

# Franet National contribution to the Fundamental Rights Report 2024

FRANCE

Contractor's name: IFDL

Author's name: Thomas Dumortier

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# 1. Impact of the cost-of-living crisis and rising poverty in the EU

## 1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

### **Faced with rising energy prices: price cap**

The price cap introduced in 2021, and already extended until December 2022 for gas, and until 1<sup>st</sup> February 2023 for electricity, has been renewed in 2023. Announced by the government in September, this extension, designed to offset the sharp rise in energy prices for households and small businesses, has been confirmed.

The finance law for 2023 extends the price cap once again, until 30 June 2023<sup>1</sup>.

Price increases have been limited to an average of 15% for gas from 1<sup>st</sup> January 2023, and to an average of 15% for electricity from 1<sup>st</sup> February 2023.

The limit is higher than that for 2022 (which was 4%), but applies to "all households, condominiums, social housing, small businesses and the smallest municipalities". This measure involves:

- an average bill increase of around €25 per month for households heating with gas. The increase would be around €200 per month without the price cap;
- an average increase of around €20 per month for households heating with electricity, compared with €180 without the price cap.

**Reminder:** In addition, 12 million households, i.e. the 40% with the lowest incomes, will receive a cheque for €100 or €200 in December 2022, and an exceptional cheque was allocated to low-income households heating with oil or mainly wood.

Households will not have to make up the shortfall for energy suppliers in 2024, as this will be borne by the State. In addition, a grant of up to €200 is also available for French people heating with oil or wood.

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<sup>1</sup> France, Law No 2022-1726 for 2023 finance ([Loi n° 2022-1726 du 30 décembre 2022 de finances pour 2023](#)), 30 December 2022.

**Note:** The French Ministry of Ecological Transition has launched a campaign to raise awareness of the need for energy savings, on the theme *Every initiative counts* ("*Chaque geste compte*"). France's energy efficiency plan aims to reduce the country's energy consumption by 10%.

### **Raising the minimum wage**

Each year, the minimum wage ("*salaire minimum interprofessionnel de croissance - Smic*") is adjusted by decree on 1st January, to reflect inflation for the 20% of households with the lowest incomes. In addition, each increase of at least 2% in the consumer price index is automatically followed by a corresponding increase in the minimum wage (*Smic*).

As of 1st January 2023, the *Smic* had risen by 1.81% in line with the legal yearly increase. Since 1st January, it has been €1,709.28 gross per month, or €1,353.07 net (gross hourly rate of €11.27).

In May 2023, it was automatically increased by 2.22% to €1,383.08 net<sup>2</sup>. This represents a monthly increase of €30 for all employees in question. The gross amount increased to €1,747.20.

### **Restrictions in State medical aid**

State medical aid ("*L'aide médicale de l'État - AME*") provides access to healthcare for migrants in irregular situation<sup>3</sup>. It is awarded on the basis of residence and income.

It is open to migrants in irregular situation who have neither a residence permit nor proof of a current application for a residence permit. It applies throughout France, with the exception of Mayotte. During discussion of the immigration bill in the Senate, senators voted to abolish it.

The text finally adopted does not call into question State medical aid ("*L'aide médicale de l'État - AME*"). However, the government has announced a bill on the subject in January 2024. Ultimately, to date, no bill has been tabled in this regard.

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<sup>2</sup> France, Ministerial Order relating to the increase in the minimum wage ("[Arrêté du 26 avril 2023 relatif au relèvement du salaire minimum de croissance](#)"), 26 April 2023.

<sup>3</sup> France, French social action and family code ("*Code de l'action sociale et des familles*"), [Art. L 251-1 and seq.](#)

On the other hand, it considerably restricts access to social rights for non-EU nationals, by making access to family benefits and personalised housing assistance subject to five years' residence.

The matter has been referred to the French Constitutional Council ("*Conseil constitutionnel*").

In its decision of January 25, the Constitutional Council censored, for procedural reasons, the provisions which restricted access to social benefits and housing assistance for foreigners in a legal situation<sup>4</sup>.

### **Increased Christmas bonus for single-parent families**

Each year, a Christmas bonus is distributed to the poorest households receiving minimum social benefits. It applies to 2.3 million low-income households. Payment is automatic after verification of access conditions. The amount varies according to the benefits received.

