in exceptional circumstances whether for security, health or public order reasons, such restrictions must, if they are to be lawful, strictly meet the criteria of necessity, proportionality, limited duration and non-discrimination. Any measure that exceeds these requirements must be regarded as incompatible with the national legal framework, in particular the Constitution, and with France's international commitments on the protection of fundamental rights.

(4.3) Protest surveillance

Since 2023[220], the authorities have been able to issue orders for aerial surveillance of protests in the event of a serious threat to public order. Since then, drone surveillance has become widespread,[221] particularly during demonstrations.[222] In addition to aerial surveillance of protests, digital recording equipment is also used on the ground, including fixed cameras in public spaces, body cameras, and camcorders carried by police officers or agents of the Paris Police Prefecture . The Olympic Games also provided an opportunity to experiment with artificial intelligence on video surveillance cameras. While the United Nations Special Rapporteur on freedom of association and peaceful assembly[223] has reiterated that, except in cases of a crime in progress, authorities must avoid collecting visual data on participants in gatherings, in accordance with the principle of proportionality, it has been observed that surveillance measures have, on the contrary, become widespread, even in the absence of proven public order disturbances.

This dynamic also runs counter to the recommendations of the United Nations Special Rapporteurs, who call on States to mobilise digital technologies to strengthen, rather than hinder, the exercise of the right to peaceful assembly. In France, the growing use of surveillance tools illustrates, on the contrary, a logic of control, likely to produce a dissuasive effect on mobilisations.[224] The decision not to protest is mainly explained by the fear that their participation in protests perceived as controversial, divisive, militant or radical could later be exploited and have negative repercussions on their personal or professional lives.[225] The French National Consultative Commission on Human Rights (CNCDH) has pointed out that these measures, although legally regulated, can be tantamount to intimidation.[226]

220 Decree No 2023-283 of 19 April 2023

221 Arthur Carpentier and Léa Sanchez 'Comment la surveillance par drone s'est généralisée en 2024 : plus de 1 800 autorisations dans toute la France [How drone surveillance became widespread in 2024: over 1,800 authorisations across France]', *Le Monde*, 13 January 2025. Online: **https://www.lemonde.fr/les-decodeurs/article/2025/01/13/comment-la-surveillance-par-drone-s-est-generalisee-en-2024-plus-de-1-800-autorisations-dans-toute-la-france_6495939_4355770.html** [accessed on 28 April 2025].

222 Although the Constitutional Council has expressed reservations regarding the subsidiarity of the use of drones (see Decision No. 2021-834 DC of 20 January 2022) in view of the significant intrusion into the privacy of those under surveillance, this directive is rarely invoked by administrative courts (see order of the Rennes Administrative Court, 6 June 2023, No. 2302992; order of the Nice Administrative Court, 22 December 2023, No. 2306356-8; Rennes Administrative Court, 26 June 2025, No. 2303035).

223 Special Rapporteur on the rights to freedom of peaceful assembly and freedom of association, Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests, 31 January 2024, A/HRC/55/60, para. 39. 39.

224 CNCDH Opinion on surveillance of public space, 2024, para. 17; Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests, *op. cit*., para. 39 '*Any use of digital technologies to facilitate a protest should be solely aimed at enabling the right to freedom of peaceful assembly. Protests should not be seen as opportunities for surveillance or the pursuit of broader law enforcement objectives through the use of digital technologies.*'

225 Robin Medard Inghilterra, 'L'instauration d'une 'technopolice' administrative en milieu urbain : les droits et libertés sur un fil [The establishment of an administrative 'technopolice' in urban areas: rights and freedoms hanging in the balance]', *La Revue des Droits de l'Homme [Human Rights Magazine]*, 2024. Online: **https://journals.openedition.org/revdh/20912** [accessed 23 April 2025].

226 CNCDH, Opinion on surveillance of public space *op. cit*. para 17.

(4.4) Impunity for police violence

The lack of accountability of law enforcement agencies during protests in France is a structural problem, particularly due to chronic difficulties in identifying officers involved in unlawful violence. Despite the regulatory requirement to display their Identity and Organisation Reference (RIO)[227]) number in a visible location, many officers conceal this number or do not display it at all, without facing any effective sanctions. This situation contradicts the case law of the European Court of Human Rights[228] and the recommendations of United Nations Special Rapporteurs, who stress the importance of clear and individual identification of law enforcement officials as an essential element in protecting fundamental rights during protests.[229] In France, almost a third (30%) of investigations are closed down because it is impossible to identify the officers responsible for the violence.[230] In a decision dated 11 October 2023, the Council of State ordered the government to ensure that identification numbers are effectively worn and legible by law enforcement officers.[231] This court decision is currently not being implemented, though. In April 2025, the United Nations Committee against Torture also recommended that France reconsider the appropriateness of authorising law enforcement officials to use intermediate weapons and ensure that RIO[232] identification numbers are worn systematically and visibly.

Furthermore, the issue of how investigations into police violence are handled raises serious questions about the independence of oversight mechanisms in France. These are mostly handled by the General Inspectorate of the National Police (IGPN) and by the French General Inspectorate of the National Gendarmerie (IGGN) for gendarmes, two administrative bodies responsible for conducting investigations but with no power to impose sanctions, which is reserved for the hierarchy. These two bodies, while seen as the guardians of internal control over the security forces, are linked to the Ministry of the Interior and are made up almost entirely of police officers or gendarmes, which is a clear problem for their independence and impartiality. In practice, members of the same body investigate their colleagues.

This structure clearly contradicts the case law of the European Court of Human Rights, which requires that, in cases of allegations of ill-treatment by state agents, an investigation be opened promptly, conducted thoroughly, impartially, and transparently. The ECHR also requires that investigations be conducted in a fully independent manner, i.e. without any hierarchical, institutional or functional links to the officers concerned,[233] a point that the Committee against Torture has reiterated in its latest recommendations.[234]

According to the Magistracy Union,[235] when the facts are of a criminal nature and are the object of a judicial investigation, police officers receive different treatment before the courts: they are less often convicted than other defendants for similar offences, and when they are convicted, the sentences handed down are generally lighter.[236]

---

227 Article R434-15 of the CSI, order of 24 December 2013.

228 ECHR, *Anzhelo Georgiev and Others v Bulgaria*, No 51284/09, 30 September 2014, §73.

229 Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, 2 February 2016, A/C/31/66, §65.

230 Anne-Sophie Simpere, *[Police everywhere, justice nowhere?]*, Massot Éditions, 2023

231 Council of State, 11 October 2023, No 467771

232 Committee against Torture (CAT), *Concluding observations on the 8th periodic report of France: Committee against Torture*, CAT/C/FRA/CO/8, 22 May 2025, para. 28, p. 10 28, p. 10. Online: **https://tbinternet.ohchr.org/Assets/docx.gif** [accessed 23 April 2025].

233 ECHR, *El Masri v the former Yugoslav Republic of Macedonia*, No 39630/09, 13 December 2012, §91-92 and §184; ECHR, *Bouyid v Belgium*, No 23380/09, 28 September 2015, §116-121; ECHR, *Selmouni v France*, No 25803/94, 28 July 1999.

234 CAT, *op. cit*., para. 29, p. 11. 29, p. 11.

235 Interview by the delegation in charge of the FIDH international fact-finding mission with the Magritrates' Union (*Syndicat de la magistrature)*, 14 March 2025.

236 In 2019, public officials were prosecuted half as often as the general population for intentional violence. See: Nadia Sweeny 'Violences policières: toujours plus de mis en cause et toujours moins de poursuites [Police violence: ever more suspects and ever fewer prosecutions]', *Politis*, 22 December 2022. Online: **https://www.politis.fr/articles/2022/12/exclu-politis-sous-macron-plus-de-policiers-mis-en-cause-mais-moins-condamnes** [accessed 11 May 2025].

> *'There is a problem of bias within the institutions: a hierarchy of credibility between the word of the police officer and the word of the complainant in these procedures. There is a presumption of good faith with regard to police statements'.*

Judith Allenbach, Magistracy Union, Interview with the delegation in charge of the FIDH international fact-finding mission, 14 March 2025.

One of the main factors underlying this situation is that these cases are mostly handled by local courts within whose jurisdiction the officers in question work,[237] creating a problematic proximity between police officers and prosecutors, who often have daily working relationships with law enforcement agencies. The Magistracy Union also warns of an asymmetry of credibility in the way cases involving police officers are handled. In practice, the word of police officers seems to carry a great deal of evidential weight, severely limiting the admissibility of victims' complaints. It also manifests itself in de facto tolerance of certain irregularities, such as the alteration of reports,[238] a criminal offence as it constitutes forgery of public documents,[239] or contradictions in the statements of officers.[240]



Crédit: Anna Margueritat / Hans Lucas / Hans Lucas via AFP

Legend: France, Paris, 2022-02-12. Demonstration of the Freedom Convoy for its arrival in Paris on the Champs Élysées. A man films an interpellation by BRAV-M police officers.

(4.5) Police harassment of human rights defenders

Repressive measures taken by the police against certain categories of human rights defenders, including environmental activists and those supporting people in exile, constitute a strategy aimed at hindering their actions. These practices, which include physical violence, discriminatory controls and intrusive surveillance, raise important questions about respect for fundamental rights and the legitimacy of democratic means of expression.

Violence and endangerment: the case of the A69 occupation

In 2024, activists occupied trees in the Tarn region of south-west France as part of a civil disobedience action to protest against the construction of the A69 motorway, a project considered destructive to

237 Cases may also be 'transferred', i.e. moved to another jurisdiction for investigation, but such transfers remain marginal.

238 Nadia Sweeny, 'Police: le tabou judiciaire du faux en écriture publique [Police: the legal taboo of forgery of public documents]', *Politis*, 7 December 2022. Online: **https://www.politis.fr/articles/2022/12/police-le-tabou-judiciaire-du-faux-en-ecriture-publique/** [accessed 11 May 2025].

239 Article 441-4 of the French Criminal Code.

240 Interview by the delegation in charge of the FIDH international fact-finding mission with the Magistracy' Union (*Syndicat de la magistrature)*, 14 March 2025.

the environment. Their presence was also intended to challenge the legality of the work underway, which should have been suspended pending the Toulouse Administrative Court's decision on the environmental permit.

The A69 construction site was the scene of a particularly alarming crackdown. At the beginning of 2024, the police allegedly put in place practices amounting to deliberate sleep deprivation, lit fires and dumped flammable substances at the foot of three occupied trees - generating a serious risk of fire and poisoning - and prevented the supply of water to the people clinging to the trees.[241] In February 2024, the United Nations Special Rapporteur on environmental defenders under the Aarhus Convention, Michel Forst, came to document and raise awareness about human rights violations as part of this act of civil disobedience, particularly under Article 3 of the European Convention on Human Rights, which prohibits inhuman or degrading treatment, as well as the United Nations Convention against Torture.[242]

This harassment strategy continued in September 2024, when two activists were caught sleeping in trees in the middle of the night and fell to the ground after police intervened. One of them fell more than seven metres; another, who fell trying to escape, fractured several vertebrae.[243]

These serious human rights violations are part of a broader trend of crackdowns and the criminalisation of environmental protests in France, where non-violent actions are increasingly treated as threats to public order rather than legitimate expressions of democratic dissent.

Police harassment of migrants' rights defenders

Harassment and obstruction of people supporting people in exile is nothing new. Since the so-called 'refugee crisis' of 2015, a growing number of human rights defenders working with migrants, asylum seekers and refugees have been subjected to pressure and crackdowns by the authorities, within a broader context of criminalisation of migration and those who show solidarity with migrants.[244]

Police harassment of people supporting people in exile is part of a systemic deterrence strategy that attempts to hinder their actions through continuous pressure tactics, as outlined in a report by the Freedom of Association Observatory (*Observatoire des libertés associatives*)[245] and in a report by the Pas-de-Calais branch of LDH.[246]. Abusive identity checks, frequently targeted at volunteers, particularly when they are racialised or women, reflect a discriminatory application of police power. These practices, often accompanied by vehicle searches with no legal basis, create a climate of constant intimidation. By targeting individuals for their solidarity actions, law enforcement agencies are misusing security measures for the purposes of intimidation and crackdowns.

Beyond these practices in the field, harassment also infiltrates the personal lives of volunteers. Surveillance, checks near homes, and arbitrary fines are forms of surveillance and punishment that deter and shock protesters. These methods are not isolated abuses, but are part of an institutionalised strategy to repress support for those in exile.[247]

---

241 United Nations Regional Office for Western Europe (UNRIC), 'Écureuils mobilisés contre l'A69 : conclusions du rapporteur spécial de l'ONU [Squirrels mobilised against the A69: conclusions of the UN Special Rapporteur]', 2024. Online: **https://unric.org/fr/ecureuils-mobilises-contre-la69-conclusions-du-rapporteur-special-de-lonu/#:~:text=Depuis%20le%2015%20f%C3%A9vrier%202024,en%20eau%20des%20%C2%AB%20%C3%A9cureuils%20%C2%BB**. [accessed on 5 May 2025].

242 *Ibid*.

243 Carrette Justin, ' [Zad protesting against the A69 motorway: two more injured during a morning eviction]', Reporterre, 9 September 2024, online: **https://reporterre.net/Zad-contre-l-A69-deux-nouveaux-blesses-lors-d-une-expulsion-tot-ce-matin** [accessed 6 May 2025].

244 Several United Nations special procedures have questioned France on this subject. See in particular: United Nations, Special Procedures of the Human Rights Council, allegation letter AL FRA 9/2018, 4 October 2018. Online: **https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=24061** [accessed 29 July 2025].

