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#rolreport2025

**LIBERTIES**

**RULE OF LAW REPORT**

**2025**



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the European Union

**FRANCE**

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# FOREWORD

This country report is part of the Liberties Rule of Law Report 2025, which is the sixth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2025 report was drafted by Liberties and its member and partner organisations, and it covers the situation during 2024. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2025 report includes 21 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Over forty member and local partner organisations contributed to the compilation of these country reports.

**[Download the full Liberties Rule of Law Report 2025 here.](#)**

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# FRANCE

## ABOUT THE AUTHORS

VoxPublic



VoxPublic is a non-profit organisation composed of a permanent team of four advocacy specialists based in Paris. It is governed by a seven-member executive board and receives support from an active community of volunteers, the 'VoxPublic Agora' members. The association was created in 2016 and ever since has been working on empowering French civil society organisations and citizen initiatives in their advocacy actions. VoxPublic thereby provides support and capacity-building to victims of discrimination and social injustices wishing to challenge decision-makers. VoxPublic also works with issues regarding the rule of law, respect for fundamental freedoms, and the protection of the democratic space, which are essential for civil society actors to defend their causes. VoxPublic provides partners with operational support in terms of campaign building, networking, strategic document writing, as well as strategic use of social media and media.

## **KEY CONCERNS**

### ***Justice System***

The issues raised last year regarding the lack of independence of the judiciary (especially public prosecutors) and the insufficiency of the judicial national budget haven't been solved.

Continue efforts are needed to complete ongoing projects aimed at the full digitalisation of civil and criminal court proceedings.

### ***Anti-Corruption Framework***

Despite the recommendations of international bodies, independent administrations, or MPs, the French government has not adopted an anti-corruption policy or increased the resources of the justice system in this area. Anticorruption NGOs continue to be hindered in their work.

The transparency of interactions between senior civil servants and lobbyists is unsatisfactory according to GRECO. Verification of the declarations of assets and interests of elected candidates remains another area for improvement, particularly in a context of electoral instability and rapid turnover at the top of government.

### ***Media Environment and Media Freedom***

The early elections in June 2024 provided an opportunity to observe the mechanisms of influence, and the lack of pluralism on some media channels, put in place by media groups to support a political agenda favouring the far

right. Media concentration continues, reinforcing the previous dynamic.

In 2024, the French authorities took no steps to restrict media concentration. On the contrary, it continued, for example, through the acquisition of financial control over major publishing houses. No full transposition of the EMFA is currently planned by the French parliament.

### ***Checks and Balances***

The President of the Republic did not respect the result of the European Parliament election and concerns were raised over the resignation of the government in summer 2024. Despite the fact that no coalition was able to build a majority in the National Assembly, the government did not use the legislative procedure known as '49.3' until December and was toppled right after.

### ***Civic Space***

A series of new security laws, justified by the Olympic Games or the prevention of foreign interference, have restricted freedoms of expression and association. Arbitrary administrative sanctions against demonstrators have continued and public funding has decreased.

### ***Disregard of Human Rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment***

Several systemic human rights violations were observed during 2024: racial profiling, 'social cleansing' and violations of prisoners' rights.

France was sanctioned by several national and international courts.

The recommendations have not been followed up, and the opinions and decisions of the independent authorities (e.g. Defender of Rights) have not been acted upon.

### **State of play** (versus 2024)

- Justice system
- Anti-corruption framework
- ↓ Media Environment and Media Freedom
- ↓ Checks and balances
- ↓ Civic Space
- ↓ Human Rights

#### Legend

**Regression**

**No progress**

**Progress**



## JUSTICE SYSTEM

### **Key recommendations**

- *Raise the judicial budget to the level of similar States (Germany, Netherlands).*
- *Improve the independence of judges and courts.*
- *Give public prosecutors real independence.*

### **Judicial independence**

#### **Appointment and selection of judges, prosecutors and court presidents**

Public prosecutors are appointed exclusively by the Ministry of Justice.

French prosecutors are entirely subordinate to the executive power: only the Ministry of Justice is responsible for their appointment and disciplinary proceedings.

#### **Allocation of cases in courts**

The principle of a natural judge (i.e. a judge assigned to the case based on preestablished criteria) is not fully recognised under French law; except in some positions (investigating judge, juvenile judge, sentence enforcement judge, pretrial detention judge), in which litigations and cases are allocated by court presidents on a discretionary basis.

#### **Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)**

The majority of the members of the Superior Council of the Judiciary (8/15) are appointed by the government and the Parliament, they are not judges or prosecutors elected by their peers.

Except for the administrative branch of the judiciary, courts do not enjoy any financial autonomy.

The members of the State Council (i.e. the Supreme Administrative Court) worked half of their careers as directors of central administration in ministries.

#### **Independence/autonomy of the prosecution service**

French prosecutors are entirely subordinate to the executive power: only the Ministry of Justice is responsible for their appointment and disciplinary proceedings.

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### **Significant developments capable of affecting the perception that the general public has of the independence of the judiciary**

The majority of politicians and members of ruling classes are still reluctant to accept full independence of the judiciary – especially when they are involved in legal cases;

Recently, attacks have been observed from politicians and media outlets against judges' freedom of speech. The duty to discretion is mistaken for a duty of silence if not allegiance to the government. The duty to speak publicly when the rule of law is at stake (which is granted by the ECHR<sup>1</sup>) is denied. The duty to impartiality is mistaken for a duty of neutrality. After the attempt of the Parliament to muzzle judges<sup>2</sup> in 2023, some politicians and media outlets expressed their wish, in the context of the national election in June 2024, to ban judicial unionism because of a so-called abuse of speech of judges unionists.<sup>3</sup> The Magistrates' Union, which has a left-wing reputation and is often caricatured by the far right as the 'Red Judges Union', expressed fears of a purge of the French judicial system had the Rassemblement National been victorious in the June 2024 elections.

### **Quality of justice**

#### **Resources of the judiciary (human/financial/material)**

Although increasing, the judicial budget remains too low to allow courts to deliver justice within a reasonable time. For instance, in some places, one has to wait more than three years to get a sentence in unfair termination of employment cases, two years to get divorced, etc.

Further efforts are needed to complete ongoing projects aimed at the full digitalisation of civil and criminal court proceedings.

### **Fairness and efficiency of the justice system**

#### **Length of proceedings**

Due to the lack of financial resources, courts can't deliver justice and execute sentences within a reasonable time.

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1 ECtHR, Judgement of the 16 June 2022, *Żurek v. Poland*, No. 39650/18, 16 June 2022, n°222.

2 MEDEL, *After Poland and Hungary, France?*, 13 June 2023, <https://medelnet.eu/after-poland-and-hungary-france/>.

3 Syndicat de la Magistrature, *Communiqué de Presse: Justice bouche cousue ?*, 2 July 2024, <https://www.syndicat-magistrature.fr/notre-action/defense-des-libertes/droits-des-etrangers/2681-communique-la-justice-bouche-cousue/>.



### **Execution of judgments**

Although the ECtHR ruled in January 2020 that French detention conditions generated systemic violation of Article 3 of the ECHR,

nothing has changed, the prisons are still overpopulated, with 79,631 inmates for 62,279 cells and thousands sleeping on the floor in October 2024.

## **ANTI-CORRUPTION FRAMEWORK**

### **Key recommendations**

- *The legislative power should award anti-corruption approval to associations through a high-level administrative authority independent of political influence.*
- *The executive power should establish an ambitious public anti-corruption policy, taking into account the recommendations of civil society actors and specialised magistrates.*
- *The legislative power should establish status and procedures for whistleblowers in the field of defense and national security in order to protect them.*

### **Levels of corruption**

The Transparency International Corruption Perception Index highlights France's stagnation. The cost of corruption in France is estimated at €120 billion a year, according to the association Anticor. In an evaluation report published in April 2024,<sup>4</sup> the Group of States against Corruption (GRECO) concluded that "France does not sufficiently comply with the recommendations made".<sup>5</sup>

Ten years after the creation of the High Authority for Transparency in Public Life (HATPL), the French Anti-Corruption Agency (AFA) and the National Financial Prosecutor's Office (PNF), France still lacks a public anti-corruption policy. Moreover, this lack of political commitment is compounded by a desire to obstruct the action of anti-corruption associations, as illustrated by the series of events surrounding the non-renewal of Anticor's accreditation. It was finally returned to the association in September 2024 after

4 GRECO, Second conformity report (Deuxième rapport de conformité), 10 April 2024, <https://rm.coe.int/cinquieme-cycle-d-evaluation-prevention-de-la-corruption-et-promotion-/1680af36e9>.

5 Ibid.

more than a year of legal and administrative proceedings that diverted its resources and energies. The withdrawal of Anticor’s anti-corruption approval for 2021-2023 was due to a drafting error in the granting decree by former Prime Minister Jean Castex. This government approval allowed the association to take legal action and act as a civil party in corruption cases, particularly in the absence of action by the public prosecutor.

## Framework to prevent corruption

### Rules on preventing conflicts of interest in the public sector

In its 2024 report, the GRECO welcomes the introduction of:

*“a self-diagnosis questionnaire on the risks of conflicts of interest, which was given to members of the Government when they took office for the first time in July 2023. The prior control carried out by the HATVP on proposed nominations of members of ministerial cabinets and collaborators of the President of the Republic from the private sector has proved its effectiveness, but should be extended to all advisors”*.<sup>6</sup>

The GRECO report also highlights the need for further measures, such as improving the transparency of interactions between senior officials and lobbies. The verification of elected candidates’ declarations of assets and interests also remains an area for improvement.

### Measures in place to ensure whistleblower protection and encourage reporting of corruption

On 25 September 2024 the Defender of Rights, an independent administrative authority empowered to receive whistleblowers’ reports, published its biannual report titled *The Protection of Whistleblowers in France*.<sup>7</sup> The authority welcomes “a clarified and unified framework” and points out that since the law of 21 March of 2022 “whistleblowers can freely choose the path most appropriate to their situation by allowing them to have recourse, in the first instance, to internal reporting or external reporting”. Nevertheless, the Defender of Rights is regularly contacted by complainants who “denounce the absence of internal whistleblowing procedures within entities required to put them in place”.<sup>8</sup>

In its reservations and recommendations, the Defender of Rights expresses concern about

6 GRECO, Second conformity report (Deuxième rapport de conformité), 10 April 2024, <https://rm.coe.int/cinquieme-cycle-d-evaluation-prevention-de-la-corruption-et-promotion-/1680af36e9>.