This year, single people with one or more children will benefit from a 35% bonus. This corresponds approximately to an additional €53 (for 1 dependent child) and €117 (for 4 dependent children<sup>5</sup>).

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<sup>4</sup> France, Constitutional Council (*Conseil constitutionnel*), [Decision N° 2023-863 DC of 25 January 2024](#), Law to control immigration, improve integration (*Loi pour contrôler l'immigration, améliorer l'intégration*).

<sup>5</sup> France, Decree No 2023-1184 granting exceptional end-of-year assistance to beneficiaries of the active solidarity income and to beneficiaries of the specific solidarity allowance, the lump-sum payment for returning to work and the retirement equivalent allowance ([Décret n° 2023-1184 portant attribution d'une aide exceptionnelle de fin d'année aux bénéficiaires du revenu de solidarité active et aux bénéficiaires de l'allocation de solidarité spécifique, de la prime forfaitaire pour reprise d'activité et de l'allocation équivalent retrait](#)), 14 December 2023.

## 1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

### Back-to-school allowance

On 16th August, three million families received their back-to-school allowance for the 2023-2024 school year<sup>6</sup>. The amount has been increased by 5.6% compared with last year.

The Back-to-school allowance (*ARS*) is means-tested and this year amounts to €398.09 for children aged 6 to 10, €420.05 for children aged 11 to 14, and €434.61 for teenagers aged 15 to 18.

### Solidarity pact

On 18th September 2023, the Prime Minister presented her new anti-poverty strategy, known as the Solidarity Pact ("*Pacte de solidarité*"), to associations working to tackle poverty<sup>7</sup>. It will come into force on 1<sup>st</sup> January 2024.

The plan is based on four pillars and is set to benefit from 50% additional funding - although neither the overall amount nor its breakdown between the 25 or so measures has yet been specified.

The four pillars are: preventing poverty from childhood onwards, getting people back to work, tackling social exclusion and promoting a mutually supportive ecological transition.

These aims are broken down into some twenty-five tangible measures, ranging from the continued roll-out of school breakfasts, in particular in the French overseas territories, or €1 canteens to tackle child malnutrition, to the already-announced Pass colo, and the increase in employability day nurseries to encourage parents to get back to work. Single-parent families will also benefit from an extension of individual childcare assistance up to the start of middle school. Or, from 2025, the payment of a return-to-work bonus "*for all costs incurred by returning to work*", including mobility and clothing.

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<sup>6</sup> France, Education Ministry (2023), "Back-to-school allowance" ("[L'allocation de rentrée scolaire](#)").

<sup>7</sup> France, Prime Minister, Press Release ("[Communiqué de presse](#)"), 18 September 2023.

## Report on the reproducing of social inequalities by schools

"France stratégie", the Prime Minister's independent analysis department, published a report in September 2023 documenting the role of social origin, migratory background and gender on educational pathways<sup>8</sup>. It includes a summary of the statistical work carried out over the last fifteen years, and an analytical note, presenting the main results and an unpublished use of data on educational paths from the first year of secondary school to secondary school leaving.

Not only do schools fail to make up for social inequalities, but, through a accumulation and "*sedimentation*" process, they are reinforced throughout the schooling process. Of the three variables of social origin, migratory background and gender, social origin has the greatest effect on educational paths.

Mechanisms specific to each stage of schooling contribute to widening the gaps. Even before starting school, day nurseries provide undeniable early learning for the most disadvantaged children, emphasizes the report. Yet they have little access to it. Only 5% of children under the age of 3 from the poorest families attend day nurseries. Inequalities then become entrenched during elementary school, with secondary school acting as an accelerator. Pre-orientation is socially marked: 7.2% of children of inactive parents and 4% of children of blue-collar workers at middle school are in "Segpa" sections designed to remedy serious educational difficulties, compared with just 0.27% of children from managerial-class backgrounds.

According to the report, the French school system is unable to make up for for inequalities at birth, and France is one of the OECD's worst performers in this area.

**Table 1 – Promising practice**

Promising practice	
Title (original language)	<i>Ongoing research</i>
Title (EN)	
Organisation (original language)	
Organisation (EN)	
Government / Civil society	

<sup>8</sup> France, "France Stratégie", The power of destiny: the weight of inheritance and educational pathways ("[La force du destin : poids des héritages et parcours scolaire](#)"), Analysis note No. 125, September 2023.