245 Observatoire des libertés associatives [Association Freedom Observatory], *Au mépris des droits, Enquête sur la répression de la solidarité avec les personnes exilées aux frontières [In defiance of rights, Investigation into the crackdown on solidarity with exiled persons at borders]*, 2025. Online: **https://www.lacoalition.fr/IMG/pdf/rapport_v2.pdf** [accessed 6 May 2025].

246 Fédération du Pas-de-Calais de la LDH [Pas-de-Calais Federationof the Human Rights League], '*Les entraves systématiques à l'observation des pratiques policières à Calais par les pouvoirs publics [Systematic obstacles to the observation of police practices in Calais by public authorities]*' September 2024. Online: **https://www.ldh-france.org/wp-content/uploads/2024/12/Rapport-obs-Calais-VD.pdf** [accessed 1 July 2025].

247 Interview of the delegation in charge of the FIDH international fact-finding mission with Utopia 56, 13 March 2025 .

FOCUS

The criminalisation of environmental defenders in the fight against mega-irrigation reservoirs

For several years now, there has been growing opposition in France to plans for large irrigation reservoirs, commonly known as 'mega-basins', particularly in the Deux-Sèvres region. These are vast open-air artificial reservoirs designed to store water extracted from aquifers in winter for use in agricultural irrigation in summer. Supported by some farmers' unions as a tool for adapting to climate change, they are strongly opposed by many scientists, environmental groups, unions, and local elected officials. Critics point to the monopolisation of the resource for the benefit of a minority of intensive farms, their ecological impact and the circumvention of democratic consultation in their implementation.

Faced with the magnitude of these challenges, increasingly large-scale citizen movements have emerged. The first protests took place in 2017 and gained momentum in March 2022 with the 'Printemps maraîchin' movement, which attracted several thousand people. The movement gained national and international visibility with the protests in Sainte-Soline on 29 October 2022 and 25 March 2023, and the week of action from 16 to 21 July 2024 in several locations in Nouvelle-Aquitaine, organised by the *Bassines Non Merci* collective, the *Confédération paysanne*, *Les Soulèvements de la Terre* and other organisations. These protests, which were mostly non-violent although there were some clashes, led to unprecedented crackdowns.



Crédit: Christophe ARCHAMBAULT / AFP

Legend: Defendant and spokesman for the "Bassines non merci" collective Julien Le Guet (2R), speaks next to defendants and activists with Soulevements de la Terre Benoit Feuillu (4L) and Basile Dutertre (2L), defendant and representative of the Confederation paysanne Nicolas Girod (3R) prior to the start of their trial on September 8, 2023 in Niort, western France, for having organised rallies against the "bassines" in Sainte-Soline (Deux-Sevres), which were banned by the authorities.

Bans on demonstrations and accusations against trade unions

A turning point came in September 2021, when the Deux-Sèvres prefecture banned for the first time a planned protest against the reservoirs in Mauzé-sur-le-Mignon. Despite the ban, between 1,500 and 2,000 people marched, and clashes broke out at the end of the rally. A few months later, from 25 to 27 March 2022, the 'Printemps maraîchin' brought together several thousand protesters in the Deux-Sèvres department. Protests were prohibited in certain areas.

In October 2022, the protest in Sainte-Soline was completely banned. Seven separate orders were issued, drastically restricting any possibility of assembly. In addition to banning protests in ten municipalities, the authorities have prohibited the transport of arms or arms by destination, as well as the movement of vehicles with loudspeakers, festive musical gatherings, the sale and transport of fuel and fireworks, and the movement of agricultural machinery. These measures combined made it impossible to organise the event, from sound equipment to the marquee for the canteen.

Despite the ban, the Sainte-Soline protest went ahead. Against this background, the trade unions that had initially declared the protest to the prefecture before it was banned were prosecuted and convicted of organising an illegal protest, an offence punishable under Article 431-9 of the Criminal Code.[248] For the first time since the Second World War, the French General Confederation of Labour (*Confédération Générale du Travail*, CGT) was convicted, marking a historic break with the tolerance previously accorded to trade unions in their relations with the State.

In March 2023[249] and July 2024,[250] the authorities continued to enforce strict bans by setting up extremely large control zones, extending over several dozen kilometres, with systematic roadblocks, searches and identity checks, and confiscation of camping equipment.

Police violence and the human toll

The protests against the mega-irrigation reservoirs were met with an exceptionally intense crackdown, marked by massive and often illegal use of force. From October 2022 onwards the marchers in Sainte-Soline were blocked, tear-gassed and beaten with batons. Law enforcement officers surrounded the protesters and fired more than 3,000 grenades,[251] even though the objective was purely symbolic: to reach a crater at the site of a future reservoir that had not yet been built. So there was no infrastructure to protect, and no immediate threat of damage. In March 2023, crackdowns were stepped up even further: according to a report by the Observatory of Police Practices and Civil Liberties, the basin was defended like a fort, using military tactics to block access and make it impossible to enter.[252] This defensive posture led to massive use of grenades: more than 5,000 were fired in two hours. Some groups of protesters were indeed aggressive, but observers emphasised that the crackdown affected all of the marches, including peaceful protesters, and left hundreds injured, three of whom were in critical condition.[253] In July 2024, although the number of injuries may have fallen, the practices remain dangerous. Incandescent tear gas canisters were thrown to block protesters advancing across a field, falling to the ground and causing a massive fire on the edge of the crowds. The next

248 'The following is punishable by six months' imprisonment and a fine of €7,500:
1° Organising a protest on public roads without prior notice pursuant to the terms and conditions prescribed by law;
2° Organising a protest on public roads that has been banned pursuant to the terms and conditions prescribed by law;
3° Drawing up an incomplete or inaccurate declaration likely to mislead as to the purpose or terms and conditions of the planned protest.'

249 Rapport des observatoires des pratiques policières et des libertés publiques [Report of the Observatories on Police Practices and Civil Liberties], *Sainte-Soline 24-26 mars 2023 – Empêcher l'accès à la bassine, quel qu'en soit le coût humain [Sainte-Soline 24-26 March 2023 - Preventing access to the basin, whatever the human cost]*, 2023, p. 19. Online: **https://www.ldh-france.org/wp-content/uploads/2023/07/Rapport-final-10.07.23_DEF.pdf** [accessed 22 April 2025].

250 Mega-basin Report 2024 Control, surveillance, punishment: Police practices during the mobilisation against the mega-basins, 16 to 21 July 2024, p.51

251 Guy Pichard 'La répression, les menaces et intimidations s'accentuent contre les opposants aux mégabassines [Crackdowns, threats and intimidation increase against opponents of the mega-basins]', *basta!* 15 November 2022. Online: **https://basta.media/menaces-intimidations-repression-s-accentuent-contre-les-opposants-aux-megabassines-qualifies-d-ecoterroristes** [accessed 12 May 2025].

252 Observatories of Police Practices and Civil Liberties, *op. cit.*

253 *Ibid.*

day, explosive grenades were fired indiscriminately into a dense crowd with no means of escape, a particularly dangerous practice causing injuries and panic.[254]

Although there were some violent acts committed by a minority of protesters, the majority remained peaceful. However, the police response was not limited to those responsible for the abuse; it indiscriminately targeted all participants, including non-violent protesters, journalists, and independent observers.

The battle for information

One of the most striking dynamics in the State's management of the protests against the mega-irrigation reservoirs lies in the way the authorities have used communication to criminalise those demonstrating against the mega-basin projects. From the outset of the protests, the authorities deployed a communication strategy designed to instil in the public mind the idea that these demonstrations were inherently violent, even bordering on terrorism. On the eve of the mobilisation on 25 March 2023 in Sainte-Soline, Gérald Darmanin, then Minister of the Interior, declared: 'We will see extremely harsh images' referring to a mobilisation seeking to 'kill gendarmes and kill institutions'[255]. This anticipatory rhetoric prepares people for crackdowns, setting the scene for their severity. As the July 2024 mobilisation approached, he said he expected 'acts of great violence'[256]. Reducing the protest to its most radical elements, the rhetoric discourages public and institutional support and helps to isolate the movement.[257]

The authorities also published photographs of the seizures and included comments designed to cause concern or suggest violent intent. Journalist and law enforcement expert Maxime Sirvins has demonstrated that these communications are simply staged: after investigating the July 2024 protests, he revealed that a so-called 'arsenal' (consisting mainly of an axe, hammers, saws and knives) seized and displayed on social media by the prefect of Deux-Sèvres belonged to a local hunter who had no connection to the protests.[258].

This fear-based communication strategy employed by the authorities serves to justify and legitimise the crackdown on protests. Constructing an image of violent threats that is often distorted or exaggerated helps to delegitimise protesters and prepare public opinion to accept disproportionate coercive measures. This anxiety-inducing rhetoric has tangible effects, serving to justify unprecedented levels of policing. Thus, during the protests in July 2024, the authorities deployed the GIGN, an elite unit normally reserved for counter-terrorism or organised crime, to supervise environmental protests,[259] demonstrating the conflation of environmental protests with crime and even terrorism.

The authorities tend to hinder independent organisations or groups from observing police practices during demonstrations as a means of maintaining and controlling this narrative. During the Sainte-Soline protest in March 2023, the prefect of Deux-Sèvres and the prefect of Vienne refused to recognise the status of LDH observers[260] and to guarantee their protection, despite the international

254 Observatories of Police Practices and Civil Liberties, *Contrôle, surveillance, punition : pratiques policières pendant la mobilisation contre les mégabassines [Control, surveillance, punishment: police practices during the mobilisation against the mega-basins]*, 16 to 21 July 2024 p.31. Online: **https://www.ldh-france.org/wp-content/uploads/2025/06/RAPPORT_MEGABASSINES2024-1.pdf** [accessed 27 June 2025].

255 'Megabassines: Dans les Deux-Sèvres, plus de 3.000 policiers et gendarmes pour encadrer la manifestation ['Mega-basins: more than 3,000 police officers and gendarmes deployed to supervise the demonstration in Deux-Sèvres]', *20 minutes*, 24 March 2023. Online: **https://www.20minutes.fr/planete/4029433-20230324-mega-bassines-deux-sevres-plus-3-000-policiers-gendarmes-encadrer-manifestation** [accessed 6 June 2025].

256 'Mobilisation antibassines: Darmanin craint "des actes d'une très grande violence" lors d'un rassemblement mardi [Anti-basin mobilization: Darmanin fears "extremely violent acts" at a rally on Tuesday], *Le Parisien*, 15 July 2024. Online: **https://www.leparisien.fr/faits-divers/mobilisation-antibassines-darmanin-craint-des-actes-dune-tres-grande-violence-lors-dun-rassemblement-mardi-15-07-2024-7IG6ZML54RHMRCVF5EXHQH5ECQ.php** [accessed 6 June 2025].

257 Observatoires des pratiques policières et des libertés publiques [Observatories of Police Practices and Civil Liberties], *op. cit.*, p. 46.

258 **https://x.com/MaximeSirvins/status/1813931931522015244**

259 Observatoires des pratiques policières et des libertés publiques [Observatories of Police Practices and Civil Liberties], *op. cit.*, p. 52.

260 More generally, the French authorities regularly fail to meet their obligations to protect independent observers and frequently obstruct their efforts to inform the public. Observers are frequently denied access to protests with protective equipment, which is sometimes even seized. Observers are also taunted, provoked, repeatedly checked, physically and verbally intimidated, and even assaulted by law enforcement officers because of their mission. Many obstacles also include deliberately preventing observers from accessing certain areas so that they cannot observe. See LDH press release dated 8 July 2025, 'La LDH dénonce les entraves aux missions des observatrices et observateurs indépendants ! [The LDH condemns the obstruction of independent observers' work!'] Online: **https://www.ldh-france.org/la-ldh-condamne-les-entraves-aux-missions-des-observatrices-et-observateurs-independants/** [accessed 11 July 2025].

legal requirements to do so.[261] The regional committee of the Poitou-Charentes section of LDH wrote to the authorities on 15 March 2023 that the local Observatory of Civil Liberties was created and reiterated that observers' protective equipment must not be seized. On 22 and 23 March, the prefects replied that observers would be treated as protesters and governed by prefectural restrictions, with only accredited journalists being protected.[262] In summary proceedings, the administrative judge acknowledged that the role of citizen observatories had been recognised by the Council of State, but refused to suspend its implementation on the grounds that the observatory had been registered too late, without a charter or list of members, even though no such formalities are required under either international or domestic law.

In fact, the official state version contrasts sharply with that of independent observers. The report by theGeneral Inspectorate of the National Gendarmerie (IGGN) [263], published shortly after the events, maintains that the law enforcement agencies acted proportionately in the face of violent protesters equipped with mortars, Molotov cocktails and other projectiles. It portrays the intervention as strictly defensive. This version of events is contradicted, however, by the report published in July 2023[264] by the Observatory of Police Practices and Civil Liberties, which is based on data collected in the field. According to this report, the use of force was disproportionate, indiscriminate, and often directed at quiet areas, affecting wounded people, observers, elected officials, and even preventing the evacuation of seriously wounded people. Observers have shown that the authorities deliberately obstructed rescue efforts, which nearly cost the life of a protester.[265]

On the day the report was published, the Prefect of Deux-Sèvres issued a statement focusing exclusively on this accusation, denying any obstruction of emergency services and citing only 'the complicated context caused by the deliberate lack of communication on the part of the organisers of this unauthorised gathering'[266], without providing any concrete evidence to refute the documented facts.