7 Défenseur des droits, Biannual report whistleblower protection in France 2022-2023 (Rapport Bisannuel La protection des lanceurs d’alerte en France), 25 September 2024, [https://www.defenseurdesdroits.fr/sites/default/files/2024-09/ddd-rapport-LA\\_2022-23\\_20240610.pdf](https://www.defenseurdesdroits.fr/sites/default/files/2024-09/ddd-rapport-LA_2022-23_20240610.pdf).

8 Défenseur des droits, Biannual report whistleblower protection in France 2022-2023 (Rapport Bisannuel La protection des lanceurs d’alerte en France), 25 September 2024, [https://www.defenseurdesdroits.fr/sites/default/files/2024-09/ddd-rapport-LA\\_2022-23\\_20240610.pdf](https://www.defenseurdesdroits.fr/sites/default/files/2024-09/ddd-rapport-LA_2022-23_20240610.pdf).

the “lack of protection mechanisms in the field of defense and national security”, which results in “discouraging whistleblowing efforts in this area where the stakes, particularly financial, are especially high”. Similarly, these provisions may discourage journalists from covering these topics, as their sources are neither protected by ‘source confidentiality’ nor by whistleblower protection, thus exposing them to sanctions for revealing information classified as ‘defense secret’ (as exemplified in the 2023 Disclose-Lavrilleux case).<sup>9</sup>

Regarding corruption, the Defender of Rights highlights “the confusion of whistleblowing mechanisms” and recommends “initiating a reflection, in coordination with the French Anti-Corruption Agency (AFA), on the alignment of rules concerning anti-corruption whistleblowing with the general framework of the Sapin II Law”, a law of 9 December 2016 on “transparency, the fight against corruption and the modernisation of economic life”.

**List the sectors with high-risks of corruption in your country and list the relevant measures taken/envisaged for preventing corruption and conflicts of interest in these sectors. (e.g. public procurement, health-care, other)**

The High Authority for Transparency in Public Life (HATPL) prior control over the appointment of ministerial or presidential collaborators recruited from the private sector has proved its effectiveness, according to legal experts.<sup>10</sup> In the context of political instability and rapid turnover of members of the government, the independent authority reiterated that “within two months of their appointment, members of the Government must submit a declaration of assets and interests to the HATPL”. Issuing this statement in December 2024, they go on to state “once they have been thoroughly examined, the declarations of interest and assets of the members of the Government will be published on the HATPL’s website until the end of their functions”.<sup>11</sup>

9 Since 2019, the French government has increased intimidation against journalists investigating military secrets. In late 2022, four members of the investigative media outlet Disclose were subjected to investigations led by French domestic intelligence services. On September 19, 2023, one of the journalists, Ariane Lavrilleux, was arrested at her home, which was searched, and her professional equipment was seized. In 2025, the journalist is still threatened with prosecution for ‘appropriation and disclosure of a national defence secret’.

10 Arnaud Dumourier, *Preventing corruption in France: Insufficient efforts according to GRECO*, (*Prévention de la corruption en France: des efforts insuffisants selon le GRECO*), *Le Monde du Droit*, 11 April 2024, <https://www.lemondedudroit.fr/institutions/92332-prevention-corruption-france-efforts-insuffisants-greco.html>.

11 Haute Autorité pour la Transparence de la Vie Publique, *The High Authority alerts members on the needs to prevent conflicts of interest*, (*La Haute Autorité alerte les membres sur la prévention des conflits d’intérêts*), 30 December 2024, <https://www.hatvp.fr/presse/la-haute-autorite-alerte-les-membres-du-gouvernement-sur-la-prevention-des-conflits-dinterets-3/>.

The GRECO points out that in France there is no overall strategy dedicated to the prevention of corruption risks within the National Police's law enforcement services, nor "a specific rotation system for sectors mapped as being more exposed to corruption risks".<sup>12</sup>

### **Any other relevant measures to prevent corruption in public and private sector**

International organisations like GRECO and civil society like Transparency international or Sherpa have been calling on France for many years to make the fight against corruption a matter of public policy – a government responsibility in its own right. According to its author, former deputy and lawyer Raphael Gauvin "One of the first measures to be taken is to set up an inter-ministerial committee dedicated to the fight against corruption, as proposed in the 2021 parliamentary report on the evaluation of the Sapin 2 law"<sup>13</sup> It should be chaired by the Prime Minister, and bring together the various ministers, directors of administration and administrative authorities concerned, to enable better administrative coordination and regular

sharing of information between the main public stakeholders.

## **Investigation and prosecution of corruption**

### **Criminalisation of corruption and related offences**

After ten years of existence, the National Financial Prosecutor's Office has recorded more than 3,200 proceedings initiated, resulting in 532 convictions. A total of €12.217 billion in fines, confiscations, damages and tax reassessments were handed down to the French Treasury.<sup>14</sup>

Of the proceedings currently in progress, 40% are the result of referrals from public authorities. Associations, particularly those with anti-corruption accreditation, and whistleblowers play a significant role in the proceedings investigated by the PNF. The resources allocated to the PNF remain clearly insufficient, and are lower than those envisaged in the impact study carried out at the time of its creation in 2014.

12 Arnaud Dumourier, *Preventing corruption in France: Insufficient efforts according to GRECO*, (*Prévention de la corruption en France: des efforts insuffisants selon le GRECO*), *Le Monde du Droit*, 11 April 2024, <https://www.lemondedudroit.fr/institutions/92332-prevention-corruption-france-efforts-insuffisants-greco.html>.

13 Raphael Gauvain and Vincent Filhol, *The need for a political impulse in the fight against corruption* ("Il faut enfin donner une véritable impulsion politique dans la lutte contre la corruption") *Le Monde*, 1 May 2024, [https://www.lemonde.fr/idees/article/2024/05/01/il-faut-enfin-donner-une-veritable-impulsion-politique-a-la-lutte-contre-la-corruption\\_6230937\\_3232.html](https://www.lemonde.fr/idees/article/2024/05/01/il-faut-enfin-donner-une-veritable-impulsion-politique-a-la-lutte-contre-la-corruption_6230937_3232.html).

14 Transparency international France, *2014-2024 marque la première décennie du Parquet National Financier (PNF) : quel bilan pour la lutte contre la grande délinquance économique et financière en France?*, <https://transparency-france.org/wp-content/uploads/2024/10/ARTICLE-les-10-ans-du-PNF-LF-1.pdf>.

**Effectiveness of investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds. Please provide data where available.**

In April 2024, a collective of more than 120 magistrates called for structural reforms to strengthen the resources of the judicial police and the implementation of new traceability tools for financial flows, believing that this is crucial to winning the battle against narco-trafficking and money laundering, which fuel much of the corruption witnessed in the country.<sup>15</sup>

**Other**

“In July 2024, France suffered a significant setback in terms of financial transparency, with the closure to the public of its register of companies’ beneficial owners (RBE)”, points out the newspaper *Le Monde*.<sup>16</sup> The RBE was considered a major step forward in terms of financial transparency and the fight against fraud and money laundering. The RBE was also widely used by the media in investigating corruption and financial crimes. In the absence of information on beneficial owners, accused and convicted persons can easily – and legally – hide behind nominees or shell companies acting as managers or shareholders.

The closure of the RBE was made mandatory by the 22 November 2022 ruling<sup>17</sup> of the Court of Justice of the European Union, which declared public access to European registers of beneficial owners illegal, in the name of respect for privacy.

15 *Le Monde*, *Faced with the rising of organised crime, the French justice system suffers from a long-term lack of resources* (« Face à la montée en puissance du crime organisé, la justice française souffre d’un manque durable de moyens »), 8 April 2024, [https://www.lemonde.fr/idees/article/2024/04/08/face-a-la-montee-en-puissance-du-crime-organise-la-justice-francaise-souffre-d-un-manque-durable-de-moyens\\_6226629\\_3232.html](https://www.lemonde.fr/idees/article/2024/04/08/face-a-la-montee-en-puissance-du-crime-organise-la-justice-francaise-souffre-d-un-manque-durable-de-moyens_6226629_3232.html).

16 Maxime Vaudano, *How financial transparency in France is taking a step back after the closure of the effective beneficiaries registree* (*Pourquoi la transparence financière va reculer en France, avec la fermeture du registre des bénéficiaires effectifs*), *Le Monde*, 16 June 2024, [https://www.lemonde.fr/les-decodeurs/article/2024/06/16/pourquoi-la-transparence-financiere-va-reculer-en-france-avec-la-fermeture-du-registre-des-beneficiaires-effectifs\\_6240503\\_4355770.html](https://www.lemonde.fr/les-decodeurs/article/2024/06/16/pourquoi-la-transparence-financiere-va-reculer-en-france-avec-la-fermeture-du-registre-des-beneficiaires-effectifs_6240503_4355770.html).

17 Judgment of the Court (Grand Chamber) of 22 November 2022. *WM and Sovim SA v. Luxembourg Business Registers*, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62020CJ0037>.

## MEDIA ENVIRONMENT AND MEDIA FREEDOM

### Key recommendations

- Both the executive power and the Parliament should prioritise a prompt transposition of the European Media Freedom Act (EMFA) into French law.
- Lawmakers should grant legal personality to the editorial team of a media outlet. The purpose of this is to give the right to oppose editorial decisions and the appointment of management positions when the media's independence is challenged by a shareholder, management, or an advertiser.
- Lawmakers should strengthen the control and sanction mechanisms available to the Audiovisual and Digital Communication Regulatory Authority (ARCOM).