Promising practice	
Funding body	
Reference (incl. URL, where available)	
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	
Type of initiative	
Main target group	
Indicate level of implementation: Local/Regional/National	
Brief description (max. 1000 chars)	
Highlight any element of the actions that is transferable (max. 500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	
Give reasons why you consider the practice as transferable to other settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and	

<b>Promising practice</b>	
implementation of the practice	
Explain, if applicable, how the practice provides for review and assessment	

## 2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

### 2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

#### Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	
Legal and administrative constraints, harassment,	Questioned on 5th April by the French National Assembly (" <i>Assemblée nationale</i> ") and then by the French Senate on the

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
<p>intimidation, and reprisals against civil society organisations, human rights defenders (including SLAPPs - strategic lawsuits against public participation)</p>	<p>management of policing, in particular with regard to the violent clashes between the police force and environmental activists opposed to a water retention project, the French Minister of the Interior questioned the activities of a long-standing human rights association: the French Human Rights League ("<i>Ligue des droits de l'homme (LDH)</i>")<sup>9</sup>. Indeed, he hinted that the latter's subsidies might be called into question.</p> <p>In particular, the French Minister of the Interior criticized the "LDH" for spreading false allegations: according to the association, the police force prevented the emergency services (SAMU) from intervening to help the injured at the demonstration site.</p> <p>Many voices have been raised in the public arena to denounce this statement by the Minister, including the French Commission for Human Rights ("<i>Commission nationale consultative des droits de l'homme et le Défenseur des droits</i>")<sup>10</sup>.</p> <p>The following week, on 12 April, the Prime Minister gave her support to the French Minister of the Interior before the French National Assembly. While she assured the deputies that there was "<i>no question of lowering subsidies on principle for any particular</i>" association, she stressed that "<i>dialogue with associations on their actions is also a responsibility, given that public funding is involved</i>"<sup>11</sup>. She also expressed her incomprehension at certain positions taken by the "LDH".</p>

<sup>9</sup> France, M. Daramé, J. Lamothe, "Gérald Darmanin threatens to call into question public subsidies to the Human Rights League" ("[Gérald Darmanin menace de remettre en question les subventions publiques accordées à la Ligue des droits de l'homme](#)", *Le Monde*, 5 April 2023).

<sup>10</sup> France, Defender of Rights, "Possible risks to rights and freedoms that undermine democracy" ("[Des risques d'atteintes aux droits et libertés qui fragilisent la démocratie](#)"), Press release, 14 April 2023.

<sup>11</sup> France, "Elisabeth Borne "no longer understands certain positions taken by the Human Rights League" ("[Elisabeth Borne « ne comprend plus » certaines positions de la Ligue des droits de l'homme](#)", *Le Monde*, 12 April 2023).

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>This questioning of the LDH, and of its funding, is taking place in a context marked by increased control of associations, in terms of their funding (see below).</p>
<p>Lack of media freedom a/o media pluralism; disinformation (incl. online)</p>	<p>On 19 September 2023, a journalist was arrested by French domestic intelligence police officers at her home, which was searched<sup>12</sup>. The data on her computer was removed. At the end of the search, she was taken to the police station. She was released after 39 hours of alternating interrogation and police custody, .</p> <p>This arrest was part of an investigation opened in July 2022, following two complaints lodged by the French Ministry of the Armed Forces, for compromising national defence secrecy and revealing information that could lead to the identification of a protected agent.</p> <p>The complaints related to an investigation into a French intelligence operation, "Sirli", published by the Disclose website, for which the journalist was co-author. Supported by classified documents, the investigative media revealed that this French counter-terrorism mission in Egypt, which began in February 2016, was hijacked by Cairo, which used the information gathered to carry out air strikes on suspected smugglers' vehicles on the Egyptian-Libyan border. Many civilians were killed by the Egyptian army on the basis of information provided by French intelligence services.</p> <p>The aim of the journalist's arrest and the search was to identify the agents responsible for disclosing the classified documents.</p>