Following this publication, LDH was violently attacked by the government and a commission of inquiry by the National Assembly[267] recommended that observer status be created to monitor who was exercising this mission, with a requirement that a list of members be sent to the prefectures. Although this recommendation was not followed by the government, it does demonstrate a desire to control and restrict the activities of observers.

The refusal to allow discussion on mega-irrigation reservoirs: from law enforcement to water management

The inability to engage in dialogue with the authorities is one of the clearest signs of institutional mismanagement of the conflict surrounding the mega-basins. Since 2016, collectives have been calling for a moratorium on construction sites so as to allow for an independent scientific assessment of their impact. This request, although ongoing and well-argued, has never been heeded, in breach of the Aarhus Convention, to which France is a party, which is based on the principles of access to information, public participation and access to justice.

---

261 See in particular Joint Guidelines on Freedom of Peaceful Assembly, *op. cit.*, para 204 et seq; UN Human Rights Committee, General Comment No 37, *op. cit.*, para 30.

262 Observatoires des pratiques policières et des libertés publiques [Observatories of Police Practices and Civil Liberties], *Empêcher l'accès à la bassine quel qu'en soit le coût humain [Preventing access to the basin, whatever the human cost]*, July 2023, p.7. Online: **https://www.ldh-france.org/wp-content/uploads/2023/07/Rapport-final-10.07.23_DEF.pdf** [accessed 22 April 2025].

263 Report N-018714 from GEND/CAB Gendarmerie nationale, 3 April 2023

264 Observatoires des pratiques policières et des libertés publiques [Observatories of Police Practices and Civil Liberties], *Empêcher l'accès à la bassine [Preventing access to the basin]*, *op. cit.*

265 *Ibid.*

266 LDH, 'Fonds de soutien aux médias d'information sociale de proximité [Official reactions to the publication of the report on Sainte-Soline]', July 2023, online: **https://www.ldh-france.org/reactions-officielles-a-la-publication-du-rapport-sur-sainte-soline/** [accessed 22 April 2025].

267 [French National Assembly, Report of the Commission of Inquiry into the structure, financing, resources, and methods of action of the small groups responsible for violence during the protests and gatherings that took place between March 16 and May 3, 2023, as well as into the conduct of these protests and gatherings], November 2023. Online: **https://www.assemblee-nationale.fr/dyn/16/rapports/cegrvimani/l16b1824-t1_rapport-enquete.pdf** [accessed 1 July 2023].

The refusal to engage in dialogue became abundantly clear after the October 2022 protest: the unions claimed that the prefect of Deux-Sèvres had broken off all contact with them, arguing that trade unions had no business interfering in irrigation issues.[268] This disqualification of collective actors is accompanied by a systematic rejection of scientific criticism. The widely contested report by the Office of Geological and Mining Research (*Bureau de recherches géologiques et minières*, BRGM) remains the sole reference, while independent expert opinions have been dismissed. During a trial, a judge gave researcher Julie Trottier, a specialist in the subject who had come to express her concerns about these projects, a terse response: 'That's your opinion', illustrating the institutional refusal to accept any challenge, however scientifically founded.

The attempt to dissolve Les Soulèvements de la Terre

A few days after the demonstration on 25 March 2023 in Sainte-Soline, the Minister of the Interior, Gérald Darmanin, announced that he was initiating proceedings to dissolve *Les Soulèvements de la Terre* collective, which had been blamed for the clashes between the police and opponents of the mega-irrigation reservoirs. The dissolution decree issued on 21 June 2023 accused the collective of 'inciting sabotage and property damage, including through violence, based on ideas promoted by theorists who advocate direct action and defend extreme measures, including confrontation with the police'.[269]

The decree is therefore based on paragraph 1 of Article L.212-1 of the Internal Security Code, which provides for administrative dissolution in the event of incitement to violence against persons or property. It is, however, incitement to damage property that is widely highlighted, rather than accusations of physical assault against the police. In a sase brought before the Council of State for abuse of power, the administrative tribunal cancelled the decree that dissolved the collective. The judge, in his decision of 9 November 2023, rejected the accusation that the collective had 'expressly incited violence against individuals'.[270] He does, however, admit that *Les Soulèvements de la Terre* was responsible for inciting acts of violence against property, but considers that these do not reach the level of seriousness required to justify dissolution proceedings. This decision provided an opportunity for the Council of State to reiterate that administrative dissolution 'can only be ordered, subject to review by the court for abuse of power, if it is appropriate, necessary and proportionate to the seriousness of the disturbances likely to affect public order.'[271]

While this decision is welcome insofar as it suggests recognition of the legitimacy of civil disobedience under French law, it nevertheless validates the use of administrative dissolution on the grounds of incitement to acts against property. There is therefore a degree of uncertainty regarding potential further dissolutions on these grounds, given the difficulty of anticipating where the administrative court will draw the line between symbolic action and serious damage to property.

Criminalising civil disobedience: widespread effects on associations

Following the protests in Sainte-Soline, numerous associations that had expressed their opposition to the mega-basins were harassed by the authorities. Several associations suspected of encouraging civil disobedience or supporting *Les Soulèvements de la Terre* have had their public funding challenged. Those based in the Poitou region have been particularly targeted, even ostracised.

Such is the situation for the French Association for Water Protection, Information and Research (*Association de Protection, d'Information et d'Études de l'Eau et de son Environnement*, APIEEE), which was excluded from the Water Resources Committee[272] as well as all local bodies involved in water management by the Deux-Sèvres prefecture. Before the mega-basins were built, the APIEEE

[268] Interview with the delegation in charge of the FIDH international fact-finding mission, 12 March 2025.

[269] Decree of 21 June 2023 dissolving a de facto grouping (Official Journal of 22 June 2023), Recital 3.

[270] French Council of State, Section, 9 November 2023, Decision No 476384, Recital 9.

[271] *Op. cit*, Recital 12.

[272] The Water Resources Committee is a State tool for discussion and consultation. It brings together the various water stakeholders involved in monitoring water resources and water management. It meets several times a year under the auspices of the prefect.

had been excluded from the scientific and technical committee set up under the memorandum of understanding on mega-irrigation reservoirs, led by the prefecture, for expressing reservations about the project. In November 2022, the association received notification that its annual grant had not been renewed by the Regional Academic Directorate for Youth, Engagement and Sport (*Direction régionale académique à la jeunesse, à l'engagement et aux sports*, DRAJES), which also demanded repayment of the amounts already received from 29 October, the date of the demonstration.[273]

Extending the use of intelligence techniques: the Demeter Unit

In January 2023, Julien Le Guet, spokesperson for the *Bassines Non Merci* collective, discovered a GPS device hidden under his vehicle. In March 2022, a surveillance camera installed outside his father's home (where some meetings of opponents to the mega-basins were held) had already been found under camouflage nets. In March 2023, several GPS tracking devices were discovered under the vehicles of other members of the movement, who also noticed the presence of a van equipped with a surveillance camera outside a meeting place.[274]

Although the legal framework within which these surveillance measures were taken has not been clarified by the authorities, it appears that the spying on environmental activists is the responsibility of the Demeter unit. Created in 2019 through a partnership agreement between the Ministry of the Interior and two agricultural unions -the French National Federation of Farmers' Unions (*Fédération nationale des syndicats d'exploitants agricoles*, FNSEA) and Young Farmers (*Jeunes Agriculteurs*), the Demeter unit is a special intelligence and investigation unit focusing on crimes against the agricultural sector. As part of the national gendarmerie, it is responsible for both preventing and monitoring criminal offences (burglaries, trespassing, etc.) and 'ideological actions'[275] against representatives of the agro-industry.

During the period in question, however, activities aimed at preventing and monitoring 'ideological actions' should have been suspended. In February 2022, the Paris Administrative Court ruled that these activities were illegal and asked the Ministry of the Interior to restrict the unit's remit to the first part.[276] In its decision of 7 November 2024, the Council of State nevertheless overturned the administrative court's ruling and confirmed the legality of the unit's remit to monitor 'ideological actions'.[277]

It should be noted, however, that the high court specified that since the Minister of the Interior did not challenge the part of the first instance judgment ordering him to end the unit's mission to prevent "ideological actions', this part of the judgment has become final. The Council of State's decision nevertheless leaves room for ambiguity, which is regrettable to say the least, as it does not specify what would fall under the prevention of these 'ideological actions' and what would fall under their monitoring. Adding to the confusion, the Council of State asserts that 'information gathering missions' aimed at 'better understanding the structure and methods of organisations acting legally in the name of environmental, animal rights and anti-speciesist causes' are legal, provided that they do not 'pursue any other purpose than the prevention of acts contrary to public order and the safety of property and persons'. On this basis, it is difficult to determine to what extent the cell's activities have actually been restricted.

However, the Council of State also specifies in its decision that the implementation of these tasks cannot be intended to 'intimidate or dissuade the expression or sharing of opinions, even radical ones'. In any event, it appears that the surveillance of the aforementioned environmental activists has significantly contributed to intimidating the individuals and movements concerned and appears to be part of a criminalisation process that seriously undermines freedom of expression, freedom of association and freedom of peaceful assembly.

---

273 Interview with the delegation in charge of the FIDH international fact-finding mission, 12 March 2025.

274 Interview with the delegation in charge of the FIDH international fact-finding mission, 12 March 2025.

275 See the press kit relating to the launch of the Demeter unit, available on the French Ministry of the Interior website. Online: **https://www.interieur.gouv.fr/Archives/Archives-ministres-de-l-Interieur/Archives-Christophe-Castaner/Dossiers-de-presse/Presentation-de-DEMETER-la-cellule-nationale-de-suivi-des-atteintes-au-monde-agricole** [Accessed 11 May 2025]

276 Tribunal administratif de Paris [Paris Administrative Court], 1 February 2022, No 2006530, 2018140/3-1.

277 Conseil d'État [Council of State], 5th-6th joint chambers, 7 November 2024, No 488664.

5. Physical and verbal attacks on civil society representatives by non-state actors

(5.1) Agricultural violence against environmental defenders

In recent years, there has been an upsurge in attacks and threats against environmental defenders, as well as small-scale producers practising sustainable agriculture and fish farming, by private actors, in particular representatives of the fishing, hunting and large-scale farming industries. These attacks should be viewed in the broader context of crackdowns against them, in which the rhetoric of government officials plays an important role. The 'enemy within' narrative fuelled by public authorities, which label environmental activists as 'eco-terrorists', seems to legitimise attacks carried out by non-state actors. 'Conveying the idea that environmental protesters are criminals encourages violent behaviour towards them,' warns Michel Forst, the United Nations Special Rapporteur on environmental defenders under the Aarhus Convention.[278]



Crédit: Adrien Auzanneau / Hans Lucas / Hans Lucas via AFP

Legend: Banner, "Ecoterrorist NO, Guardian of the Earth YES" in St-Colomban, France on September 28, 2024. Protest La tête dans le sable et les Soulèvements de la terre In Saint Colomban, south of Nantes, the bocage and farmland are being destroyed to make way for sand extraction and industrial market gardening.

On the fringes of the protests against mega-basins in Sainte-Soline, numerous attacks were reported against members of *Les Soulèvements de la Terre* and *Bassines Non Merci*, who reported receiving numerous death threats by mail, telephone and on social media. In November 2022, an anti-basin activist was beaten up at his home by two unidentified men, who insulted him with explicit references to his commitment to opposing reservoirs.[279] At the time of writing, no action had been taken in response to the complaint filed by the activist. The Confédération paysanne, a farmers' union opposed to the mega-basins and working for a more environmentally-friendly form of agriculture, has also been the target of threats and attacks. In the Deux-Sèvres department, a union representative from the FNSEA, which is associated with the pesticide lobby and acts as the government's main point of contact on agricultural issues,[280] posted a message on Facebook calling for the farm of **Benoît Jaunet**, spokesperson for the

278 Position paper by Michel Forst, UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, 'State repression of environmental protest and civil disobedience: a major threat to human rights and democracy', *op. cit.*, p.10.

279 Interview by the delegation in charge of the FIDH international fact-finding mission with members of the Bassines Non Merci collective, 12 March 2025.

280 See in particular Les Amis de la Terre France [Friends of the Earth France], 'Pourquoi la FNSEA fait 'front commun' avec le lobby des pesticides [Why the FNSEA is forming a "united front" with the pesticide lobby]', 13 February 2024. Online: **https://www.amisdelaterre.org/actu-groupe-local/pourquoi-la-fnsea-fait-front-commun-avec-le-lobby-des-pesticides/** [accessed 5 June 2025].

Confédération Paysanne farmers' union, to be set on fire. In March 2022, his predecessor was slapped and insulted while attending the Agricultural Trade Show (*Salon de l'Agriculture*) by members of the Rural Coordination (*Coordination Rurale*), an agricultural union associated with the far right.

According to information gathered during this investigation, several threats to the physical integrity of protesters by members of the Rural Coordination were recorded on the fringes of the 'Water Village', a week of protests and demonstrations against water reservoirs that took place in the municipality of Melle in July 2024. During this event, unidentified individuals also entered the camp at night and dragged tents containing activists several metres, injuring several of them.

For its part, *France Nature Environnement* (FNE), the French federation of nature and environmental protection associations, reports having recorded 45 attacks within its movement between 2019 and 2024.[281] On 22 March 2023, the home of **Patrick Picaud**, a representative of *Nature Environnement 17*, was ransacked by farmers who were members of the FNSEA. In addition to dumping tyres, pipes and manure on his property, the farmers allegedly threatened, insulted and physically assaulted his wife. In October 2024, waste was dumped outside the home of the president and treasurer of Saint Junien Environnement, a member of *FNE Limousin*. The Rural Coordiantion claims responsibility for these acts of intimidation[282].