### Media and telecommunications authorities and bodies

#### **Independence, enforcement powers and adequacy of resources of media and telecommunication authorities and bodies**

In August 2024, ARCOM's directors received death threats. "Although no reason was given in the letter, the threats could be linked to the decision not to renew the DTT (digital terrestrial television - TNT) frequency of the C8 channel announced a week before receiving this letter," reports the newspaper *Libération*.<sup>18</sup> The C8 channel, which belongs to the Canal + group owned by Vincent Bolloré, has

repeatedly failed to meet its obligations over the years, largely due to the outrageous behaviour of Cyril Hanouna on his flagship programme *Touche pas à mon poste*. As Arcom pointed out at the hearing of Canal+ group executives in early July, the channel has been fined up to €7.6 million over the past eight years.<sup>19</sup>

### Pluralism and concentration

#### **Levels of market concentration**

The appetite of major media owners is now turning to renowned publishing houses. At the end of 2023, Vincent Bolloré acquired the Hachette group, which includes major

18 *Libération*, *Arcom directors faced with death threats*, (*Les dirigeants de l'Arcom visés par des menaces de mort*), 7 August 2024, [https://www.liberation.fr/economie/medias/les-dirigeants-de-larcom-vises-par-des-menaces-de-mort-20240807\\_OPLZBNRJXJCM3MY2EXMSW76CUA/](https://www.liberation.fr/economie/medias/les-dirigeants-de-larcom-vises-par-des-menaces-de-mort-20240807_OPLZBNRJXJCM3MY2EXMSW76CUA/).

19 *Ibid.*

publishing houses such as Armand Colin, Fayard, Grasset and Stock, as well as school and children’s publishing. In 2024, this press magnate placed personalities who shared his conservative political views at the head of several publishing houses.

Following the takeover of Hachette, Vincent Bolloré had to sell Editis, which is now owned by Daniel Kretinsky. Editis is considered France’s second-largest publishing group, just behind Hachette. These two publishing champions now find themselves linked to large hegemonic groups in the media sector.

### **Rules governing and safeguarding the pluralistic media market, and their application (including regulating mergers, acquisitions and other ownership changes)**

In 2024, a parliamentary commission of investigation, composed of thirty deputies, examined the allocation, content and control of authorisations for national television services on digital terrestrial television (TNT). In particular, it set out to examine the means of control implemented by Arcom to ensure pluralism, and its ability to sanction broadcasters who fail to comply with the law (incitement to hatred, fake news). In its conclusions, the commission points out that:

*“private TNT remains a low-cost form of television, combining advertising and propaganda. Today, it is the battleground of a few private industrial groups, for whom ownership of a mass medium is part of an economic strategy, but also one of influence, defense of private interests and personal convictions. Above all, the regulator does not appear to be in a position either to enforce the obligations applicable to channels, or to guarantee the pluralism of expression of all the currents of thought and opinion in French society, necessary for the proper conduct of democratic debate.”<sup>20</sup>*

### **Transparency and media ownership**

In its 2024 report on global press freedom, Reporter Without Borders notes that:

*“the concentration of private press groups in the hands of a few businessmen is becoming a major concern in France. The expansion of the Bolloré group (CNews, Paris Match, Europe 1, Le Journal du Dimanche), which absorbed the Lagardère group in 2023, is worrying the sector because of the shareholder’s brutal, interventionist methods and lack of internal pluralism, raising fears of the triumph of opinion over facts.”<sup>21</sup>*

Several recent cases have highlighted a shareholder’s ability to significantly change a title’s editorial line following a takeover. At the same time, some journalists have expressed the wish

20 Commission d’enquête sur l’attribution, le contenu et le contrôle des autorisations de services de télévision à caractère national sur la télévision numérique terrestre, May 2024, <https://www.assemblee-nationale.fr/dyn/16/organes/autres-commissions/commissions-enquete/ce-autorisations-services-television>.

21 Reporters sans Frontières, <https://rsf.org/fr/pays/france>.

for more direct involvement of editorial teams in the management of titles, promoting the idea of a ‘right of approval’ of journalists for the editorial director.

To this day, there are no plans to fully transpose the EMFA into French law. Nevertheless, a bill aimed at “reinforcing media independence and better protecting journalists”<sup>22</sup> was debated in the Senate in autumn 2024, and could incorporate some of EMFA’s specific measures for protecting the confidentiality of sources and journalists.

## Public service media

### **Independence of public service media from governmental interference**

Scheduled to go before the National Assembly on 23 May 2024, the government’s proposal to reform the public broadcasting sector by merging the various press services of the public media was withdrawn from the agenda against a backdrop of public service strikes and the unpopularity of the measure in an election period (European Parliament elections 2024). The dissolution of the National Assembly

and the fall of Elisabeth Borne’s government helped to keep this reform off the political agenda. Supported by Minister of Culture Rachida Dati, the reform was nevertheless reinstated in Michel Barnier’s government in September 2024. An article by all the journalists’ associations denounced the reform as they feared “an impoverishment of the information on offer”, and the risk of “being more susceptible to pressure, particularly political pressure, once united under a single management”.<sup>23</sup>

## Online media

### **Impact on media of online content regulation rules (including content removal obligations, liability rules)**

In September 2024, the *Etats généraux de l’information*,<sup>24</sup> a consultation process organised by the government, proposed in its conclusions to combat misinformation by promoting quality information on French networks through a reliability label, to which the media would subscribe, and could be favored in algorithms, both with the public and advertisers (Source RFI). This is in line with the Journalism Trust Initiative, promoted by Reporters Without

22 Sénat, Law proposal on strengthening media independence and better protect journalists (proposition de loi visant à renforcer l’indépendance des médias et mieux protéger les journalistes), 24 July 2024, <https://www.senat.fr/dossier-legislatif/ppl23-741.html>.

23 Le Monde, *Draft reform on public broadcasting: No, public broadcasting media will not be stronger together (Projet de réforme de l’audiovisuel public : « Non, les médias audiovisuels publics ne seront pas plus forts ensemble »)*, 22 May 2024, [https://www.lemonde.fr/idees/article/2024/05/22/projet-de-reforme-de-l-audiovisuel-public-non-les-medias-audiovisuels-publics-ne-seront-pas-plus-forts-ensemble\\_6234864\\_3232.html](https://www.lemonde.fr/idees/article/2024/05/22/projet-de-reforme-de-l-audiovisuel-public-non-les-medias-audiovisuels-publics-ne-seront-pas-plus-forts-ensemble_6234864_3232.html).

24 Vie Publique, *Report on the General Status of Information (Rapport des États Généraux de l’information)*, 12 September 2024, <https://www.vie-publique.fr/files/rapport/pdf/295405.pdf>.



Borders (RSF), co-initiator of this major consultation.

## Public trust in media

The La Croix-Kantar barometer on French people's confidence in the media shows that 62% of French people believe 'that we should be cautious of what the media says about major current affairs' (+5% since 2022).<sup>25</sup> Despite a trending 'information overload syndrome', 74% of 18-24 year-olds show a great interest in news, compared to just 61% in November 2023, an increase of 14 points!

## Safety and protection of journalists and other media actors

### Lawsuits and prosecutions against journalists (including SLAPPs) and safeguards against abuse

The European directive on the fight against gagging procedures (SLAPPs Directive) has not yet been transposed into French law. The association La Maison des Lanceurs d'Alerte (House of Whistleblowers) has noted an increasingly worrying and diversified number of gagging procedures implemented in France,

by companies and public authorities against whistleblowers, journalists and NGOs.<sup>26</sup>

In their conclusions, the Etats généraux de l'information stated that, with regard to SLAPP (strategic lawsuit against public participation) procedures:

*"it is proposed to introduce into the law a precise definition of these procedures, valid also for internal cases, as well as provisions enabling the rapid dismissal of unfounded procedures and dissuasive sanctions in the event of abuse, covering the legal costs and moral prejudice suffered by the journalist or the editorial staff, as is already the case in certain European Union countries."*<sup>27</sup>

25 Maude Guilbeault, (*Media Barometer 2025: misinformation, fatigue, confidence... Our survey in 8 key figures*), *Baromètre des médias 2025 : désinformation, fatigue, confiance... Notre sondage en 8 chiffres clés*, La Croix, 14 January 2025, <https://www.la-croix.com/culture/barometre-des-medias-2025-desinformation-fatigue-confiance-notre-sondage-en-8-chiffres-cles-20250114>.

26 La Maison des Lanceurs d'Alerte, *Total censorship: we will not be silenced by SLAPPs!*, 26 June 2023, <https://mlalerte.org/total-censorship-we-will-not-be-silenced-by-slapps/>.

27 Rapport des états généraux de l'information - Protéger et développer, le droit à l'information : une urgence démocratique, September 2024.

## CHECKS AND BALANCES

### **Key recommendations**

- *Abolish Article 49-3 of the Constitution.*
- *Create a set of rules to establish a precise timeframe for resigning governments.*
- *Increase state funding to strengthen more human and financial resources for independent bodies and institutions tasked with human rights monitoring.*

### **Process for preparing and enacting laws**

#### **Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)**

Between January and September 2024, the Attal government did not use Article 49-3 of the Constitution, which allows a bill to be passed without a vote. However, its use by Michel Barnier's government in December 2024 to force through a controversial budget bill resulted in a vote of no confidence. Among the criticisms levelled at the existence and use of Article 49-3 are, first and foremost, the bypassing of parliamentarianism and the impossibility of calm, constructive debate.

Michel Barnier's government chose to use Article 49-3 on 2 December 2024 to force through the Social Security Financing Bill. As a result, deputies tabled motions of censure,

which received 331 votes, exceeding the absolute majority set at 289 votes. This is only the second time under the Fifth Republic that the National Assembly has rejected a government in this way; the previous occurrence dates back to 5 October 1962, with the fall of Georges Pompidou's government.