<sup>12</sup> France, B. Barthe, "The journalist of the "Disclose" website, at the origin of the "Sirli" scandal on Franco-Egyptian military cooperation, taken into police custody" ("[La journaliste du site « Disclose », à l'origine du scandale « Sirli » sur la coopération militaire franco-égyptienne, placée en garde à vue](#)"), *Le Monde*, 19 September 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	A few days later, some forty journalists' societies published an opinion piece expressing their concern at " <i>an unprecedented attack on the protection of journalists' confidential sources</i> " <sup>13</sup> .
Foreign interference	
Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information	
Lack of election integrity (incl. electoral process, political campaigning and party financing)	
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	<p>In France, 2023 was marked by major social protest movements.</p> <p>On the one hand, there were major social mobilisations against a proposed pension reform extending the contribution period. From 16 March 2023, spontaneous demonstrations followed the initial relatively calm demonstrations organised by the inter-union group from January to March. These led to breaches of the rules of law and professional ethics on the part of the police, including illegal arrests and the use of force</p>

<sup>13</sup> France, Collectif, "Ariane Lavrilleux in police custody: "The very exercise of the profession of journalist is in jeopardy", warn journalists' associations" ("*Ariane Lavrilleux en garde à vue: « L'exercice même du métier de journaliste est en péril »*", alertent des sociétés de journalistes"), *Le Monde*, 21 September 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>that was manifestly disproportionate in some cases<sup>14</sup>. This date represents a decisive step in the reform process, as it is the day on which the Prime Minister made use of an article of the Constitution that allows the government to engage its responsibility for a text under discussion in the French National Assembly (in other words, if there is not a majority of deputies to vote against the government, the text is considered to be adopted).</p> <p>On the other hand, urban riots were triggered at the end of June 2023 by the death of a young man, fatally wounded by being shot by a policeman after refusing to obey a police officer. Elite units and armoured vehicles were deployed to restore order. As part of this vast police deployment, in particular with units not trained in law enforcement, some people were victims of police violence on the sidelines of the riots<sup>15</sup>. Judicial and administrative investigations are ongoing.</p>
Corruption, including misuse of EU funds	
Lack of (effective judicial protection by) independent and impartial courts	

<sup>14</sup> France, Public Defender of Rights (*Défenseur des droits*), "Demonstrations: the Human Rights Defender reiterates her recommendations on compliance with the rules of professional conduct by the security forces" ("*Manifestations : la Défenseure des droits rappelle ses recommandations sur le respect des règles de déontologie par les forces de sécurité*"), Press release, 21 March 2023; National Consultative Commission for Human Rights ("*Commission nationale consultative des droits de l'homme*"), "Freedom of demonstration and freedom of the press at risk" ("*Liberté de manifestation et liberté de la presse en danger*"), 23 March 2023; Controller General of Places of Deprivation of Liberty ("*Contrôleur général des lieux de privation de liberté*"), Letter sent to the French Minister of the Interior ("*Courrier adressé au ministre de l'Intérieur*"), 17 April 2023.

<sup>15</sup> France, "What we know about new suspicions of police violence in Marseille, on the sidelines of the riots" ("*Ce que l'on sait des nouveaux soupçons de violences policières à Marseille, en marge des émeutes*"), *France Info*, 25 July 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment	
Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)	
Other major developments threatening democratic values	Please explain

## 2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

### Law relating to the Olympic Games

In the run-up to the Olympic Games in Paris during the summer of 2024, the government has tabled a bill with a series of measures intended to enhance the safety of public spaces<sup>16</sup>.

In particular, the government is to experiment with Automated Video Surveillance (AVS) from the date the law comes into force, between 20 May 2023 and 31 March 2025<sup>17</sup>. This type of system can be used to ensure the safety of sports, recreational or cultural events which, due to the scale of their attendance or their circumstances, are particularly exposed to "risks of acts of terrorism or serious threats to personal safety". Algorithmic processing of images captured by cameras or drones will be used to detect, in real time, predetermined events likely to present or reveal such risks. The decree on the implementation of AVS specifies the type of event that should be reported, in particularly vague terms for three of them: the "failure of a person (...) to follow the common walkway direction", a "crowd movement", "excessive density of people"<sup>18</sup>.

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<sup>16</sup> France, Law No 2023-380 on the 2024 Olympic and Paralympic Games and introducing various other provisions ([Loi n° 2023-380 relative aux jeux Olympiques et Paralympiques de 2024 et portant diverses autres dispositions](#)), 19 May 2023.