Several attacks also targeted the offices of FNE branches, for which farmers' unions, such as the FNSEA, Young Farmers and Rural Coordination claimed responsibility. In November 2024 alone, five FNE member associations were targeted. The *FNE Tarn-et-Garonne* entrance was broken down and trash was dumped in front of their offices. At the beginning of the year, the premises had already been vandalised and covered with threatening graffiti. Tyres were dumped in front of the entrance to the Manche Nature premises. The premises of the Alpine Society for Nature Protection (*Société Alpine de Protection de la Nature*, SAPN) were walled up while employees and volunteers were inside. On several occasions, the premises of *FNE Occitanie Pyrénées* have also been vandalised. Indre Nature was violently intimidated when, after a protest, farmers dumped straw, stones and manure in front of the association's offices, where they tried to break in by threatening employees.

Far from being an exhaustive list, these attacks appear to be carried out with complete impunity. When questioned on this issue by the European Economic and Social Committee following its visit to France in November 2024, the government responded that 'attacks on environmental defenders are met with a firm and appropriate response'[283]. However, according to activists and associations concerned, almost all of their complaints have been dismissed, which may explain why they are increasing in number, as perpetrators can feel that they will not be held accountable. In fact, by setting up the Demeter Unit in partnership with FNSEA and Young Farmers to prevent alleged attacks by environmental activists against the agricultural sector, the message is clear regarding the government's priorities. While attacks by agricultural unions against environmental defenders are on the rise, there is no equivalent mechanism to prevent or punish them.

(5.2) Threats and attacks from the far right

Between the two rounds of the 2024 legislative elections -which followed the dissolution of the French National Assembly by the President of the Republic after the National Rally won the European elections -, a blacklist of nearly 100 lawyers was published on the *Réseau libre* website. The far-right website, hosted in Russia, called for them to be eliminated after they signed an open letter against the National Rally published in the newspaper *Marianne*. The President of the Paris Bar, **Pierre Hoffman**,

[281] Interview with the delegation in charge of the FIDH international fact-finding mission, 11 March 2025.

[282] See the organisation's publication on the Facebook social network on 18 October 2024: **https://www.facebook.com/100067453875523/posts/871725955085859/?mibextid=WC7FNe&rdid=Kg7Iq8m60GDGW8Bb** [accessed 24 July 2025].

[283] European Economic and Social Committee, Fundamental Rights and the Rule of Law, Report on the visit to France, *op. cit.*, p.15.

is singled out as 'the first to fall.'[284] In the days that followed, the list was expanded to include several left-wing politicians, journalists and activists who would be shot 'in the back of the head'.[285] These included journalist and author **Salomé Saqué** and environmental activist **Camille Étienne**. Numerous complaints have been filed and an investigation (still ongoing) has been launched.

Meanwhile, the summer of 2024, overshadowed by the European elections, the dissolution of the National Assembly and the subsequent legislative elections, was marked by an upsurge in violence attributed to the far-right. During the election campaign, around 50 candidates or activists were reportedly physically assaulted, mostly by supporters of the National Rally. A rise in racist attacks was also observed during this period.[286]

Unsurprisingly, physical and verbal attacks also targeted human rights defenders, particularly those promoting the rights of women and sexual minorities, the rights of exiled persons, and anti-racist organisations, i.e. all issues traditionally associated with 'wokeism.

La Cimade, an association that defends the rights of migrants and refugees, was a particular target. Following the murder of a French teacher in Arras in October 2023, the associations that had rallied in 2014 against the deportation of the alleged perpetrator's family were the target of a wave of violence.[287] In addition to the offensive articles published in the media, *La Cimade* has received numerous threatening letters and messages on social media calling for the murder and rape of its employees. The association's premises in Nantes were targeted by hateful graffiti. *La Cimade* claims that it was not informed of the outcome of the complaint filed against X following these threats.[288]

The far-right collective *Némésis*, which uses feminism to promote a racist and identity-based rhetoric, has also targeted the association defending people in exile. In December 2023 in Lille, the collective unfurled a banner calling for the withdrawal of subsidies granted by the city council to the association, which it accused of 'complicity with criminals'. A defamatory video was also allegedly posted by the group accusing *La Cimade* of promoting the welcoming of 'Afghan rapists'. At the time of writing, no action had been taken on the defamation complaints filed by the association against the *Némésis* collective.

Feminist organisations and defenders of the rights of the LGBTQIA+ population are also among the far-right's favourite targets. Following the publication in August 2022 of a poster featuring a photo of a pregnant man, the Family Planning (*Planning familial*) organisation has come under fire from various quarters.[289] Far-right sympathisers have posted numerous threats and insults on social media. The Twitter account (now X) of the far-right party *Reconquête* immediately posted a transphobic message condemning the 'delusions' of the Family Planning and calling for the withdrawal of its public funding.

Since then, the organisation's premises have been regularly vandalised. In February 2023, the Family Planning centre in Gironde was targeted twice by the far-right group Identitarian Direct Action (*Action directe identitaire*), which covered the façade with anti-abortion messages.[290] The organisation's premises in Lille were also vandalised.[291] The organisation, which says it is used to attacks from anti-

---

284 Jacques Pezet, 'Qui se cache derrière 'Réseau libre', ce site qui appelle à éliminer des avocats s'opposant au RN [Who is behind "Réseau libre", the website calling for the elimination of the lawyers who oppose the National Rally?]', *Libération*, 4 July 2024. Online: **https://www.liberation.fr/checknews/qui-se-cache-derriere-reseau-libre-ce-site-qui-appelle-a-eliminer-des-avocats-sopposant-au-rn20240704_PQ5WUA4EQFAYDL7SOOPZW4SYVQ/?redirected=1** [accessed 13 May 2025].

285 Salomé Saqué, Résister, *op. cit*., p.5

286 'Législatives 2024 : agressions, insultes racistes, menaces de mort… Un entre-deux-tours émaillé de violences et de tensions [2024 legislative elections: assaults, racist insults, death threats… A period between the two rounds marred by violence and tension]', *France Info* with AFP, *France Télévisions*, 5 July 2024. Online: **https://www.francetvinfo.fr/elections/legislatives/legislatives-2024-agressions-insultes-racistes-menaces-de-mort-un-entre-deux-tours-emaille-de-violences-et-de-tensions_6647193.html** [accessed 13 May 2025].

287 Interview with the delegation in charge of the FIDH international fact-finding mission, 10 March 2025.

288 The complaint was lodged by the city of Nantes, which owns the premises.

289 Interview with the delegation in charge of the FIDH international fact-finding mission, 13 March 2025.

290 See Family Planning press release, 'Les locaux du Planning familial de la Gironde attaqués par l'extrême droite [The premises of the Gironde Family Planning Centre attacked by the far right]', 14 February 2023. Online: **https://www.planning-familial.org/fr/le-planning-familial-de-gironde-33/le-planning-familial/les-locaux-du-planning-familial-de-la** [accessed 14 May 2025].

291 'Nord: le Planning familial de Lille cible de tags et de dégradations, une plainte déposée [North: Family planning centre in Lille targeted by graffiti and vandalism, complaint filed]', *France Info*, 22 February 2024. Online: Nord: le Planning familial de Lille cible de tags et de dégradations, une plainte déposée [accessed on 20 May 2025].

abortion groups and anti-abortion messages, has nevertheless reported a surge in intimidation and smear campaigns against it in recent years.[292]

Far-right groupuscules were also active during the protests. In March 2023, the newspaper *Libération* claimed to have recorded 'nearly fifteen violent acts perpetrated by far-right activists against opponents of pension reform'[293] in two weeks, particularly against trade union representatives and students mobilised during the protests. The attacks are claimed by violent radical far-right youth groups such as the *Ratons nationalistes*, the *Cocarde étudiante*, and the *Groupe union défense* (GUD), which was disbanded in June 2024 by the Ministry of the Interior.

In light of these various forms of violence perpetrated by private actors against associations and protesters, the French authorities are obliged to intervene. State authorities cannot limit themselves to a mere duty of non-interference to guarantee the effective right to freedom of association and peaceful assembly. As the United Nations Human Rights Committee has pointed out, respect for these rights is only guaranteed 'if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights'. As a result, '[t]here may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.'[294] In other words, by spreading hostile rhetoric against associations and protesters and by failing to prosecute the alleged perpetrators of physical and verbal attacks following effective, thorough and independent investigations,[295] the State is violating its citizens' freedom of association and freedom of assembly.

6. Restrictions and challenges facing civil society organisations in accessing funding

(6.1) 'Not a single euro of public money for the enemies of the Republic'

In recent years, when the authorities have publicly attacked civil society organisations, the stigmatising rhetoric has almost invariably been accompanied by threats to withdraw the public subsidies granted to them, regardless of whether or not these authorities are responsible for allocating public funding to the voluntary sector. The slogan 'Not a single euro of public money for the enemies of the Republic', popularised in late 2020 by Marlène Schiappa, then Minister Delegate for Citizenship, and taken up by several politicians,[296] is indicative of this demand at the highest levels of the executive branch for oversight of the funding received by associations, the management of which had previously been largely decentralised. This trend raises serious concerns about how different associations are treated when it comes to receiving public funding, depending on whether they criticise the policies put in place by the authorities.

---

292 Interview, *op. cit.*

293 Pierre Plottu and Maxime Macé, 'L'extrême droite a commis une quinzaine d'agressions contre les opposants à la réforme des retraites [The far right has committed around fifteen attacks against opponents of the pension reform.]', *Libération*, 31 March 2023. Online: **https://www.liberation.fr/politique/lextreme-droite-a-commis-une-quinzaine-dagressions-contre-les-opposants-a-la-reforme-des-retraites-20230331_FOAZW42W2BEBJNFZ2XDDFZU2YE/?redirected=1** [accessed 14 May 2025].

294 Human Rights Committee, General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant - CCPR/C/21/Rev.1/Add.13, 26 May 2004, para. 8.

295 ECHR, *Ouranio Toxo and Others v. Greece*, 2005, para. 43.

296 See Antonio Delfini and Julien Talpin, 'Les ennemis imaginaires de la République. Répression associative, islamophobie et dérives de l'antiterrorisme [The Imaginary Enemies of the Republic. Crackdown on Associations, Islamophobia, and the Excesses of Anti-terrorism]', *Mouvements*, 17 February 2022. Online: **https://mouvements.info/les-ennemis-imaginaires/** [Accessed 23 April 2025]

The Marianne Fund affair

In April 2021, following the assassination of Samuel Paty and alongside the adoption of the separatism law, Marlène Schiappa announced the establishment of a €2.5 million public fund to finance online actions aimed at combating separatism and producing a 'republican counter-narrative'. 17 associations were selected as part of the call for proposals. Following media revelations about the problematic management of this fund, a senate commission of inquiry was set up. Its findings, made public in July 2023, point to interference by the minister's office in the processing of grant applications, its active role in the selection process, and the political responsibility of Marlène Schiappa and her office for exceeding their role.[297]

The commission of inquiry highlights, in particular, the terms and conditions under which funding was allocated to the Federated Union of Physical Education and Military Preparation Societies (*Union fédérative des sociétés d'éducation physique et de préparation militaire*, USEPPM)), which 'had no significant experience in combating separatism'[298] and whose director of operations appears to have been involved in the programme even before submitting the application. In addition, the €335,000 grant awarded to its "iLaïc" project allegedly led to the funding of content that was used in organised cyberbullying against figures critical of government policies, in the midst of the election campaign ahead of the 2022 presidential elections. Feminist journalist and author **Lauren Bastide** has been targeted for her criticism of restrictions imposed on women wearing headscarves in public spaces.[299] At the same time, the association *SOS Racisme*, whose project had been shortlisted for a grant, was ultimately excluded from the process on the minister's personal recommendation following criticism levelled at her by the association's president.[300]

The revelations about the opaque management of the Marianne Fund were the catalyst for the National Financial Prosecutor's Office to start an investigation into 'negligent misappropriation of public funds,' 'breach of trust,' and 'illegal taking of interest.' At the time of writing, investigations are ongoing.

Prefects, local authorities and the Agreement to respect the principles of the Republic

Two years after its creation, the female senators who authored the information report on the application of the law strengthening respect for the principles of the Republic gave an unsatisfactory assessment of the implementation of the CER, arguing that 'state services have not sufficiently used this new tool.'[301] A number of questions have been raised about the usefulness of the mechanism. Firstly, it should be noted that subsidies were already granted at the discretion of the administration and could already be withdrawn under Article L. 242-2 of the Code of Relations between the Public and the Administration in the event of non-compliance with the terms and conditions under which they were granted. Furthermore, the new provisions introduced by the CER require that refusals or withdrawals of subsidies be justified on this basis, which has led to appeals before the administrative courts against the prefectures and local authorities responsible for these decisions.

However, these conclusions, which would downplay the consequences of the introduction of the CER, are misleading. Indeed, the involvement of prefectures in relations between associations and local authorities – municipalities, departments and regions – which account for nearly a third of the funding for associations,[302] is necessarily detrimental to the latter. Firstly, it should be noted that the primary responsibilities of prefectures are to maintain public order and ensure safety. The prefecture's view of the rhetoric and actions of associations is therefore heavily influenced by security considerations,

297 Senate Finance Committee, Information Report No. 829 (2022-2023), Volume I, tabled on 4 July 2023, pp. 3-4.

298 *Ibid*, p.11.