### **Independent authorities**

Opinions coming from independent authorities such as the Defender of Rights or the National Consultative Commission on Human Rights are not legally binding. Although their recommendations are intended to influence the development of public policies, they appear to be barely taken into account in the decision-making process under Emmanuel Macron's presidency (since 2017). It was notable that in 2024, several critical opinions from these organisations gave rise to no response from administrative and political authorities. For example, the Defender of Rights issued a critical opinion on the rights of prisoners and

called for urgent responses, which remains unfollowed.<sup>28</sup>

## Electoral framework

### Limitations on the right to vote

Following the result of the European elections on 9 June 2024, in which the far right came out on top, French President Emmanuel Macron announced the dissolution of the National Assembly. He justified this decision by the poor scores “for parties that defend Europe, including that of the presidential majority”.<sup>29</sup> The dissolution put an end to the term of office of sitting deputies and called for new legislative elections.

Legislative elections were therefore held on 30 June and 7 July, barely three weeks after the announcement of the dissolution. Holding the polls within such a short timeframe was lawful, as confirmed by the Constitutional Council in

a decision dated 20 June 2024, rejecting 10 appeals.<sup>30</sup> However, Emmanuel Macron also “froze the electorate” in his decree, preventing, with a few exceptions, the registration of those not or incorrectly registered (around 11 million people) on the electoral rolls.<sup>31</sup>

### Rules on political advertising and their enforcement

In France, political advertisements are strictly regulated. Since 2018, the law aimed at combating the manipulation of information has prohibited political ads on social media during election campaigns, and until the end of general election periods. This legal framework was not challenged during the 2024 European or legislative elections.

28 Défenseur des droits, Communication de la défenseure des droits, *Prisoners' rights: an alarming situation requiring urgent responses* (*Les droits des personnes détenues : Un constat alarmant nécessitant des réponses urgentes*), 6 November 2024, [https://www.defenseurdesdroits.fr/sites/default/files/2024-11/Defenseur\\_des\\_droits\\_Communication\\_Lesdroitsdespersonnesdetenues.pdf](https://www.defenseurdesdroits.fr/sites/default/files/2024-11/Defenseur_des_droits_Communication_Lesdroitsdespersonnesdetenues.pdf).

29 Vie publique, President Emmanuel Macron's Declaration on the European election results and the dissolution of the National Assembly (Déclaration de M. Emmanuel Macron, président de la République, sur le résultat des élections européennes et la dissolution de l'Assemblée nationale, à Paris le 9 juin 2024), 9 June 2024, <https://www.vie-publique.fr/discours/294547-emmanuel-macron-09062024-dissolution-de-lassemblee-nationale>.

30 Constitutional court (France), Judgment of 20<sup>th</sup> of June 2024, No 2024-32/33/34/35/36/37/38/39/40/41, <https://www.conseil-constitutionnel.fr/actualites/communiquedecision-n-2024-32333435363738394041-elec-du-20-juin-2024-communique-de-presse>.

31 Simon Barbarit, 2024 Legislative elections: Is it too late to register? (Législatives 2024: peut-on encore s'inscrire sur les listes électorales?), Public Sénat, 13 June 2024, <https://www.publicsenat.fr/actualites/politique/legislatives-2024-peut-on-encore-sinscrire-sur-les-listes-electorales>.

### **Eligibility criteria and restrictions to be a candidate**

In France, in case of conviction for violations of the duty of integrity, active corruption, or influence peddling, ineligibility can be imposed as an additional penalty on a person holding a government position or an elected public mandate at the time of the offense. Right-wing and far-right political figures (Balkany,<sup>32</sup> Le Pen<sup>33</sup>) challenge this ‘power of the judges’ and have attempted to spark a debate on the existence of this penalty, claiming that it constitutes targeted/tailor-made political sanctions that go against the principle of ‘popular sovereignty’.

### **Transition of power**

Following the legislative elections in July 2024, far-right parties secured more than 33% of the vote, followed by the coalition of left-wing parties (the Nouveau Front Populaire) with 27%, and Emmanuel Macron’s party with 20%. The President did not immediately appoint a new Prime Minister, leading to an

unprecedented period of ‘non-transition’ lasting 51 days, during which a caretaker government managed current affairs while the Olympic Games were held in France. He ultimately appointed Michel Barnier on 5 September 2024, from the ranks of the Les Républicains party, which had only secured 47 seats in the legislative elections. Journalists and civil society actors labeled this appointment as a “denial of democracy”.<sup>34</sup> After three months in office, Mr. Barnier became the Prime Minister with the shortest tenure in the history of the Fifth Republic when his government was outvoted by the National Assembly.

### **Access to balanced and reliable information online and offline during electoral campaign: campaigning, media coverage, disinformation and misinformation**

ARCOM, the French audiovisual regulatory authority, had to intervene during the European election campaign. It responded to complaints from smaller parties that felt disadvantaged compared to the major ones. ARCOM

32 Aurélien Thirard, Patrick Balkany requests a remission for his ineligibility penalty to stand for the Levallois-Perret Mayor elections of 2026 (Patrick Balkany demande une remise de sa peine d’inéligibilité pour pouvoir se représenter aux municipales à Levallois-Perret en 2026), *Franceinfo*, 28 November 2024, [https://www.francetvinfo.fr/faits-divers/justice-proces/patrick-balkany-demande-une-remise-de-sa-peine-d-ineligibilite-pour-pouvoir-se-representer-aux-municipales-a-levallois-perret-en-2026\\_6924530.html](https://www.francetvinfo.fr/faits-divers/justice-proces/patrick-balkany-demande-une-remise-de-sa-peine-d-ineligibilite-pour-pouvoir-se-representer-aux-municipales-a-levallois-perret-en-2026_6924530.html).

33 Pauline Godart, RN trial : Marine Le Pen could face an ineligibility sentence, her fate is to be determined on March 31st. (Procès du RN : Marine Le Pen, qui risque une peine d’inéligibilité, fixée sur son sort le 31 mars ), *France 24*, 27 November 2024, <https://www.france24.com/fr/info-en-continu/20241127-proc%C3%A8s-rn-la-parole-%C3%A0-la-d%C3%A9fense-de-marine-le-pen-pour-lui-%C3%A9viter-la-mort-politique>.

34 Amélie Quentel, *Barnier Government : a profound denial of democracy* (Gouvernement Barnier : « Il y a un profond déni démocratique »), *Reporterre*, 23 September 2024, <https://reporterre.net/Gouvernement-Barnier-Il-y-a-un-profond-deni-democratique>.

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decided to count the President’s interview time as part of the speaking time allocated to the candidate from his party in the European elections.<sup>35</sup> It had already done the same for interventions by Prime Minister Gabriel Attal. While ARCOM sanctioned the presidential party’s attempts to violate the principle of equal speaking time, this tendency to manipulate a European election remains concerning.

During the legislative elections, ARCOM issued a warning to the national radio station Europe 1, owned by Vincent Bolloré, and its star host Cyril Hanouna, instructing them to “treat election-related news with moderation and honesty” and to “strictly ensure a diversity of viewpoints in debate programs”. The host was criticised for favoring far-right guests on his shows.

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35 Adel Miliani, European elections 2024 : understanding the controversy over the executive’s speaking time during the campaign (Européennes 2024 : comprendre la polémique sur le temps de parole de l’exécutif durant la campagne), *Le Monde*, 4 June 2024, [https://www.lemonde.fr/les-decodeurs/article/2024/06/04/europeennes-2024-comprendre-la-polemique-sur-le-temps-de-parole-de-l-executif-durant-la-campagne\\_6237294\\_4355770.html](https://www.lemonde.fr/les-decodeurs/article/2024/06/04/europeennes-2024-comprendre-la-polemique-sur-le-temps-de-parole-de-l-executif-durant-la-campagne_6237294_4355770.html).

## CIVIC SPACE

### Key recommendations

- *Increase public authorities' financial support to associations and prioritise grants while protecting them from competition rules.*
- *Executive or legislative powers should abolish the Republican Commitment Contract and replace it with a charter of mutual commitments between the state, local authorities, and the association sector.*
- *The Ministry of Interior should revise law enforcement doctrines to ensure the safety and physical integrity of demonstrators.*

## Freedom of association

### Involuntary dissolution

The freedom of association in France remains characterised in 2024 by the repeated use of administrative dissolutions of associations. In June 2024, a series of far-right associations and groups were dissolved by a decision of the Council of Ministers.<sup>36</sup> Few of these organisations, many of which were informal, appealed the dissolution decisions, preferring

to reappear under a new identity. Rarely used until now, legal proceedings for 'reconstitution of a dissolved league' were initiated in March 2024 against far-right identitarian militants.<sup>37</sup>

### Freedom to determine objectives and activities, including the scope of operations

The Mouvement associatif states that in 2024 "one in two associations was forced to stop certain projects due to a decrease in public funding".<sup>38</sup> According to the report by the Economic,

36 Public Sénat, 26 June 2024, <https://www.publicsenat.fr/actualites/politique/le-gud-et-trois-autres-groupuscules-dissous-par-le-gouvernement>.

37 Libération, *Prosecuted for 'reconstituting a disbanded league', the identitaires launch a fund-raising campaign, (Poursuivis pour «reconstitution de ligue dissoute», les identitaires lancent une cagnotte)*, 21 March 2024, [https://www.liberation.fr/politique/poursuivis-pour-reconstitution-de-ligue-dissoute-les-identitaires-lancent-une-cagnotte-20240321\\_RI7EDOY3GZAO7GVJGKAEQQ3VEQ/](https://www.liberation.fr/politique/poursuivis-pour-reconstitution-de-ligue-dissoute-les-identitaires-lancent-une-cagnotte-20240321_RI7EDOY3GZAO7GVJGKAEQQ3VEQ/).

38 CESE (Conseil Économique Social et Environnemental), *Strengthening the funding of associations : à democratic emergency : an opinion adopted by the CESE (Renforcer le financement des associations : une urgence démocratique : le CESE a adopté l'avis)*, 3 June 2024, <https://www.lecese.fr/actualites/renforcer-le-financement-des-associations-une-urgence-democratique-le-cese-adopte-lavis>.