<sup>17</sup> France, Law No 2023-380 on the 2024 Olympic and Paralympic Games and introducing various other provisions ([Loi n° 2023-380 relative aux jeux Olympiques et Paralympiques de 2024 et portant diverses autres dispositions](#)), 19 May 2023, Art. 10

<sup>18</sup> France, Decree No. 2023-828 relating to the terms and conditions for implementing algorithmic processing of images collected by means of video protection systems and cameras installed on aircraft, laid down pursuant to Article 10 of law No. 2023-380 of 19 May 2023 relating to the 2024 Olympic and Paralympic Games and introducing various other provisions ([Décret n° 2023-828 relatif aux modalités de mise en œuvre des traitements algorithmiques sur les images collectées au moyen de systèmes de vidéoprotection et de caméras installées sur des aéronefs, pris en application de l'article 10 de la loi n° 2023-380 du 19 mai 2023 relative aux jeux Olympiques et Paralympiques de 2024 et portant diverses autres dispositions](#)), 28 August 2023.

This experiment drew a great deal of criticism from civil society. When the text was being examined by Parliament, a letter addressed to the deputies, the President of the French national consultative commission on human rights drew their attention to the risk of this type of technology infringing on the right to privacy, as well as the dissuasive effect it could have on the exercise of freedom of speech and peaceful assembly<sup>19</sup>.

In his letter, the President of the CNCDH also expressed his concern about the increased repression of intrusions into sports arenas, which could disproportionately penalise non-violent militant actions.

### **French Ministry of the Interior framework legislation (Loi d'orientation et de programmation du ministère de l'Intérieur)**

The LOPMI law of 24 January 2023, which defines the aims and resources of the French Ministry of the Interior for the next five years, includes a dozen or so fixed fines for misdemeanours (*amendes forfaitaires délictuelles* - AFD)<sup>20</sup>. This is a criminal penalty imposed in the absence of a trial: the decision is taken by a police officer, gendarme or authorised public official who observes an offence. Some of the offences that could now give rise to an AFD could have an impact on the freedom of speech of members of NGOs and, more generally, of all members of civil society: obstructing traffic, entering onto a sports field, tagging.

After the bill was tabled in Parliament, the French National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'homme* - INDH) voiced its concerns in a press release dated 3 October 2022<sup>21</sup>. By encouraging the immediate penalising of activists engaged in civil disobedience, in particular, these AFDs make it impossible to defend the reasons for their action, and respect for their freedom of speech, before a judge. For its part, the French Ombudsman, the *Défenseur des droits*,

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<sup>19</sup> France, French National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'homme*), Letter from the President of the CNCDH ([Lettre du Président de la CNCDH](#)), 14 February 2023.

<sup>20</sup> France, Law No. 2023-22 on the French Ministry of the Interior framework legislation ([Loi n° 2023-22 d'orientation et de programmation du ministère de l'intérieur](#)), of 24 January 2023, Art. 25.

<sup>21</sup> France, CNCDH, "Widespread application of fixed fines for misdemeanours: a step backwards for litigants" ("[Généralisation de l'amende forfaitaire délictuelle : un recul des droits pour les justiciables](#)"), Press release, 3 October 2022.

issued a decision in May 2023 in which it also recommended the removal of AFDs "to respect the rights and equality between users"<sup>22</sup>.

### **Law consolidating the principles of the Republic (*Loi confortant le respect des principes de la République*)**

The law of 24 August 2021 consolidating the principles of the Republic was adopted with the aim of tackling separatism and religious extremism. Several of its provisions have been applied during 2023 against militant associations, in particular in the field of ecology.

Firstly, this law obliges associations and foundations to sign a republican commitment contract if they want to obtain State approval, a public subsidy or host a young person in civic service. Under the terms of this contract, associations have to commit themselves to respecting the principles of liberty, equality and fraternity, not to challenge the Republic's secularism and to refrain from any action that would undermine public order<sup>23</sup>.

Several environmental associations and a feminist association were threatened with the loss of their subsidies, notably because they had organised a civil disobedience workshop, or because they had infringed the principles of secularism and gender equality by putting up a poster featuring a veiled woman<sup>24</sup>. Some cases have been appealed to the administrative judge and are awaiting judgment.

In addition, the law of 24 August 2021 added to the list of grounds for dissolution of associations<sup>25</sup>. Whereas the Internal Security Code (*Code de la sécurité intérieure*) used to give the government the power to dissolve associations or de facto groups notably

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<sup>22</sup> France, Defender of Rights (*Défenseur des droits*), [Decision No. 2023-030](#), 30 May 2023.