299 Lucie Delaporte, David Perrotin and Antton Rouget, 'Fonds Marianne: 'ils savaient qu'ils allaient déclencher du cyberharcèlement [Marianne Fund: they knew they were going to trigger cyberbullying]', *Mediapart*, 13 June 2023. Online: **https://www.mediapart.fr/journal/france/130623/fonds-marianne-ils-savaient-qu-ils-allaient-declencher-du-cyberharcelement** [accessed on 23 April 2025]

300 Senate Finance Committee, *op. cit*., pp. 45-46.

301 Commission des lois du Sénat, Rapport d'information n°383 (2023-2024), déposé le 6 mars 2024, p. 15 [Senate Law Commission, Information Report No. 383 (2023-2024), filed on 6 March 2024, p. 15].

302 See Opinion of the Economic, Social and Environmental Council, 'Strengthening the financing of associations: a democratic emergency', 28 May 2024, p. 26.

which risks leading to systematic bias against associations perceived as protesting or critical of public policy. Furthermore, this tool legitimises stricter control over associations and its very existence acts as a deterrent to associations, which have come to accept the idea that they risk financial reprisals if their positions are deemed too "militant" (*see section 1. The development of legislative arsenal as deterrent*).

> *« The CER is like using a sledgehammer to crack a nut »*

Antonio Delfini, Research Officer, Freedom of Association Observatory, Interview with the delegation in charge of the FIDH international fact-finding mission, 10 March 2025.

In fact, among the roughly 30 cases recorded by the Freedom of Association Observatory,[303] the involvement of associations in causes repudiated by the public authorities is regularly the reason for the withdrawal or refusal of subsidies on the grounds of alleged non-compliance with the CER. Apart from the situation of *Alternatiba Poitiers* and APIEEE, mentioned in the previous sections, several other associations have been criticised for supporting environmental movements in the fight against mega-reservoirs. The Arlette Moreau theatre company is one such example. In 2023, it lost a grant from the Regional Directorate for Women's Rights and Equality (*direction régionale aux droits des femmes et à l'égalité*, DRDFE), with which it had been working for several years. Yet, the regional authorities had already granted a subsidy for the same project, which aimed to raise awareness of gender-based and sexual violence, and had pledged its support for a new funding application to continue this work. The reason given by the DRDFE is as follows: the activity report submitted to the application refers to 'militant commitments that do not comply with the laws of the Republic as recorded in the CER'. Among the projects detailed in the activity report, the theatre company presented a street performance in Poitiers in October 2022, alongside the Sainte-Soline event, which highlighted the issue of water appropriation by the agricultural industry. In light of other cases of grant refusals and withdrawals in the region related to the fight against mega-irrigation reservoirs the company and its lawyer are convinced that the prefecture is behind the accusation of non-compliance with the CER because of this performance.

In the case of the Arlette Moreau company, the explicit invocation of the CER allows the organiation to challenge the grounds for the decision. An appeal was lodged with the Bordeaux Administrative Court, which is still being examined. In this regard, the cultural and artistic sector is particularly vulnerable in terms of access to public funding, as local authorities can easily refrain from formally mentioning the CER by arguing that the assessment of artistic quality is subjective when reviewing applications. However, in most cases, they simply report a lack of funds.

The situation of the Brest-based community media outlet *Canal Ti Zef* is also particularly indicative of the shift that has been taking place with the prefect's intrusion into the relationship between associations and local authorities since the CER was established.[304] In early 2023, *Canal Ti Zef* submitted a grant application to the Fund for the development of community life (*fonds pour le développement de la vie associative*, FDVA), which was approved by the regional FDVA joint committee on 7 June of the same year. Six months later, in December 2023, the community media outlet was nonetheless notified that the grant had been refused "following a decision by the Prefect of Finistère'. Once the decision to award the grant had been made by the departmental and regional committees, the prefect had to formalise it by issuing an allocation order. After being contacted by the association, the sub-prefecture informed *Canal Ti Zef* that the subsidy had been cancelled on the grounds that certain aspects of the association's operations were incompatible with its commitments under the CER. The issue appears to be the association's support for the cultural squat *L'Avenir*, which was evacuated by the police and destroyed in July 2023. Three other Brest-based associations (*Radio U*, *Ekoumène* and *Patronage*

[303] See the interactive map on the website of the Observatory of Associative Liberties. Online: **https://libertesassociatives.org/type-entrave/financieres-materielles/**

[304] *Ibid*. See also Jérome Hourdeaux 'Le contrat d'engagement républicain, outil de mise au pas du monde associatif [The Agreement to Respect the Principles of the French Republic: a tool for bringing the voluntary sector into line]', *Mediapart*, 16 May 2024. Online: **https://www.mediapart.fr/journal/france/160524/le-contrat-d-engagement-republicain-outil-de-mise-au-pas-du-monde-associatif** [Accessed 24 April 2025]

laïque Guérin), which had publicly supported the cultural squat, also had their subsidies cancelled by the prefecture.

Faced with pressure from prefectures, some local authorities, such as city councils, have shown strong support for associations and have not hesitated to stand up to prefects who have attempted to interfere in their decisions regarding the funding of associations. By way of illustration, it was because the Green Party mayor of Poitiers, Léonore Moncond'huy, refused to withdraw the subsidy granted to *Alternatiba Poitiers*, as requested by the Prefect of Vienne, that the latter brought the matter before the administrative court. Nevertheless, while there are fears that other local authorities will be more compliant in order to avoid conflict with the prefecture, some are taking advantage of the CER themselves to put pressure on associations. As such, associations are greatly affected by political changes within local authorities.

Some Family Planning centres were particularly hard hit. Faced with multiple subsidy cuts and the closure of numerous sexual health centres, the association is taking action and has incorporated the need to respond to attacks on freedom of association into its strategic plan. However, it acknowledges that it must adapt to certain municipalities, at the risk of resorting to a form of self-censorship. The Alpes-Maritimes Family Planning centre claims that it was warned in advance that a grant application would be rejected if inclusive language was used in the application. The association condemns the 'untenable' situation of reconciling its commitments with the need to obtain sufficient funds to support those in need. More broadly, the organisation deplores how civil society is being exhausted from the use of the CER: 'We're wasting an incredible amount of time just to ensure our survival, when that energy should be devoted to our beneficiaries.'[305]

The Regional Council has announced that it will no longer provide subsidies to Family Planning associations in the Pays de la Loire region from 2025 onwards.[306] In November 2024, the president of the region announced massive budget cuts that would primarily affect human rights organisations and the cultural sector, jeopardising the survival of many organisations and creating uncertainty for the entire voluntary sector regarding the continuity of its activities.

Witch hunt on the Plateau de Millevaches

The Plateau de Millevaches, covered by the departments of Creuse, Corrèze and Haute-Vienne, is a unique area whose identity is marked by its rich community life (32 associations for 460 inhabitants in the municipality of Faux-la-Montagne). However, since the Tarnac affair,[307] which led to a highly political trial on terrorism charges following the sabotage of railway lines, the Plateau de Millevaches seems to have been misrepresented by politicians, who perceive this historically committed territory as a dangerous place.

[305] Interview by the delegation in charge of the FIDH international fact-finding mission with representatives of Family Planning association, 13 March 2025.

[306] Family Planning press release, 'Suppression des subventions du Conseil Régional en Pays de la Loire [Removal of subsidies from the Regional Council in the Pays de la Loire region]', 25 November 2024. Online: **https://www.planning-familial.org/fr/le-planning-familial-de-maine-et-loire-49/le-planning-familial/suppression-des-subventions-d** [Accessed 23 April 2025]

[307] 'Retour sur l'affaire dite "de Tarnac" avec Julien Coupat et Mathieu Burnel [A look back at the so-called 'Tarnac affair' with Julien Coupat and Mathieu Burnel]', *France Inter, L'humeur vagabonde*, 17 February 2018. Podcast available online on the Radio France website: **https://www.radiofrance.fr/franceinter/podcasts/l-humeur-vagabonde/retour-sur-l-affaire-dite-de-tarnac-avec-julien-coupat-et-mathieu-burnel-9731205**.

This is certainly suggested by the over-representation in the region of CER-related cases of restrictions on freedom of association. In August 2023, the newspaper *Le Monde* revealed the existence of a 'blacklist' of organisations denied subsidies in the Plateau de Millevaches following the interference of prefects. A number of organisations that had been receiving subsidies from the Regional Directorate for Cultural Affairs (DRAC), the Fund for Support to Local Social Information Media (FSMISP) and the FDVA had in fact had their applications rejected since the CER took effect, demonstrating, according to *Le Monde*, a 'takeover of the French Ministry of Culture by the French Ministry of the Interior'[308].

In 2022, three local community media outlets, *Télé Millevaches*, IPNS and L*a Trousse corrézienne*, which had received funding from these three funds continuously for several years, saw almost all of their applications rejected.[309] Only their requests to the FSMISP were granted, but only after they had directly approached the Ministry of Culture due to the regional prefecture's refusal to act, to which the organisations had been alerted by an anonymous source. In 2023, the three media outlets were informed that their applications had not been submitted to the committee responsible for providing advisory opinions and, when the official list of beneficiaries was published, they found that their grant applications had been rejected. *Télé Millevaches*, *IPNS* and *La Trousse corrézienne* suspected further obstruction by the prefecture and decided to contact a lawyer, publicise the situation in the media,[310] and send a letter to the Ministry of Culture. A corrective decision was finally made, increasing the budget for the fund in question and allocating the grants to the three organisations concerned, which could only conclude that they had ultimately obtained the funding because of media pressure and the probable illegitimacy of the initial decision.

In Creuse, while the voluntary sector has benefited from the support of certain local elected officials, including the mayor of Faux-la-Montagne and the Greater Guéret Urban Community, far-right MP Bartolomé Lenoir is determined to fight against the 'ultra-left', even if it means attacking local associations. The Centre for Forest Research and Study (*Centre de recherche et d'étude sur la forêt*, Cref), a cultural and environmental organisation, is particularly targeted. The MP thus obtained the support of Minister of the Interior Bruno Retailleau for the state's possible purchase of the premises where the organisation is based under a private agreement, to evict the Cref on the grounds that it houses 'activists of the most radical environmental causes'.[311] Yet there is no indication that the organisation is linked to any non-peaceful activities.[312]

308 Christophe Ayad, 'Sur le plateau de Millevaches, une 'liste rouge' d'associations privées de subventions [A "blacklist" of associations denied subsidies in in the Plateau de Millevaches'], *Le Monde*, 9 August 2023. Online: **https://www.lemonde.fr/societe/article/2023/08/09/sur-le-plateau-de-millevaches-une-liste-rouge-d-associations-privees-de-subventions_6184884_3224.html** [Accessed 23 April 2025]

309 'Des assos qui se tiennent sages'[Associations that behave themselves], *Télé Millevaches*, February 2025. Online: **https://telemillevaches.net/videos/des-assos-qui-se-tiennent-sages** [accessed 23 April 2025].

310 Lina Rhrissi, 'Sur le plateau de Millevaches, trois médias privés de subventions parce que trop à gauche' [On the Millevaches plateau, three media outlets have had their subsidies cut because they are too left-wing], *Street Press*, 12 December 2023. Online: **https://www.streetpress.com/sujet/1702304380-plateau-millevaches-medias-prives-subventions-gauche-ministere-interieur** [accessed 25 April 2025].

311 Assemblée nationale, Séance publique du mardi 12 novembre 2024, Questions au gouvernement [National Assembly, Public session on Tuesday, 12 November 2024, Question Period]: **https://videos.assemblee-nationale.fr/video.15784475_67335bf531a1b.1ere-seance--questions-au-gouvernement--vote-solennel-sur-la-premiere-partie-du-projet-de-loi-de-f-12-novembre-2024** [01:06:24].

312 Jérôme Hourdeaux, 'Le fantasme d'une "insurrection violente" et "zadiste" revient haanter le plateau de Millevaches' ['The fantasy of a "violent insurrection" and "Zadist" movement returns to haunt the Millevaches plateau'], *Mediapart*, 10 December 2024. Online: **https://www.mediapart.fr/journal/france/101224/le-fantasme-d-une-insurrection-violente-et-zadiste-revient-hanter-le-plateau-de-millevaches** [Accessed 23 April 2025]

(6.2) The increasing precariousness of the voluntary sector in an unfavourable European and international context

The challenges faced by the voluntary sector in France since the adoption of the law strengthening the principles of the Republic are part of a broader context of questioning the legitimacy of civil society and the associated restrictions on its access to European public funding. European civil society organisations are currently facing an unprecedented wave of attacks, driven by certain members of the European People's Party (EPP) and far-right groups in the European Parliament.[313]

In November 2024, non-governmental organisations funded by the LIFE programme, the European financial instrument for the environment and climate action, received a letter from the European Commission informing them that, from now on, the European funds from which they benefited could no longer be used to fund advocacy actions with the European institutions.[314] The letters in question followed the adoption in May 2024 of European Commission guidelines instructing all relevant services to refrain from including specific advocacy activities aimed at European institutions in partnership agreements with beneficiaries, on the grounds of preventing reputational risks for the Union.[315] These guidelines, adopted in the run-up to the European elections, echoed the EPP's demands for greater transparency and accountability from NGOs receiving European funding.