Social, and Environmental Council (CESE) published in May 2024, titled *Strengthening the Funding of Associations: A Democratic Urgency*,<sup>39</sup> in a context of diminishing public funding, many associations have modified their projects to align with the priorities of private funders, sometimes at the expense of their original mission. For example, cultural associations have shifted their programs toward topics more attractive to corporate sponsors, such as digital innovation or sustainable development, in order to secure funding. While this adaptation is strategic, it can limit the operational freedom of associations by moving them away from their primary objectives.

***Equal treatment among CSOs, including by reference to CSOs' focus of activities, type of activities, and geographical location of activities.***

According to a report published in August 2024 by the French National Agency for Territorial Cohesion (ANCT), rural CSOs have limited access to public and private funding, as well as to appropriate support services.<sup>40</sup> A study entitled *A Comparative Look at European Funds and the French Rural Agenda* published on the Europe is committed in France portal highlights the fact that European funds, although available, are often under-utilised by rural associations due to the complexity of the procedures and the lack of information.<sup>41</sup>

39 CESE (Conseil Économique Social et Environnemental), *Strengthening the funding of associations : à democratic emergency : an opinion adopted by the CESE (Renforcer le financement des associations : une urgence démocratique : le CESE a adopté l'avis)*, 3 June 2024.

40 Agence Nationale de la Cohésion des Territoires (ANCT), *A cross-section of European funds and the French rural agenda*, ("Regards croisés sur les fonds européens et l'Agenda rural français"), October 2023, <https://agence-cohesion-territoires.gouv.fr/sites/default/files/2024-12/Regards%20crois%C3%A9s%20fonds%20europ%C3%A9ens%20et%20agenda%20rural.pdf>.

41 Ibid.

**Financing framework for CSOs, including availability of and access to public funding, rules on fundraising, rules on foreign funding, tax regulations (e.g. tax advantages for organisations with charitable or public benefit status, eligibility to receive donations via citizens' allocation of income tax to charitable causes, eligibility to use public amenities at low or no cost, etc)**

In 2024, CSOs underwent further administrative controls and restrictions, particularly in connection with the application of the Republican Commitment Contract (RCC), making public funding conditional on the signing. The Coordination Sud and Le Mouvement associatif networks indicate “its entry into force has greatly contributed to degrading and instrumentalising relations between associations and public authorities at all levels (local, regional, national)”.<sup>42</sup>

At the end of France's review process in November 2024, the UN Human Rights Committee expressed concern that under the RCC “associations can have public subsidies

withdrawn for failing to comply with a legally vague definition of ‘republican commitment, and that legal remedies can only be filed after funding has been withdrawn’.<sup>43</sup> It called on France to review the law of 24 August 2021, and ensure that the Republican Commitment Contract “cannot be applied arbitrarily to withdraw public subsidies from associations considered non-compliant with ‘republican commitment’, including by guaranteeing access to effective remedies for organizations on which such measures may be imposed”.<sup>44</sup>

**Good administration and redress mechanisms in relation to decisions by public authorities affecting CSOs**

The Republican Commitment Contract puts associations at financial and administrative risk. If administrative sanctions are imposed, it is difficult for them to challenge the charges brought against them in court, especially as many do not have the financial means to pay legal fees.

42 Coordination SUD, Report : the impacts of the Republican Engagement Contract (CER) on associative freedoms (Rapport : Les impacts du Contrat d'Engagement Républicain (CER) sur les libertés associatives), 8 November 2024, <https://www.coordinationsud.org/document-ressource/les-impacts-du-contrat-dengagement-republicain-cer-sur-les-libertes-associatives/>.

43 United Nations (UN), Human Rights Committee, Concluding observations on the 6th periodic report of France, CCPR/C/FRA/CO/6, 3 December 2024, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FFRA%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FFRA%2FCO%2F6&Lang=en).

44 Coordination SUD, Report : the impacts of the Republican Engagement Contract (CER) on associative freedoms (Rapport : Les impacts du Contrat d'Engagement Républicain (CER) sur les libertés associatives), 8 November 2024, <https://www.coordinationsud.org/document-ressource/les-impacts-du-contrat-dengagement-republicain-cer-sur-les-libertes-associatives/>.



In addition, CSOs report delays in obtaining funding or refusal of subsidies based on criteria perceived as non-transparent.

## Freedom of peaceful assembly

### **Criminalisation of activities, including humanitarian or human rights work**

In 2024, several humanitarian associations in France faced restrictive measures and legal proceedings due to their activities in favor of migrant people. Utopia 56, active in helping migrants in Calais, reported an increase in police checks and obstructions to its humanitarian actions. Three legal proceedings<sup>45</sup> have been launched against the organisation.

Faced with the violent repression to which environmental defenders are regularly subjected during demonstrations or peaceful occupations of land threatened by ecocidal projects (megabassin project, A69 motorway project...), France Nature Environnement submitted two

complaints, in March 2024, to the United Nations Special Rapporteur on Environmental Defenders, Michel Forst.<sup>46</sup>

Faced with opposition to the A69 freeway project in the Toulouse region, the Ligue des droits de l'Homme (Human Rights League) claims that the French government has implemented a strategy described as “a strategy of attrition and siege”.<sup>47</sup> This war of attrition has resulted in numerous arrests, several hundred in police custody, prosecutions, 60 court cases, 44 judicial reviews, 27 people banned from entering France, four sentenced to six-month-long house arrest with electronic bracelets, two sentenced to four and six-month-long imprisonments respectively, and dozens of people injured, some seriously.<sup>48</sup>

45 Utopia 56, *Utopia 56 faced with three legal proceedings (Utopia 56 visée par trois procédures judiciaires)*, 3 December 2024, <https://utopia56.org/utopia-56-visee-par-trois-procedures-judiciaires/>.

46 United Nations Regional Centre for Western Europe, *Repression of environmental activists: a threat to democracy, (Répression des militants écologistes : une menace pour la démocratie)*, <https://unric.org/fr/repression-des-militants-ecologistes-une-menace-pour-la-democratie/>.

47 Ligue des Droits de l'Homme, Summary of the Report on the inquiry commission on violation of rights during police operations against opponents of the A69 between February and September 2024 (Synthèse du Rapport de la commission d'enquête sur les atteintes aux droits lors des opérations de police et de gendarmerie contre les opposant·es à l'A69 entre février et septembre 2024), September 2024, <https://ldh-midi-pyrenees.org/wp-content/2024/09/Synthese-A-69-4-pages-.pdf>.

48 United Nations Regional Centre for Western Europe, *Repression of environmental activists: a threat to democracy, (Répression des militants écologistes : une menace pour la démocratie)*, <https://unric.org/fr/repression-des-militants-ecologistes-une-menace-pour-la-democratie/>.

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**Access to justice, including rules on legal standing, capacity to represent collective interest at court, and access to legal aid**

Access to justice for associations in France remains problematic. The existing legal framework, particularly the increasing restriction of the right to take legal action to associations with approvals granted by the administration, does not always facilitate the representation of collective interests before the courts. These approvals, particularly in the areas of anti-corruption or environmental protection, have become tools of pressure or censorship by the public administration against associations (e.g. the Anticor case<sup>49</sup>). The high cost of legal proceedings is another major barrier. Lawsuits can last for several years, incurring considerable expenses that associations often cannot bear without financial support.

In terms of access to legal aid, the public resources allocated remain very limited. As a result, associations often have to rely on private funding or fundraising campaigns to cover the costs associated with legal actions.

**Impact of rules on foreign funding, accounting and auditing rules, anti-money laundering regulations**

In 2024, France adopted law No. 2024-850 of 25 July 2024 aimed at preventing foreign interference. This law has drawn criticism from associations and foundations who see it as a potential threat to public freedoms and democratic life. These criticisms were relayed to the National Assembly by New Popular Front MPs.<sup>50</sup> This legislation requires civil society organisations (CSOs) receiving foreign funding to declare their activities to the French High Authority for Transparency in Public Life (HATPL). Although aimed at enhancing transparency, this measure has raised concerns among CSOs, particularly those operating across borders, who see it as a stigmatisation of legitimate foreign funding. However, the law also provides for control and appeal mechanisms, notably through the HATPL, offering CSOs avenues to challenge decisions affecting their operations.

**Surveillance of protests**

As part of the Olympic Games, France deployed ‘on an experimental basis’, meaning without a

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49 Anticor, *Fight against corruption: the government refuses to accredit Anticor (Lutte contre la corruption : le gouvernement refuse de nouveau d’agréer Anticor)*, 26 July 2024, <https://observatoire.anticor.org/2024/07/26/lutte-contre-la-corruption-le-gouvernement-refuse-de-nouveau-dagreer-anticor/>.

50 Le Monde, *Law against foreign interference adopted by Parliament (Une loi contre les ingérences étrangères définitivement adoptée au Parlement)*, 5 June 2024, [https://www.lemonde.fr/politique/article/2024/06/05/une-loi-contre-les-ingerences-etrangeres-definitivement-adoptee-au-parlement\\_6237539\\_823448.html](https://www.lemonde.fr/politique/article/2024/06/05/une-loi-contre-les-ingerences-etrangeres-definitivement-adoptee-au-parlement_6237539_823448.html).

legislative framework, algorithmic video surveillance systems (VSAs)<sup>51</sup> and used drones to monitor crowds at public gatherings. Human Rights Watch, in its 2024 World Report on France,<sup>52</sup> and Amnesty International<sup>53</sup> highlighted that these ‘intrusive technologies’ create an atmosphere of distrust and discourage citizens from exercising their right to peacefully assemble. The issue of permanently deploying VSA on a large scale for public safety concerns remains unresolved, pending the passage of a law and the evaluation of the experimental system by French lawmakers, whose conclusions are expected in the spring of 2025.

Furthermore, administrative decisions suspended the right to protest during the Olympic and Paralympic Games in areas near venues hosting sports events.<sup>54</sup> Territorial bans<sup>55</sup> and preventive arrests also took place.<sup>56</sup>

### **Imposition of fines and other administrative sanctions**

In 2024, French authorities intensified the use of administrative sanctions to discourage participation in protests. According to the 2024 World Report by Human Rights Watch,<sup>57</sup> fines were frequently imposed for minor offenses, such as obstructing public roads or

51 Franceinfo, *Paris 2024: 5 questions on the first algorithmic video surveillance tests in the capital (Paris 2024 : cinq questions sur les premiers tests de vidéosurveillance algorithmique dans la capitale)*, 3 March 2024, [https://www.francetvinfo.fr/les-jeux-olympiques/paris-2024-cinq-questions-sur-les-premiers-tests-de-videosurveillance-algorithmique-dans-la-capitale\\_6401653.html](https://www.francetvinfo.fr/les-jeux-olympiques/paris-2024-cinq-questions-sur-les-premiers-tests-de-videosurveillance-algorithmique-dans-la-capitale_6401653.html).

52 Human Rights Watch, *World Report 2024 country chapters France*, <https://www.hrw.org/fr/world-report/2024/country-chapters/france>.

53 Amnesty International, *Olympic Games 2024: Why algorithmic video surveillance is an issue? (JO 2024: Pourquoi la vidéosurveillance algorithmique pose un problème)*, 15 April 2024, <https://www.amnesty.fr/liberte-d-expression/actualites/pourquoi-la-videosurveillance-algorithmique-pose-probleme-cameras-technologies>.

54 Ouest France, *2024 Olympics: The ban on demonstrations upsets the unions in Loire-Atlantique, (JO 2024. L'interdiction de manifester fâche les syndicats en Loire-Atlantique)*, 1 August 2024, <https://www.ouest-france.fr/jeux-olympiques/linterdiction-de-manifester-fache-les-syndicats-7a648094-5011-11ef-b169-5a3a31fb9518>.

55 Christophe Ayad, *Paris 2024: individual traffic restrictions annulled by the administrative courts, (Paris 2024 : des mesures de restrictions individuelles de circulation annulées par la justice administrative)*, *Le Monde*, 1 August 2024, [https://www.lemonde.fr/societe/article/2024/08/01/paris-2024-des-mesures-de-restrictions-individuelles-de-circulation-annulees-par-la-justice-administrative\\_6263890\\_3224.html](https://www.lemonde.fr/societe/article/2024/08/01/paris-2024-des-mesures-de-restrictions-individuelles-de-circulation-annulees-par-la-justice-administrative_6263890_3224.html).

56 Franceinfo, *Paris 2024 Olympics: 45 activists arrested prior to an action organised by the Extinction Rebellion movement, (JO de Paris 2024 : 45 militants interpellés avant l'organisation d'une action du mouvement Extinction Rebellion)*, 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](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).

57 Human Rights Watch, *World Report 2024, Country Chapters : France*, <https://www.hrw.org/fr/world-report/2024/country-chapters/france>.

participating in an undeclared demonstration, even when protesters were peacefully exercising their right to assembly. In 2024, abusive administrative sanctions, including fines, kettling, or arrests, were observed during protests in support of the Palestinian people and against the far-right after the European elections.

## **Freedom of expression and of information**

In 2024, France experienced tensions between regulation and freedom of expression. Several laws and practices impact this balance. A few examples below illustrate a persistent tension between the protection of fundamental rights and security or regulatory imperatives. Efforts are still needed to ensure a fair balance between these issues.

### **Rules on hate speech and their enforcement**

The law on freedom of the press was amended in February 2024 to extend the period to initiate criminal proceedings for insults and defamation when an elected person or candidate is targeted. This reform has drawn criticism from press rights organisations,<sup>58</sup> who believe it weakens the founding principles of the 1881

law, designed to prioritise freedom of the press and expression.

### **Criminalisation of speech**

The criminalisation of certain speech focuses notably on cases of incitement to hatred and denialism, regulated by strict laws in France. While these laws align with international standards on combating hate, some prosecutions against activists for acts of civil disobedience raise concerns. For instance, members of environmental organisations have been prosecuted and sentenced for symbolic actions, highlighting the risk of criminalising legitimate forms of political expression. In February 2024, a criminal court fined nine Greenpeace activists for trespassing on the tarmac at Roissy airport and partially repainting a plane green in March 2021.<sup>59</sup>

### **Censorship and self-censorship, including on the use of symbols and slogans**

The Paris 2024 Olympic Games Bill introduced the use of algorithm-powered smart cameras to detect behavior deemed suspicious. Amnesty International and other civil society actors have denounced this measure as a

58 Le Monde, *Freedom of the press: journalists' associations denounce the undermining of the 1881 law*, (*Liberté de la presse : des sociétés de journalistes dénoncent la remise en cause de la loi de 1881*), 13 February 2024, [https://www.lemonde.fr/actualite-medias/article/2024/02/13/liberte-de-la-presse-des-societes-de-journalistes-denoncent-la-remise-en-cause-de-la-loi-de-1881\\_6216330\\_3236.html](https://www.lemonde.fr/actualite-medias/article/2024/02/13/liberte-de-la-presse-des-societes-de-journalistes-denoncent-la-remise-en-cause-de-la-loi-de-1881_6216330_3236.html).

59 Greenpeace, *Green plane trial : Bobigny's criminal court convicts activists... against the climate and the law*, (*Procès de l'avion vert : condamnations des militants par le tribunal correctionnel de Bobigny, à rebours des enjeux climatiques... et judiciaires*), 22 February 2024, <https://www.greenpeace.fr/espace-presse/proces-de-lavion-vert-condamnations-des-militants-par-le-tribunal-correctionnel-de-bobigny-a-rebours-des-enjeux-climatiques-et-judiciaires/>.

disproportionate infringement of privacy and freedom of expression, incompatible with the principles of the General Data Protection Regulation.<sup>60</sup> In parallel, restrictions on the use of certain symbols or slogans during demonstrations have been observed, fuelling a climate of self-censorship among activists and citizens.

### **Restrictions on access to information**

Access to information remains a key issue in France, particularly for journalists and whistleblowers. Criticism of excessive secrecy has emerged surrounding certain state decisions, notably those relating to the management of demonstrations and the use of algorithmic surveillance technologies. These restrictions complicate journalists' work on sensitive subjects, potentially limiting the public's right to be informed.

Journalists have reported increasing difficulties in covering demonstrations, citing police pressure, restrictions on access to certain locations, and even confiscation of equipment. These incidents, already observed during protests against pension reform in 2023, highlight targeted practices hindering press freedom. Although not systematic, these obstacles raise questions about the state of freedom of information in the context of ongoing social tensions.

### **Spread of and responses to disinformation**

The fight against disinformation is being strengthened in France thanks to the 2018 law against information manipulation and the application of the European Union's Digital Services Act (DSA). At the same time, the lack of transparency in the moderation algorithms of the major digital platforms continues to be a major issue.

### **Online content regulation**

The law No. 2024-449 of 21 May 2024, aimed at securing and regulating the digital space (SREN), introduces significant measures to combat online disinformation, particularly with regard to deepfakes. The law provides for penalties of up to €75,000 in fines and three years' imprisonment for online dissemination.

In addition, the European regulation on artificial intelligence (AI Act), which came into force in France on 1 August 2024, imposes obligations on AI system providers, particularly in terms of transparency. It is now required to clearly indicate when content is generated by AI, in order to avoid the dissemination of deepfakes and strengthen public trust. The fight against disinformation is being strengthened in France thanks to the 2018 law against information manipulation and the application of the European Union's Digital Services Act

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60 Amnesty International, *Olympic Games 2024 Bill: 'France would become the first European Union country to legalise algorithmic video surveillance'*, (Projet de loi JO 2024 : « La France deviendrait le premier État de l'Union européenne à légaliser la vidéosurveillance algorithmique »), 7 March 2023, <https://www.amnesty.fr/liberte-d-expression/actualites/tribune-projet-de-loi-jo-2024-alerte-sur-l-utilisation-videosurveillance-algorithmique>.

(DSA). However, the recent Fondation Jean Jaurès study reveals a trending perception among the French that the fight against disinformation can be used to limit public debate and censor dissident ideas.<sup>61</sup> This trend is part of an overall context of political polarisation and growing mistrust of the media.

At the same time, the lack of transparency in the moderation algorithms of the major digital platforms continues to be a major issue.

## **Attacks and harassment**

### **Intimidation / negative narratives / smear campaigns / disinformation campaigns**

The law No. 2024-449 of 21 May 2024, aimed at securing and regulating the digital space (SREN), introduces significant measures to combat online disinformation.<sup>62</sup> In addition to the criminal penalties provided for by law, this new legislative measure enables individuals to be temporarily banned from social networks for certain serious offenses, such as cyber harassment and the dissemination of hate speech.

This additional penalty of suspension or banishment from social networks, for up to a year in the event of a repeat offence, is designed to put an end to the feeling of impunity online and prevent repeat offences.

### **Physical attacks on people and property**

In 2024, representatives of environmental associations affiliated with the national federation France Nature Environnement (FNE) were the target of attacks, both verbal and physical, against their persons or their homes, in the context of a social movement in the agricultural world. In November 2024, the President of FNE denounced “reactionary agricultural unions” who “have decided to use violence and hate speech to try to silence any public debate on agricultural models, and to prevent any dissemination of information or action proposing an evolution of the industrial agricultural model”.<sup>63</sup>

61 Fondation Jean Jaurès, *French look on the fight against disinformation*, (*Regard des Français sur la lutte contre la désinformation*), 5 November 2024, <https://www.jean-jaures.org/publication/regard-des-francais-sur-la-lutte-contre-la-desinformation/>.

62 Florian Reynaud and Aurélien Defer, *SREN law: the constitutional council declares valid the essential of the law but censors the offence of online contempt (Loi SREN: le Conseil constitutionnel valide l'essentiel, mais censure le délit d'outrage en ligne)*, *Le Monde*, 17 May 2024, [https://www.lemonde.fr/pixels/article/2024/05/17/loi-sren-le-conseil-constitutionnel-valide-l-essentiel-mais-censure-le-delit-d-outrage-en-ligne\\_6233904\\_4408996.html](https://www.lemonde.fr/pixels/article/2024/05/17/loi-sren-le-conseil-constitutionnel-valide-l-essentiel-mais-censure-le-delit-d-outrage-en-ligne_6233904_4408996.html).