In January 2025, MEPs from the EPP and the far-right European Conservatives and Reformists (ECR) group added fuel to the fire during a debate in the European Parliament on the adoption by the Budgets Committee (BUDG) of its report on the implementation of the general budget of the European Union. According to Monika Holmeier MEP (EPP), vice-chair of this committee, environmental NGOs have received direct instructions from the European Commission to put pressure on MEPs.[316] Environmental protection organisations are up in arms over what they denounce as the fabrication of a scandal by political parties hostile to them.

First, the environmental NGOs reiterate that European funds are allocated transparently and that the organisations receiving them are subject to regular audits. They also point out that funding from the LIFE programme is designed to give civil society organisations a voice in public debate and to maintain a balance against private lobbying by companies, which have far greater financial resources.[317] The advocacy activities funded by this programme are therefore part of the dialogue between European institutions and civil society, as required by Article 11 of the European Union Treaty.

Furthermore, according to the report by the European Court of Auditors published on 7 April 2025 on the transparency of EU funding to NGOs, while progress needs to be made in this area, it is primarily linked to shortcomings in the European Commission's system for classifying entities.[318] That said, the very purpose of the report illustrates the climate of suspicion facing civil society organisations, beyond the beneficiaries of the LIFE programme. In fact, in the aftermath of the debate in the European Parliament, the smear campaign has been extended to NGOs in all sectors.[319]

---

313 Philippe Jacqué, 'La droite européenne mène la vie dure aux ONG environnementales' ['The European right is making life difficult for environmental NGOs'], *Le Monde*, 6 February 2025. Online: **https://www.lemonde.fr/international/article/2025/02/06/la-droite-europeenne-mene-la-vie-dure-aux-ong-environnementales_6533727_3210.html?random=1144512635&random=343539116** [accessed 16 May 2025].

314 Marianne Gros and Louise Guillot, 'Commission tells NGOs EU money is not for lobbying', *Politico*, 28 November 2024. Online: **https://www.politico.eu/article/european-commission-ngos-lobbying-environmental-advocacy-green-funds-life-program/** [Accessed 16 May 2025]

315 European Commission, Secretariat-General, Directorate-General for Budget, Legal Service, Guidance on funding for activities related to the development, implementation, monitoring and enforcement of Union legislation and policy, Ref. Ares (2024)3320196 - 07/05/2024.

316 Marianne Gros, Louise Guillot et Max Griera, 'Europe's conservatives target green NGO financing rules', *Politico*, 22 January 2025. Online: **https://www.politico.eu/article/europe-conservative-target-ngo-financing-rules-eu-taxpayer-money/** [accessed 16 May 2025].

317 Open letter from Environmental Civil Society Organisations to the European Commission, 5 December 2024. Online: **https://wwfeu.awsassets.panda.org/downloads/civil-society-letter-to-commission-president-on-life-funding-5-december-2024.pdf** [accessed on 16 May 2025].

318 European Court of Auditors, Special Report 11/2025: Transparency of EU funding granted to NGOs – Despite progress, the overview is still not reliable, 7 April 2025.

319 Max Griera, Elisa Braun, Marianne Gros and Louise Guillot, 'EU lawmakers escalate NGO funding fight', *Politico*, 2 February 2025. Online: **https://www.politico.eu/article/eu-lawmakers-escalate-ngo-funding-fight/** [accessed 16 May 2025].

These developments are symptomatic of an attempt by right-wing and far-right political forces to weaken civil society in the face of rising conservative movements hostile to independent civil society organisations defending rights and freedoms, and a shrinking civic space across Europe, particularly in countries where these forces hold power. This attempt assumes particular importance in view of the upcoming negotiations on the European Union's future Multiannual financial framework (MFF), which sets out the Union's budgetary priorities for the next seven years, with a view to reducing subsidies allocated to civil society organisations and, with them, their ability to act and exert influence at both national and European level.

The initiatives put forward by the European Commission as part of the 'Defending Democracy' program adopted on 12 December 2023, are also causing concern. In particular, the proposed directive on transparency and representation of interests on behalf of third countries, which would impose heavy obligations on organisations based on the concept of 'foreign agent' – which the EU actively criticised when it was introduced by other states – could further weaken civil society and encourage its stigmatisation.[320]

Finally, the withdrawal of US aid following the election of Donald Trump to a second term in office in the United States has brought to a halt the activities of many voluntary organisations involved in humanitarian activities around the world.[321] In February 2025, Washington announced the dismantling of its USAID programme, the federal agency responsible for humanitarian aid and economic development abroad, leading to the termination of a large amount of funding on which international aid agencies depended, and *a fortiori* to mass redundancies in the sector.[322] At the same time, the budget allocated to development aid is being drastically reduced in other countries, including France, where public development aid is being cut by €2.1 billion as part of the adoption of the 2025 budget.[323] There are also restrictions on public funding to support organisations in areas considered 'sensitive', such as the fight against racism and xenophobia, gender issues and climate justice.

Because it has a duty to facilitate the exercise of freedom of association and to recognise and respect the essential role of civil society as a mechanism for democratic control that guarantees the balance of powers and respect for the rule of law, the state should promote and foster access to financial resources for associations.[324] According to the European Union Fundamental Rights Agency (FRA), 'access to and use of funding give associations the means to function and pursue their missions and are therefore an inherent part of the right to freedom of association.'[325] This means that not only must the authorities refrain from hindering organisations' access to private or foreign funding,[326] but they should also contribute to their funding, including when they express dissenting views. Public funding is indeed necessary for the work of civil society organisations. Restrictions on associations' access to these resources therefore raise serious concerns about maintaining a healthy and balanced public debate, which is essential to democratic life.

---

320 See in particular European Civic Forum, 'Defence of Democracy Package. An analysis of the foreign funding directive', January 2024. Online: https://civic-forum.eu/wp-content/uploads/2024/01/Defence-of-Democracy-an-analysis-of-the-foreign-funding-directive.pdf [accessed on 28 July 2025] and European Partnership for Democracy, 'A closer look at the Defence of Democracy Directive and the controversy surrounding it', January 2024. Online: **https://epd.eu/content/uploads/2024/01/DoD-Position-Paper-v2.pdf** [accessed on 28 July 2025].

321 Israel's campaign of threats and attacks against UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, following the attacks on 7 October 2023, marked a first turning point in these dynamics of normalising the stigmatisation of aid by NGOs and international humanitarian agencies, with nine states announcing that they would suspend or reduce their funding to UNRWA. See Philippe Lazzarini, 'UNRWA's lifesaving aid may end due to funding suspension', 14 January 2024. Online: **https://www.unrwa.org/newsroom/official-statements/unrwa's-lifesaving-aid-may-end-due-funding-suspension** [accessed on 25 juillet 2025].

322 Louise Couvelaire, 'Le calvaire des ONG après l'arrêt de l'aide américaine' [The plight of NGOs after the suspension of US aid], *Le Monde*, 28 mars 2025. Online: **https://www.lemonde.fr/international/article/2025/03/28/tri-morbide-et-cataclysme-mondial-le-calvaire-des-ong-apres-l-arret-de-l-aide-americaine_6586963_3210.html** [accessed 16 May 2025].

323 Coordination SUD, 'Adoption du projet de loi de finances pour 2025: qu'est-ce que cela change pour la solidarité internationale' [Adoption of the 2025 finance bill: what does this mean for international solidarity?], 12 February 2025. Online: **https://www.coordinationsud.org/actualite/adoption-du-projet-loi-de-finances-pour-2025-quest-ce-que-cela-change-pour-la-solidarite-internationale/** [accessed on 16 May 2025].

324 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144, Article 13.

325 European Union Fundamental Rights Agency (FRA), *Protecting the Civic Space in the EU*, 2022, p. 43.

326 CJEU (GC), 18 June 2020, *Commission v. Hungary* (C-78/18), para. 115-119.

7. Shrinking spaces for dialogue and participation in public policy-making

Many civil society organisations agree that the space for dialogue with public decision-makers is shrinking. A number of organisations, such as *France Nature Environnement* (FNE) and *La Cimade*, which have traditionally been the French government's main contacts in their respective areas of expertise, report that their access to the authorities is becoming increasingly restricted, particularly at ministerial level.[327] Meetings have become rare, exchanges more formal, and their impact on public decisions is often marginal.

This dynamic also includes national institutions. The CNCDH[328], which is responsible for advising public authorities on fundamental rights issues is struggling to make its voice heard on sovereign matters such as security, justice and migration policy. It is rarely consulted in these areas, and when it is, its opinions are often ignored. The episode of the separatism law is an emblematic illustration of this: in its first opinion, the CNCDH regretted that it had not been consulted during the drafting phase, and warned of the haste of the legislative process, marked by the use of the accelerated procedure.[329][330] The latter, which was supposed to remain exceptional, is tending to become common practice, used to set aside the safeguards of ordinary parliamentary debate and avoid the risk of challenges in areas deemed sensitive. On other issues, such as combating discrimination, dialogue remains more extensive, with some long-standing recommendations, such as the widespread use of online complaints, having been implemented. However, these advances remain marginal. According to the CNCDH,[331] the participation of non-profit organisations remains limited in areas such as economic and social rights and child protection, mainly due to a lack of adequate resources allocated by the State for effective consultation.

This phenomenon is confirmed by the France chapter of the European Commission's Rule of Law Report 2024, which notes that 40 out of 71 bills were adopted in 2023 under the accelerated procedure, including major pieces of legislation such as the pension reform. At the same time, the government has used Article 49.3 13 times in 2023, and 23 times since May 2022.[332] The report also highlights a decline in effective citizen participation in decision-making processes. While tools such as the Agora app and the French National Council for Rebuilding the Country [*Conseil national de la refondation*, CNR) are promoted by the authorities as instruments of consultation, they struggle to compensate for the closure of institutionalised channels of dialogue. For example, on Agora, although more than 36,000 contributions have been collected, only 24 have received an official response, and feedback on the impact on public policy is almost non-existent.[333]

The European Economic and Social Committee's (EESC) 2024 report on fundamental rights and the rule of law in France confirms these concerns. After consulting with civil society actors, legal experts and social partners, the EESC paints a worrying picture of shrinking civic space and a climate of growing mistrust between the French authorities and civil society. According to participants, social dialogue in France is fragile. There have been complaints that the response times are too long, that people are not listened to in the same way depending on the subject or the players involved, and that negotiations are not taken into account in the law. Many regret that the guidelines are too rigid and that the consultation

327 Interviews with the delegation in charge of the FIDH international fact-finding mission, 10 and 11 March 2025.

328 The National Consultative Commission on Human Rights (CNCDH) is the French institution responsible for providing advice and monitoring human rights issues. Although it does not have the status of an independent administrative authority (AAI) within the meaning of the law of 20 January 2017, it acts independently in accordance with Decree No. 2007-1137 of 26 July 2007. It is governed by the Paris Principles adopted by the United Nations General Assembly, guaranteeing its autonomy and plurality. As an advisory body to the government and Parliament, it issues opinions and recommendations on public policies and legislation that have an impact on fundamental rights.

329 The fast-track procedure limits the process to a single reading by each chamber (National Assembly and Senate), instead of the two readings normally required under the 'ordinary' legislative procedure.

330 CNCDH, Avis sur le projet de loi confortant le respect des principes de la République [Opinion on the draft law consolidating respect for the principles of the Republic], Notice No A-2021-1 of 28 January 2021, p. 3.

331 Interview with the delegation in charge of the FIDH international fact-finding mission, 14 March 2025.

332 European Commission, 2024 Rule of Law Report - Chapter on France, Commission Staff Working Document, SWD (2024) 810 final, 24 July 2024. **https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024SC0810** [accessed on 1 July 2025].

333 *Ibid*. p.20

period is too short. The lack of genuine dialogue on major reforms, such as pension reform, and the use of Article 49.3 without consultation with trade unions at the highest level are also criticised.[334]

Noteworthy: when asked to respond to the findings, the French authorities chose to begin their response by attempting to delegitimise the very approach taken in the EESC report. They state, at the outset, that the latter 'is a compilation of observations [...] following consultation with certain civil society organisations, social partners and legal experts', that it 'does not claim to be representative or objective', and that they appreciate being able to 'correct any erroneous statements and purely subjective assessments'.[335] This defensive, even condescending, stance illustrates the crisis of confidence between the authorities and democratic counterpowers. It reveals an underlying trend: rather than being welcomed as a means of improving public policy, the voice of independent organisations is increasingly perceived as an adversary whose influence must be contained.

Restoring genuine dialogue between the State and intermediary bodies requires much more than formal consultations. This requires a change in political culture: recognising the legitimacy of criticism, truly integrating divergent voices, and guaranteeing the material conditions for genuine democratic participation. However, these conditions are not currently met in France, where the authorities are adopting an increasingly critical and defensive, if not directly offensive, stance towards independent civil society, rather than recognising their essential role in maintaining a healthy and functional democracy.

[334] European Economic and Social Committee, *Droits fondamentaux et État de droit, Rapport sur la visite en France: Observations des autorités sur le rapport [Fundamental rights and the rule of law, Report on the visit to France: Authorities' comments on the report]*, 27-28 November 2024, p. 2. Online: **https://www.eesc.europa.eu/sites/default/files/2025-03/QE-01-25-016-FR-N.pdf** [accessed on 11 June 2025].