63 Antoine Gatet, *Stop the attacks on France Nature Environnement by farmers' union (Stop aux agressions des syndicats d'agriculteurs contre France Nature Environnement)*, *Libération*, 1 November 2024, [https://www.liberation.fr/idees-et-debats/tribunes/stop-aux-agressions-des-syndicats-dagriculteurs-contre-france-nature-environnement-20241101\\_AY7N3KB3JBH73MHBIQMF6IXVEM/?redirected=1](https://www.liberation.fr/idees-et-debats/tribunes/stop-aux-agressions-des-syndicats-dagriculteurs-contre-france-nature-environnement-20241101_AY7N3KB3JBH73MHBIQMF6IXVEM/?redirected=1).

### **Legal harassment, including Strategic Lawsuits Against Public Participation (SLAPPs), prosecutions and convictions of civil society actors**

The Canopée association, dedicated to the defense of forests, has faced an administrative procedure filed by France Bois Forêt and twelve other forestry sector organisations belonging to the timber lobby. The aim of this SLAPP procedure<sup>64</sup> is to cancel Canopée's environmental approval, granted by the authorities in December 2023. The contested approval allows the association to sit on certain consultative bodies and to benefit from enhanced prerogatives to take legal action on behalf of the general interest.

### **Online civic space**

#### **Online campaigning, including rules and practices on illegal content, disinformation, online content moderation and regulation**

The French law No. 2024-449 of 21 May 2024, entitled Law to Secure and Regulate the Digital Space (SREN), has introduced measures to protect citizens, particularly minors, in

the digital environment.<sup>65</sup> It strengthens the governance of digital regulation and adapts national law to European regulations in this area. Among other important provisions, the law provides for penalties for illegal online content and the introduction of stricter regulatory mechanisms, notably by reinforcing the obligations of digital platforms with regard to minors' access to certain content.

#### **Digital surveillance**

The No. 2024-850 Law to Prevent Foreign Interference enacted in July 2024 includes an experimental algorithmic surveillance scheme, initially limited to anti-terrorist activities, to detect foreign influences on the internet. The expansion of algorithmic surveillance is considered particularly problematic, as it could restrict freedom of expression. In addition, critics fear that this surveillance tool could be misused to unduly monitor legitimate activities and extend the scope of state surveillance beyond the fight against foreign or anti-terrorist interference.

64 Perrine Mouterde, Canopée, the association upstets foresters, in the sector's visor (Canopée, l'association qui dérange les forestiers, dans le viseur du secteur), *Le Monde*, 30 September 2024, [https://www.lemonde.fr/planete/article/2024/09/30/l-association-de-defense-des-forets-canopee-dans-le-viseur-des-entreprises-du-secteur-du-bois\\_6339841\\_3244.html](https://www.lemonde.fr/planete/article/2024/09/30/l-association-de-defense-des-forets-canopee-dans-le-viseur-des-entreprises-du-secteur-du-bois_6339841_3244.html).

65 Ministère de l'Économie, des Finances et de l'Industrie, Ministère chargé du Budget et des comptes publics, The judicial affairs direction's letter – the Digital Security and Regulation Act partially validated by the Constitutional Council (Lettre de la DAJ - La loi pour la sécurité et la régulation numérique partiellement validée par le Conseil constitutionnel), 30 May 2024, <https://www.economie.gouv.fr/daj/loi-securite-regulation-numerique-partiellement-validee->.

### **Attacks, threats and hate speech online**

Between 2023 and 2024, SOS Homophobie denounced a worrying increase in LGBTIA+-phobic speeches, particularly online.<sup>66</sup> The association insists “the practice of targeted harassment is steadily increasing on social networks, making these spaces vehicles for the escalation of violence, especially directed against young LGBTI people”.<sup>67</sup>

### **Public participation**

#### **Rules and practices on dialogue with civil society**

In 2024, the Interministerial Center for Citizen Participation published a detailed guide<sup>68</sup> to design effective participatory approaches. In addition, *The 2024–2026 National Action Plan for Open Government* focuses on improving citizen participation practices and democratic innovation, aimed at bringing citizens closer to public decision-making.<sup>69</sup> Nevertheless, the dissolution of the National Assembly halted the parliamentary consideration of the bill,

which had been the subject of an ambitious citizens’ conference.

#### **Rules on access to and participation in consultations and decision-making processes**

France has set up several mechanisms to facilitate citizens’ access to consultation processes. An official website for citizen participation provides information on current consultations and the follow-up to completed consultations.<sup>70</sup> One example in 2024 is the France in Europe: what future, what priorities? consultation, which asked French citizens about their relationship with Europe and the priorities that France should defend within the European Union.

#### **Public participation of underrepresented groups**

Specific initiatives have been launched to include under-represented groups. For instance, in April 2024, the General Inspectorate of Social Affairs published a report on citizen participation<sup>71</sup> in solidarity policies,

66 SOSHomophobie, Report on the 2024 LGBTIPHOBIA, (Rapport sur les LGBTIPHOBIES 2024), [https://ressource.sos-homophobie.org/Rapports\\_annuels/Rapport\\_LGBTIphobies\\_2024\\_dossier\\_presse.pdf](https://ressource.sos-homophobie.org/Rapports_annuels/Rapport_LGBTIphobies_2024_dossier_presse.pdf).

67 Ibid.

68 Direction Interministérielle de la transformation publique, Designing a citizen participation initiative (Concevoir une démarche de participation citoyenne), 18 December 2024, <https://www.modernisation.gouv.fr/campus-de-la-transformation-publique/catalogue-de-ressources/outil/concevoir-une-demarche-de>.

69 Direction Interministérielle de la transformation publique, The national action plan 2024-2026 for an open government, (Le plan d’action national 2024-2026 pour un gouvernement ouvert), 29 November 2024, <https://www.modernisation.gouv.fr/publications/le-plan-daction-national-2024-2026-pour-un-gouvernement-ouvert>.

70 <https://www.participation-citoyenne.gouv.fr/>.

71 General Inspectorate of Social Affairs, Citizen participation in solidarity policies: current situation and prospects (La participation citoyenne dans les politiques de solidarité : Etat des lieux et perspectives), November 2023, <https://www.vie-publique.fr/files/rapport/pdf/293713.pdf>.



highlighting approaches aimed at integrating vulnerable populations into decision-making processes.

### **Other**

In October 2024, the Economic, Social and Environmental Council published its annual report<sup>72</sup> on the state of France, highlighting the links between inequality and democracy. The report highlights the need to strengthen citizen participation to reinforce social cohesion and confidence in institutions.

### **Impact on civic space of emergency and crisis situations**

The number of antisemitic offences in France is at an all-time high, jumping 192% in the first half of 2024 compared to the same period in 2023, according to a report from the French National Directorate of Territorial Intelligence. According to the territorial intelligence analysis, “This upward trend, following the attacks carried out by Hamas on October 7, 2023, appears to be long-lasting, in parallel with the ongoing conflict in the Middle East.”<sup>73</sup> Some high-profile antisemitic actions, such as the vandalism of a Holocaust memorial in Paris, have been identified by French investigators as acts of destabilisation orchestrated by Russian services.<sup>74</sup>

72 CESE (Conseil Économique, Social et Environnemental), Annual Report on the state of France in 2024: emerging from the democratic crisis, (Sortir de la crise démocratique Rapport annuel sur l'état de la France en 2024), October 2024, <https://www.vie-publique.fr/files/rapport/pdf/295926.pdf>.

73 Gaële Joly, *Antisemitic incidents in France up 192% in the first half of 2024 compared to 2023 (Les faits antisémites en France en hausse de 192% au premier semestre 2024, par rapport au premier semestre 2023)*, Franceinfo, 7 October 2024, [https://www.francetvinfo.fr/societe/antisemitisme/7-octobre-les-faits-antisemites-en-france-en-hausse-de-192-a-u-premier-semestre-2024-par-rapport-au-premier-semestre-2023\\_6821975.html](https://www.francetvinfo.fr/societe/antisemitisme/7-octobre-les-faits-antisemites-en-france-en-hausse-de-192-a-u-premier-semestre-2024-par-rapport-au-premier-semestre-2023_6821975.html).

74 Rfi, *France: Russia behind antisemitic tags at the Shoah Memorial? (France: la Russie derrière les tags antisémites au Mémorial de la Shoah ?)*, 22 May 2024, <https://www.rfi.fr/fr/france/20240522-france-la-russie-derriere-les-tags-antisemites-au-memorial-de-la-shoah>.

## DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES AFFECTING THE RULE OF LAW ENVIRONMENT

### Key recommendations

- The government should implement measures recommended by independent agencies such as the Defender of Rights and the National Consultative Commission on Human Rights (CNCDH).
- The French State should respect the positive obligations of France in terms of non-discrimination and human dignity.

### Systemic human rights violations

#### The existence of 'social cleansing' in France

In France, according to the latest available data, the collective Les Morts de la Rue recorded at least 735 deaths<sup>75</sup> of homeless individuals or those in temporary housing in 2024. In October 2024, the Court of Auditors criticised

the French state for its homelessness policy.<sup>76</sup> The administration was accused of failing to implement sustainable, long-term, and reusable solutions. While the government claims to deploy “significant resources to combat homelessness”,<sup>77</sup> the reality on the ground reveals a concerning phenomenon: a strategy of “social cleansing”<sup>78</sup> aimed at making the homeless invisible and destroying survival habitats

75 L'Insoumission, 'It has never been this high': at least 735 death of homeless people in the streets in 2023, Macron's political inaction kills (« Ça n'a jamais été aussi élevé » : au moins 735 sans-abris morts dans la rue en 2023, l'inaction politique de Macron tue), 30 October 2024, <https://linsoumission.fr/2024/10/30/735-sans-abris-morts-rue-2023/#:~:text=624%20sans-abris%20morts%20dans,Les%20Morts%20de%20la%20rue%20%C2%BB>.

76 Fédérations des acteurs de solidarité, *The Auditors' Court criticizes the State's management of emergency accommodation (La Cour des comptes épingle la gestion de l'hébergement d'urgence par l'État)*, 10 October 2024, <https://www.federationsolidarite.org/actualites/la-cour-des-comptes-epingle-la-gestion-de-lhebergement-durgence-par-letat/>.