[335] *Ibid*. p.13

Conclusions

> *'When they came [for the civil society organisations], I did not speak out. I was not a civil society organisation'*

This report sets out alarming findings on the state of civil society in France and the extent and seriousness of the restrictions that constrain fundamental freedoms, particularly freedom of association, freedom of peaceful assembly and the right to defend human rights. Cradle of human rights and self-proclaimed champion of respect for these internationally, France now appears in the light of this investigation and numerous other pieces of research undertaken by national and international bodies to be a State where civil society is impeded, weakened and attacked. Instead of being acknowledged as a pillar of democracy, as the body which places checks on political power, guarantees rights and is a legitimate actor in public debate, civil society is perceived as an enemy, both by private actors and representatives of the State.

From a defensive stance to an offensive posture

This defensive posture adopted by the State, in which it has a tendency to position itself as victim and to claim the right to protect itself from any dissident voices, switches to an offensive one when opposition triggers an openly repressive institutional response towards all those involved – individuals, organisations, journalists, lawyers, magistrates, university academics – who are attempting to introduce into public debate a perspective that is critical of government action. Such a reaction is inappropriate in a system founded on the rule of law and the separation of powers. It overlooks the democratic function of civil society, hinders citizen participation in public affairs and restricts the pluralism of opinions and the ideological confrontation on which the democratic contract is based.

This logic is fueled by a narrative that is systematically rooted in the determination to avoid any disturbance to public order and is intolerant of any expression or act likely to breach it. This hostile discourse to civil society seeks to discredit and denigrate its representatives and erode their legitimacy. At the same time, it is determined to justify the laws restricting civil liberties, the administrative and judicial harassment of organisations and human rights defenders committed to issues considered "sensitive", and the violent suppression of peaceful demonstrations. Without formally silencing critical voices, the state undermines them by limiting their resources, reducing their credibility, exhausting them, intimidating them and putting their very existence at risk.

The consequences: disengagement from the democratic process

This strategy fosters a growing mistrust of organisations and human rights defenders. It marginalises their struggles and renders them invisible and establishes a climate that promotes verbal and physical violence, notably on the part of extremist groups or those with opposing views, such as the acts of violence directed against environmental movements. The shrinking space for dialogue between institutions and civil society forms a backdrop to this, reducing to a meaningless principle the notion of participation in formulating public policies. The economic context is worsening matters, with public resources increasingly restricted and dependent on ideological alignment with the powers that be.

Aside from the specific methods deployed, it is important to underline the systemic nature of the attacks. Their cumulative impact on the social fabric is devastating: they discourage critical viewpoints from being expressed, weaken the forces of activism and attempt to tame or silence them. They impoverish debate, encourage social inertia and hollow out engagement. By making exceptional measures - such as surveillance, judicialisation, the use of force or budget cuts- an everyday event and by incorporating them into current state practices, this strategy aims surreptitiously to introduce into the social fabric a culture of arbitrariness that is incompatible with the principles of a democracy founded on the rule of law.

Thus, the democratic deficit threatens not only organisations and human rights defenders but the society as a whole. Ultimately, it could give rise to a form of government which, while not being overtly authoritarian, could not be described as a democracy in its fullest sense. As Magali Lafourcade, Secretary General of CNCDH, has described it, France is now 'dropping out of democracy'.

A necessary change of course

A change of course is essential to counteract this democratic drift and should be one that leads to public recognition of the crucial role played by civil society in a democracy, to the repeal or reform of laws and policies limiting action and restricting civil liberties – particularly freedom of association and peaceful assembly and the right to defend human rights and the environment – to an end to administrative and judicial harassment of organisations and their representatives, to a review of the policy on maintaining public order, to an end to the violent suppression of demonstrations and acts of peaceful civil disobedience, and to a guarantee of effective mechanisms for combating law enforcement impunity. It is equally essential for political leaders to distance themselves from stigmatising rhetoric and to commit to restoring a climate that fosters institutional dialogue and participation. These are crucial steps not just to preserve the role of civil society but also to restore trust in institutions and consolidate the democratic foundations of the rule of law.

Europe's key role

For this reorientation to be commensurate with what the challenges at stake and to comply with France's commitments to human rights, it must nonetheless be part of a European and international framework. The attacks on democracy, the rule of law and fundamental rights are multiplying in Europe and beyond. The response must be firm, consistent and anchored in the framework established by international and European human rights law.

In particular, European institutions have a key role to play in reminding France, like every other Member State, of its commitments and in guaranteeing respect for the obligations stemming from the European Treaties and Charter of Fundamental Rights. No distinction must be made in the treatment of Member States which have joined more recently and those which are founding Member States, or which have a longer democratic tradition. The values on which the European Union is founded apply uniformly to all signatories. Similarly, to be credible and incisive, the response in the event of a breach by a Member State must be consistent and resolute. France is no exception.

The European Union and other international bodies must demonstrate judgement and impartiality and must make use of the levers available to bring France back to the path of respect for human rights, something she calls for at home and abroad.

Civil society: a beacon of hope for democracy

Despite the gloomy picture presented in this report, civil society's resilience is cause for hope. Faced with unprecedented challenges, French civil society is proving to be remarkably vibrant, demonstrating renewed creativity and a tireless commitment to defending itself and the causes it embodies. Organisations supporting people ranging from those in exile to women's groups and environmental defenders to LGBTQIA+ activists form a social fabric that is reinventing itself, adapting to and resisting strategic intimidation.

Despite the fatigue, humiliation, pressures and violence experienced, civil society actors continue to document, warn and resist. They do so by forging new alliances, organising transnational networks, sharing strategies and tools and affirming loudly and clearly that, now more than ever, defending human rights is universally needed. In this, civil society is not retreating, it is growing stronger. Nurtured by new forms of individual and collective mobilisation, it is reaffirming a fundamental principle: civil society is us or, to coin a phrase, 'we are civil society'.

Defending civic space is defending the right of each of us to exercise our freedoms, to live in a state that respects them and to obtain justice when they are swept aside. In this sense, it is a fight that goes beyond the boundaries of the human rights sector to touch at the heart of how we live together. In civic space we exercise our collective capacity for thinking, contesting, defending and constructing. Preserving civic space means ensuring the lifeblood of democracy, and such a responsibility can only be borne collectively.

> *'[...] Then they came for me. And there was no-one left to speak out'.*[336]



Crédit: Ludovic MARIN / AFP

Legend: French policemen look on as they next to a banner which translates as "democracy in danger" during a rally by taxi drivers at Invalides in Paris on January 26, 2021, held to demonstrate against the working practices of 'unofficial' or 'unlicensed' taxi services.

336 This quote is adapted from the words of German pastor, Martin Niemöller, opponent of the Nazi regime which persecuted him during the 1930s and 1940s because he condemned the Shoah and the complicity of those who remained indifferent in the face of the Holocaust.

Recommendations

To the French Government:

On protecting human rights defenders:

- Publicly recognise the crucial role of human rights organisations and defenders and ensure that they can conduct their activities in a safe and enabling environment, free of impediments and fear of reprisals;
- Refrain from spreading comments that stigmatise human rights defenders who seek justice, particularly when defending defend human rights or the right to a healthy, sustainable environment or when confronting those responsible for hostile and defamatory rhetoric directed against them;
- Guarantee the physical integrity and psychological well-being of all human rights defenders, including by independently investigating in an impartial and transparent manner the threats, acts of intimidation and physical assaults against them in order to identify those responsible and to bring them before an independent, competent and impartial court;
- Put an end to surveillance of environmental defenders, carried out by the Demeter law enforcement unit or any other mechanism used for this purpose, as part of preventing and monitoring "acts of an ideological nature" affecting the agricultural sector;
- Ensure effective transposition of the European directive on SLAPPs in accordance with the CNCDH's recommendations, taking into account respect for freedom of expression and freedom of association;

On freedom of association:

- Repeal Articles L.212-1, L.212-1-1 and L.212-2 of the Internal Security Code in so far as the dissolution of an organisation should be exclusively the task of a court judge. Failing this, amend the law strengthening respect for the principles of the Republic by withdrawing, on the one hand, Article L. 212-1-1 of the Internal Security Code which potentially censors members of organisations whose behaviour could be ascribed to the organisation itself and, on the other hand, strike out from Article L.212-1 of the same Code the reasons for dissolving organisations or informal collectives based on violent acts directed at property (paragraph 1) and contributions to discrimination, hatred or violence (paragraph 6), which effectively lower the threshold of seriousness required to impose this measure;
- Under these circumstances, do not use dissolution of organisations or informal collectives except in instances where it has not been possible to use a less coercive measure to respond to the gravity of the deeds they are accused of committing;
- Facilitate the exercising of freedom of association through adequate, viable and non-discriminatory public funding;
- Establish a system for allocating public funding based on equality, impartiality and respect for the diversity of opinions by removing any restrictive precondition (such as the agreement known as the *Contrat d'engagement républicain* (CER)) other than respect for the principles of "liberty, equality and fraternity", the motto of the French Republic, in order to foster an inclusive, democratic environment;
- Increase effective participation by civil society intermediary bodies and organisations in drawing up public policies, including in areas of public authority, by ensuring the conditions exist for structured and sustainable institutional dialogue;

On freedom of peaceful of assembly

- Ensure respect for the guidelines on freedom of peaceful assembly and freedom of association, adopted by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation

for Security and Cooperation in Europe (OSCE) and by the Venice Commission of the Council of Europe, and the observations of the United Nations special procedures, including the United Nations Special Rapporteur on the freedom of peaceful assembly and the Special Rapporteur on environmental defenders under the Aarhus Convention, and other regional and international mechanisms for protecting human rights;

- End the concept of a risk to public order being systematically and extensively invoked to restrict the exercising of fundamental freedoms, particularly the freedom of expression and freedom of peaceful assembly, as a certain level of tolerance of peaceful rallies must be demonstrated where these do not engage in acts of violence (including where such acts are the result of only a few participants). Limitations on these rights must be strictly necessary, proportionate and based on objective elements, in accordance with international standards. Avoid instrumentalising public order to authorise disproportionate or pre-emptive restrictions on civil society;
- Ensure that any ban on demonstrating is for reasons that are legally provided for, strictly necessary for public safety in a democratic society and duly proportionate, and that it is announced sufficiently in advance to allow effective judicial appeal. Ensure rapid, effective and summary judicial control of these decisions;
- Repeal law No. 2019-290 of 10 April 2019 aimed at strengthening and guaranteeing the maintenance of public order during demonstrations except for its provisions concerning the additional penalty of a ban on participation in a demonstration;
- Introduce into law the banning of public prosecutor warrants authorising checks on the identity of demonstrators on the way to or from a demonstration;
- Ensure that the use of force by those responsible for law enforcement complies with the principles of legality, necessity and proportionality, and that it is only used as a last resort when other non-violent means have continued without effect;
- Ban policing techniques which involve inflicting suffering on demonstrators, including the use of non-lethal weapons given that their deployment presents a higher risk of serious harm to physical integrity; organise and apply a moratorium on stun grenades and rubber bullets in the context of maintaining order and ban the practice of kettling demonstrators;
- Investigate in a rapid and independent manner and punish in an impartial and transparent process the excessive use of force by law enforcement officers. Ensure that any legal action against demonstrators is strictly proportional to their actions;
- Strengthen the role played by independent mechanisms for inspecting policing, particularly by making the Inspectorate-General of the National Police (IGPN) and the Inspectorate-General of the National Gendarmerie (IGGN) genuinely autonomous bodies or by developing a body that is genuinely independent and pluralist;
- Ensure that the training for law enforcement officers on the management of crowds, peaceful rallies and civil disobedience in a democracy, and on de-escalation techniques and protecting fundamental rights, is consolidated, including by drawing on good practice in other States;
- Repeal Article 222-14-2 of the Criminal Code relating to the offence of participating in a group formed with a view to preparing violence and put an end to 'pre-emptive' custody;
- Ensure protection for independent observers who report on policing operations and guarantee they can freely carry out their missions, particularly as regards their freedom to circulate and to wear protective gear;
- Fully guarantee freedom of expression, including when this deals with sensitive or divisive topics, such as solidarity with the people of Palestine, or even when such expression involves comments that are likely to hurt, shock or upset a section of the population, and publicly point out that criticism of public policy is part of protected democratic debate when it does not involve incitement to hatred or violence;

- Reintroduce the offence of incitement to terrorism into the 1881 law on freedom of the press; refrain from the disproportionate use of the offence of incitement to terrorism by ensuring that it is applied in accordance with the principles of legality, necessity and proportionality, and that it is not used to sanction forms of expression or political solidarity that fall within freedom of opinion;
- In particular, stop using measures which are designed to combat terrorism and organised crime, including surveillance methods provided for in law, against human rights and environmental defenders, in accordance with the recommendations of the United Nations Special Rapporteur on environmental defenders under the Aarhus Convention;

On civil disobedience:

- Recognise peaceful civil disobedience as a legitimate mode of action that benefits from the same guarantees as other forms of assembly, guarantee its protection under the freedom of peaceful assembly and ensure that all restrictions imposed are reduced to a minimum, strictly controlled and conform to international law, in accordance with the recommendations of the United Nations Special Rapporteur on environmental defenders under the Aarhus Convention;
- Guarantee bodies and movements engaged directly or indirectly in acts of civil disobedience the right to conduct their peaceful activities in defence of human rights without hindrance, and at the same time refrain from taking measures and adopting practices that potentially deter their activities;
- Refrain from equating human rights and environmental defenders who resort to civil disobedience with criminals and from conveying the idea that peaceful acts of civil disobedience constitute criminal activities and firmly refute accounts that encourage such comparisons;
- Ensure that the conditions pertain for a proportionate judicial response that respects fundamental rights by taking account of the symbolic and non-violent nature of these acts as well as the moral purpose of their authors;

On public participation and civil dialogue:

- Guarantee the effective, inclusive and structured participation of organised civil society in drawing up, implementing and evaluating public policies through transparent public consultations, institutional mechanisms for civil dialogue and equal access to spaces for interaction. This participation must be ensured at every stage of the decision-making process in order to respect the principles of pluralism, independence and non-discrimination; in particular, respect the procedures for public participation in decisions that have an impact on the environment, this being a constitutional freedom stemming from its inclusion in the Environment Charter and well as being a requirement of the Aarhus Convention;
- Ensure, when drawing up and implementing public policies, that better account is taken of the analyses, opinions and recommendations issuing from independent consultative bodies, such as the CNCDH, the Economic, Social and Environmental Council (CESE) and the Defender of Rights, to guarantee respect for fundamental rights and freedoms, democratic transparency and constructive dialogue. Ensure effective follow-up to recommendations and guarantee these bodies their independence and the resources necessary to carry out their missions.