77 Sénat, Written questions: the homelessness situation in France ( Question écrite: situation des sans-abris en France), 18 January 2024, <https://www.senat.fr/questions/base/2024/qSEQ240109735.html>.

78 Le revers de la médaille, Inter-association report 'Move along, nothing to see here': 1 year of social cleansing before the 2024 Olympic Games (Rapport Inter-associatif "Circulez, y'a rien à voir": 1 an de nettoyage social avant les JO 2024), June 2024, <https://lereversdelamedaille.fr/wp-content/uploads/2024/06/Rapport-1-an-de-nettoyage-social-le-revers-de-la-medaille.pdf>.

(shantytowns, camps) through expulsions from public spaces. This practice notably intensified during the Paris 2024 Olympic Games.

The Collective Revers de la Médaille highlighted<sup>79</sup> that these surprise evictions not only prevent residents from defending their rights but also prepare themselves materially for expulsion. This frequently leads to the loss or destruction of their property as well as administrative and medical documents.

The cleaning of the surroundings of the Olympic and Paralympic sites, besides being flagrant, was accompanied by the multiplication of anti-homeless urban furniture, sometimes sophisticated or simply rocks and peaks, to avoid any relocation.

### ***The persistence of systemic racial profiling in France***

In October 2024, France was reviewed by the Human Rights Committee in the context of the implementation of the International Covenant on Civil and Political Rights. In its concluding observations, the committee expressed its concerns regarding reports from civil society about racial profiling. These organisations denounce the “disproportionate use of powers of arrest and search [by law enforcement] against individuals belonging to racial or ethnic minority

groups”.<sup>80</sup> The committee highlighted the persistent gap between on-the-ground practices and legal provisions. Indeed, although the Council of State recognised the existence of discriminatory checks in 2023, no legislative or regulatory measures have been taken, and France continues to fail to meet its non-discrimination obligations.

### ***Post-colonial violence***

Amid months of tension, New Caledonia experienced violent riots and clashes between part of its population and law enforcement. These riots erupted as the National Assembly was about to vote on a constitutional amendment proposing an electoral reform strongly contested by the island’s independence movement. The reform would result in the Kanak indigenous population being reduced to a minority.

A state of emergency was declared on 15 May 2024, across the archipelago: a curfew was imposed, hundreds of mobile gendarmes were sent to the area, army units were also deployed to secure ports and airports, and the social media platform TikTok was suspended. Between 13 May and 24 May 2024, seven people were killed, including two gendarmes. Although the state of emergency was lifted on 28 May, tensions remained high on the island, and clashes continued sporadically. Two men

79 Le Revers de la Médaille, Final Report (Rapport Final), 4 November 2024, [https://lereversdelamedaille.fr/wp-content/uploads/2024/11/Rapport-final-Le-revers-de-la-medaille-4\\_11\\_24\\_compressed-1.pdf](https://lereversdelamedaille.fr/wp-content/uploads/2024/11/Rapport-final-Le-revers-de-la-medaille-4_11_24_compressed-1.pdf).

80 #MaRueMesDroits, *Facial recognition control : associations appeal to the UN and denounce France’s inaction (Contrôles au faciès : des associations interpellent l’ONU et dénoncent l’immobilisme de la France)*, <https://maruemesdroits.org/cp-controles-au-facies-des-associations-interpellent-lonu-et-denoncent-limmobilisme-de-la-france/>.

were shot dead by gendarmes in Saint-Louis following gunfire exchanges on the night of 18 and 19 September, raising the death toll to 13 since the violence began.<sup>81</sup>

Accused of having incited or participated in the violence, the political and indigenous leaders of the Field Action Coordination Cell, an independent Kanak organisation created on 18 November 2023 to oppose the electoral reform, were arrested and deported to prisons in France for ‘preventive detention’.<sup>82</sup>

### **The rise of violence and hate speech**

In a political context favorable to the far right, France is facing the rise of hate speech and acts of racism, antisemitism, and xenophobia. However, the French state has failed to provide concrete responses to these issues. On the contrary, its actions contribute to the invisibility of these acts. For example, on 11 April 2024, in

the case of *Allouche v. France*<sup>83</sup>, the European Court ruled that France violated Articles 8 and 14 of the ECHR by failing to address the antisemitic nature of the threats and insults suffered by Mrs. Allouche. The legal issue centered on the obligation of authorities to provide effective criminal protection against discriminatory speech. The court concluded that the French authorities had not provided adequate protection, thereby compromising their ability to respond appropriately to Antisemitic acts.

### **The alarming situation of prison living conditions**

The situation of incarcerated individuals in France is increasingly concerning, as highlighted by the Defender of Rights in a report<sup>84</sup> from November 2024. Prison overcrowding, which has reached alarming levels, is an aggravating factor for detention conditions. As of 1 October 2024, France recorded a record

81 Charlotte Mannevy, *New Caledonia: two men shot dead in Saint-Louis during a special gendarmerie operation*, (*Nouvelle-Calédonie : à Saint-Louis, deux hommes tués par balle lors d’une opération spéciale de la gendarmerie*), *Le Monde*, 19 September 2024, [https://www.lemonde.fr/politique/article/2024/09/19/nouvelle-caledonie-deux-morts-tues-par-balle-a-la-tribu-de-saint-louis-fief-independantiste-de-l-archipel\\_6323884\\_823448.html](https://www.lemonde.fr/politique/article/2024/09/19/nouvelle-caledonie-deux-morts-tues-par-balle-a-la-tribu-de-saint-louis-fief-independantiste-de-l-archipel_6323884_823448.html).

82 *Le Monde*, *New Caledonia: Kanak independence leader Christian Tein to remain in prison in mainland France* (*Nouvelle-Calédonie : le leader indépendantiste kanak Christian Tein restera incarcéré en métropole*), 29 November 2024, [https://www.lemonde.fr/politique/article/2024/11/29/nouvelle-caledonie-le-leader-independantiste-kanak-christian-tein-restera-incarcere-en-metropole\\_6420650\\_823448.html](https://www.lemonde.fr/politique/article/2024/11/29/nouvelle-caledonie-le-leader-independantiste-kanak-christian-tein-restera-incarcere-en-metropole_6420650_823448.html).

83 ECtHR, judgment of 11 April 2024, *Allouche v. France*, no. 81249/17, 2024, <https://hudoc.echr.coe.int/fr/?i=001-232010>.

84 Défenseur des droits, Communication from the Human Rights Defender, *Inmates rights: an alarming conclusion requiring urgent solutions* (Communication de la défenseur des droits, les droits des personnes détenues: un constat alarmant nécessitant des réponses urgentes), 6 November 2024, [https://www.defenseurdesdroits.fr/sites/default/files/2024-11/Defenseur\\_des\\_droits\\_Communication\\_Lesdroitsdespersonnesdetenues.pdf](https://www.defenseurdesdroits.fr/sites/default/files/2024-11/Defenseur_des_droits_Communication_Lesdroitsdespersonnesdetenues.pdf).

number of prisoners: 79,631.<sup>85</sup> This growing overcrowding contributes to the degradation of living conditions in correctional facilities,<sup>86</sup> where issues like rodent and bedbug infestations are common in cells, and prisoners often sleep directly on the floor. The fundamental rights of incarcerated individuals are not always effectively respected, placing them in a situation of increased vulnerability, far from any effective access to their rights.

To denounce their living conditions, some prisoners decided to protest.<sup>87</sup> On 28 September 2024, in Nîmes, around 100 inmates refused to return to their cells for more than four hours. On the same day, in Mayotte, a riot broke out, involving hostages being taken. These events, although geographically distant, highlight a

shared sense of distress among the incarcerated. Furthermore, on 24 October 2024, the French State was condemned by the Administrative Court of New Caledonia.<sup>88</sup> The International Observatory of Prisons (OIP) brought the case before the court to hold the state accountable for the delays in executing urgent orders issued in 2020.<sup>89</sup> These orders concerned improvements to detention conditions at the Nouméa Correctional Center, such as providing inmates with the opportunity to wash their laundry and bringing electrical installations up to code. The court ruled in favor of the OIP, noting that the delay had “harmed the collective interests defended by the requesting association”.<sup>90</sup>

85 Ministère de la Justice, inmates mensural statistics (Statistiques mensuelles de la population détenue et écrouée), 31 January 2024, <https://www.justice.gouv.fr/documentation/etudes-et-statistiques/statistiques-mensuelles-population-detenu-ecrouee-0>.

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## Other systemic issues

During the 2024 Olympic Games, France's ban on wearing sports headscarves by French athletes faced international criticism, particularly from the United Nations,<sup>91</sup> which condemned its discriminatory nature. This measure primarily affects Muslim women who wear the hijab and highlights a systematic form of discrimination in an area where other countries have chosen the path of inclusion.

According to a study by Amnesty International France,<sup>92</sup> when looking at the sports regulations of 38 European countries in disciplines such as basketball, football, and volleyball, France stands out as the only country to ban religious headscarves. While international sports bodies like FIBA (basketball), FIFA (football), and FIVB (volleyball) allow these headscarves in their competitions, France persists in prohibiting them.

Although French law does not explicitly ban wearing hijab in sports competitions, there is an obligation of religious neutrality in the legal texts, but this generally only applies to public servants. As sports federations are private organisations, they are free to set their own regulations. Due to this lack of clear legislation, each federation adopts a different position, leading to inconsistent and potentially discriminatory regulations. Thus, France continues to adopt a policy of restricting religious freedoms.

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## CONTACTS

### **VoxPublic**

VoxPublic is a non-profit organisation composed of a permanent team of four advocacy specialists based in Paris. It is governed by a seven-member executive board and receives support from an active community of volunteers and ‘VoxPublic Agora’ members. The association works on empowering French civil society organisations and citizen initiatives in their advocacy actions.

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### **The Civil Liberties Union for Europe**

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 21 national civil liberties NGOs from across the EU.

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