To international players

To the United Nations organisations:

- To the Human Rights Council:
  - Include the shrinking civic space in France among its priorities and monitor the situation with a view to assessing the impact of restrictions on freedom of association and peaceful assembly on civil society, and issue specific recommendations to France in this regard, particularly in the context of the next interim report for the fourth cycle of France's Universal Periodic Review (UPR) scheduled for the first quarter of 2026;

To the United Nations Special Procedures, in particular the Special Rapporteur on freedom of association and peaceful assembly, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on environmental defenders under the Aarhus Convention, as well as the Special Rapporteur on freedom of opinion and expression, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism:

- Pay particular attention to the situation of civil society and human rights defenders in France (including members of police monitoring groups during peaceful gatherings), in particular the challenges they face in exercising their rights to freedom of association and peaceful assembly, including by regularly monitoring developments regarding respect for these rights and responding to any adverse developments through official statements and/or communications to the French government regarding individual cases, as well as broader concerns about alleged violations or abuses;
- Include restrictions on freedom of association and peaceful assembly in France in their future reports, including in the thematic report of the Special Rapporteur on freedom of peaceful assembly and of association at the 80th session of the United Nations General Assembly (UNGA-80) in October 2025, and in its annual report to the United Nations Human Rights Council;
- Step up their efforts to protect human rights defenders and civil society organisations working with UN mechanisms from any harassment or intimidation in retaliation for their collaboration.

To the European Union:

- To the European Commission:
  - Examine French laws and practices for their conformity with European law as regards freedom of peaceful assembly and freedom of association and, in particular, with Article 2 of the Treaty on European Union (TEU), the European Union Charter of Fundamental Rights and the anti-discrimination directive and, if any discrepancy should be observed, launch infringement proceedings against France under Article 258 of the Treaty on the Functioning of the European Union (TFEU);
  - Monitor implementation by France of the recommendations relating to protection of civic space contained in the European Commission's previous two annual reports on the rule of law and include these considerations in its next annual report in 2026 along with the findings on restrictions on freedom of peaceful assembly and freedom of association and their impact on civil society in France.;
  - Check the implementation of Directive (EU) 2024/1069 of 11 April 2024 on protecting people who participate in public debate against manifestly unfounded legal demands or abuse of legal procedure (the so-called 'anti-SLAPP directive'), which should be transposed into national law before 7 May 2026, and take appropriate measures if this does not conform to European law;
  - Voice concerns over the shrinking of civic space in France, including restrictions on freedom of association and freedom of peaceful assembly, in public interventions and in relations with the French government, both at bilateral level and in multilateral forums, based on information gathered by governmental organisations including the European Union Agency for Fundamental Rights and non-governmental human rights organisations;
  - Incorporate the findings on the shrinking of civic space, including freedom of association and freedom of peaceful assembly in France, in the EU Civil Society Strategy, currently being drafted, and ensure that the latter adequately reflects and responds to the needs of civil society and human rights defenders, notably regarding protection, support – including financial – and participation in drawing up public policies;

- Establish a European mechanism for protecting human rights defenders in the European Union to provide early warnings and to intervene rapidly in the event of threats and attacks by state and private actors;
- As part of negotiations on the next EU Multiannual Financial Framework, ensure that adequate financial resources are assigned to supporting civil society and human rights defenders in Member States, including France, in order to strengthen protection and ensure that they have the means necessary to tackle restrictions on civic space, including restrictions on freedom of association and freedom of peaceful assembly, and to fulfil their essential role as guardians of democracy, the rule of law and respect for human rights;
- In the context of negotiations on the Defence of Democracy Package, ensure that the upcoming directive on transparency of the representation of interests conducted on behalf of a third country[337] serves its objective of increasing the transparency of interest representation and democratic responsibility in this matter and does not replicate the model of laws on foreign interference adopted by authoritarian regimes both inside and outside Europe. These laws, which constitute a threat to the work of human rights organisations and risk limiting civic space under the cover of defending democracy, do not have a place in the European Union;

• To the European Parliament:

- Monitor the situation of civil society and human rights defenders in France, including any restriction on freedom of association and freedom of peaceful assembly, and condemn illegal restrictions and the shrinking of civic space in the context of parliamentary debates and future reports on the subject, such as the annual report on the rule of law in the EU, with a view to adopting a resolution in plenary session;
- Request a hearing with the Commission on Civil Liberties, Justice and Home Affairs (LIBE) or in the context of its Working Group on Democracy, Rule of Law and Fundamental Rights (DRFMG) on the situation of civic space in France, with the participation of French and European civil society and experts;
- Challenge the European Commission and/or Council through spoken or written parliamentary questions on whether the restrictions on freedom of association and freedom of peaceful assembly in France conform to European law in order to secure public responses from the Commission and to stimulate institutional debate on the subject;
- Support the instigation of a mechanism to protect human rights defenders in the EU, contribute to securing support – including financial – for civil society by ensuring that it has the necessary resources as part of the negotiations on the new EU Multiannual Financial Framework, and refrain from impeding the work of non-governmental organisations and from aiding their stigmatisation through initiatives designed to question their role and their right to access European funding;

• To the European Union Council and its rotating presidency:

- Examine the situation of civil society, including the restrictions on freedom of association and freedom of peaceful assembly in France, as part of the national rule of law dialogues regularly organised by the European Union General Affairs Council, in the context of the European Semester, and formulate recommendations for France in this regard;
- Include the issue of shrinking civic space in Europe, including in France, among the Council's priorities and adopt a declaration or conclusions on shrinking civic space and attacks on human rights and environmental defenders in the EU, following those adopted in March 2023 on the role of the space assigned to civil society and those on strengthening democratic resilience of 27 May 2025, in which the concern over the situation in some Member States, including France, is mentioned and in which States undertake to guarantee a safe and enabling environment for civil society and the exercising of the rights to freedom of peaceful assembly and freedom of

[337] Proposal of the European Parliament and Council directive establishing the harmonised rules in the internal market concerning transparency of interest representation on behalf of a third country and amending directive (EU) 2019/1937, COM/2023/637 final. Online: **https://eur-lex.europa.eu/resource.html?uri=cellar:1916cc5e-99c7-11ee-b164-01aa75ed71a1.0011.02/DOC_1&format=PDF**.

association and to assist the Commission in setting up a monitoring and support mechanism for civil society in all Member States;

- To the European Agency for Fundamental Rights (FRA):
  - Incorporate shrinking civic space in France, including the restrictions on freedom of association and freedom of peaceful assembly, in the next FRA annual reports on civic space and on fundamental rights in the EU and, in this context, formulate recommendations to European institutions and the French government in this regard;
  - Organise a seminar on the restrictions on civic space in EU Member States in order to identify the trends and differences – notably between founder Member States and those who have joined the EU more recently – and propose solutions for more effective checks on respect for fundamental rights and the rule of law in Member States.

To the Council of Europe:

- To the Human Rights Commissioner:
  - Organise a visit to France to document the situation in which civil society and human rights and environmental defenders conduct their activities and the challenges they encounter in exercising freedom of association and freedom of peaceful assembly and publish a report or article (issue paper) on the subject;
  - Issue a public statement and/or a thematic letter addressed to the French authorities concerning the restrictions on freedom of peaceful assembly and freedom of association and on shrinking civic space in France and containing specific recommendations;
- To the Committee of Ministers:
  - Oversee the implementation of European Court of Human Rights rulings relating to freedom of association and freedom of peaceful assembly in France and include the situation in France in monitoring the execution of ECHR rulings dealing with these questions;
  - Adopt a recommendation or a statement on protecting civic space, which includes the situation in France, on the basis of existing models on freedom of expression;
  - Apply to the European Commission for Democracy through Law (Venice Commission) for an opinion on whether the legislative framework on freedom of peaceful assembly and freedom of association in France, in particular the law strengthening respect for the principles of the Republic of 24 August 2021, the so-called 'separatism law', and the agreement referred to as the *Contrat d'engagement républicain* (CER) as well as the law of 19 April 2019 aimed at strengthening and guaranteeing public order during demonstrations, conforms to Council of Europe norms enshrined by the ECHR and in the Council of Ministers' Recommendation CM/Rec(2007)14 to Member States on the status of non-governmental organisations in Europe;
- To the Parliamentary Assembly of the Council of Europe (PACE):
  - Include questions on the agenda about the restrictions imposed on freedom of peaceful assembly and freedom of association in France so that they can be scrutinised and publicly debated, and recommendations drawn up and addressed to the French government;
  - Include the situation relating to shrinking civic space in France in the thematic reports on threats against NGOs' freedom of expression and peaceful assembly, and the misuse of counter-terrorism legislation, or put questions on legal and human rights issues and/or on political and democratic issues to the Commission and mandate a rapporteur on questions relating to the restrictions on freedom of association and peaceful assembly;
  - Subsequent to a report or a debate, adopt a resolution calling on France (and other Member States in the event that it involves a thematic report on the situation in several Member States of the Council of Europe) to guarantee a safe and enabling environment for rights and freedoms to

be exercised, including freedom of peaceful assembly and freedom of association, and to cease restrictive practices directed against civil society;

  - Apply to the European Commission for Democracy through Law (Venice Commission) for an opinion on whether the legislative framework on freedom of peaceful assembly and freedom of association in France, in particular the law strengthening respect for the principles of the Republic of 24 August 2021, the so-called 'separatism law', and the agreement referred to as the Contrat d'engagement républicain (CER) as well as the law of 19 April 2019 aimed at strengthening and guaranteeing public order during demonstrations, conforms to Council of Europe standards enshrined by the ECHR and in the Council of Ministers' Recommendation CM/Rec(2007)14 to Member States on the status of non-governmental organisations in Europe;

- To the Expert Council on NGO Law
  - Issue an opinion on whether the legislative framework on freedom of peaceful assembly and freedom of association in France, in particular the law strengthening respect for the principles of the Republic of 24 August 2021, the so-called 'separatism law', and the agreement referred to as the *Contrat d'engagement républicain* (CER), conforms to Council of Europe norms, notably to the Council of Ministers' Recommendation CM/Rec(2007)14 to Member States on the status of non-governmental organisations in Europe.
- To the Organisation for Security and Cooperation in Europe (OSCE):
  - Increase monitoring in France of the implementation of the Guidelines on Freedom of Peaceful Assembly and Freedom of Association adopted jointly by its Office for Democratic Institutions and Human Rights and the Venice Commission of the Council of Europe, in particular through a review of the legislative framework and an examination of the situation, particularly administrative dissolutions, preventive restrictions on the holding of peaceful demonstrations, the disproportionate use of force in law enforcement, and other restrictive measures against activists, in order to assess the compliance of these laws and practices with the Guidelines;
  - Organise an assessment mission to France, involving the authorities, associations, trade unions, academics and other representatives of civil society, in order to take stock of the situation, relaunch a dialogue on compliance with OSCE standards and make recommendations to the authorities;
  - Adopt an enhanced strategy for circulating and providing training on European and international standards on freedom of association and peaceful assembly, particularly on the guidelines, for French authorities at both national and local level.

FIDH INTERNATIONAL FEDERATION FOR HUMAN RIGHTS

Establishing the facts

Investigative and trial observation missions – Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.

Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

Training and exchanges – FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies – FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them.

FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion – FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

17 passage de la Main-d'Or - 75011 Paris - France

TÉL.: + 33 1 43 55 25 18 / www.fidh.org

OMCT SOS-Torture Network

Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS -Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

8 rue du Vieux-Billard - PO Box 21 - CH-1211 Geneva 8 - Switzerland

TEL: +41 22 809 49 39 / www.omct.org

THE OBSERVATORY

Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened cooperation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- A mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- The observation of judicial proceedings, and whenever necessary, direct legal assistance;
- International missions of investigation and solidarity;
- A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger.

This system, called Emergency Line, can be reached through:

E-MAIL: alert@observatoryfordefenders.org

FIDH TEL: + 33 1 43 55 25 18

OMCT TEL: + 41 22 809 49 39

Ligue des droits de l'Homme

The Ligue des droits de l'Homme (LDH) is an independent organisation dedicated to defending human rights and fundamental freedoms. LDH takes action against injustice, racism, sexism, anti-Semitism and discrimination, and defends freedom of expression, the right to protest and the right to live in a healthy and sustainable environment. Through its local branches and members, it carries out its activities throughout France, calling on public authorities and international institutions to take action, monitoring law enforcement practices, providing legal assistance, and promoting awareness in schools.

Ligue des droits de l'Homme
138, rue Marcadet 75018 Paris

Tél : 01 56 55 50 10

https://www.ldh-france.org/



We are watching