<sup>23</sup> France, Law No. 2021-1109 strengthening the respect of the Republican principles ([Loi n° 2021-1109 confortant le respect des principes de la République](#)), 24 August 2021, Art. 12.

<sup>24</sup> France, The Associative Movement (*Le mouvement associatif*), "Associations presumed guilty? Assessment of the impact of the Republican Commitment Contract on associative life, 1 year after its coming into effect" (["Associations présumées coupables ? Bilan de l'impact du contrat d'engagement républicain sur la vie associative, 1 an après sa mise en vigueur"](#)), 27 January 2023.

<sup>25</sup> France, Law No 2021-1109 strengthening the respect of the Republican principles ([Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République](#)), 24 August 2021, Art. 16.

because they provoked armed demonstrations, it can now also do so in cases of provocation to "*violent acts against persons or property*"<sup>26</sup>.

Associations may also be held liable in future for acts committed by their members, acting in this capacity, or for acts directly related to their activities.

A coalition of NGOs, farmers, unions and citizens called "Earth's uprisings" ("*Soulèvements de la terre*") was dissolved on 21 June 2023<sup>27</sup>. The French Interior Minister had called for its dissolution the day after a demonstration against a water retention project on 25 March 2023, which left some forty gendarmes injured and demonstrators in a coma. In June, a number of people close to *Soulèvement de la Terre* were taken into custody as part of an investigation into a December 2022 action by climate activists against the Lafarge cement plant in Bouc-Bel-Air, accused of being a major global polluter. *Soulèvements de la Terre* welcomed the action, but did not claim responsibility for it.

The Council of State ("*Conseil d'Etat*"), hearing the application for interlocutory proceedings, considered that given the state of the investigation there was nothing to suggest that the group was in any way supporting violent acts against people<sup>28</sup>. It also noted that the actions promoted by *Soulèvements de la Terre* that have led to damage to property, which are part of this group's stance in favour of civil disobedience initiatives, the symbolic nature of which it claims, have been limited in number. In view of the limited nature of the damage resulting from these actions, the *Conseil d'Etat* finally ruled that the classification of these actions as acts seriously disturbing public order did not appear *prima facie* to be legal. It therefore suspended the dissolution on 11 August 2023 and will issue a final decision shortly.

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<sup>26</sup> France, Internal Security Code (*Code de la sécurité intérieure*), [Art. L 212-1](#).

<sup>27</sup> France, Decree dissolving a de facto group ([Décret portant dissolution d'un groupement de fait](#)), 21 June 2023.

<sup>28</sup> France, High Administrative Court (*Conseil d'Etat*), Decision [No 476385](#), 11 August 2023.

**Table 3 – Case law**

Case law	
Deciding body (in original language)	<i>Tribunal administratif de Poitiers</i>
Deciding body (in English)	<i>Administrative Court of Poitiers</i>
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	
Parties	Prefect of Vienne v. Municipality of Poitiers ( <i>Préfet de la Vienne v. Commune de Poitiers</i> )
Decision date	
Web link to the decision (if available)	<a href="http://poitiers.tribunal-administratif.fr/content/download/216990/2050548/version/1/file/2202694%20-2202695_VF.pdf">http://poitiers.tribunal-administratif.fr/content/download/216990/2050548/version/1/file/2202694%20-2202695_VF.pdf</a>
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of expression, freedom of association

Case law	
Key facts of the case (max. 250 words)	<p>In June 2022, the municipality of Poitiers awarded a subsidy to the Alternatiba Poitiers association for the organisation of an event presented as "festive and educational around issues related to climate change aimed at local residents", entitled Village des Alternatives, on 17 and 18 September 2022 in Poitiers. Considering that certain aspects of the program for this event, in particular a training course in civil disobedience, were incompatible with the contract of republican commitment that the association had to sign to obtain these subsidies, the Prefect of the Vienne department asked the city of Poitiers to initiate the withdrawal procedure provided for by law in such cases.</p> <p>It was based on the 2021 law on respect for the principles of the Republic, which requires associations applying for public subsidies to sign a "<i>republican commitment contract</i>"<sup>29</sup>. Among the commitments required, associations must, in particular, "<i>neither undertake nor incite any action that is manifestly contrary to the law, and is violent or likely to cause serious disturbance to public order (...)</i>" and "<i>not to provoke hatred or violence towards anyone and not to condone such behaviour</i>"<sup>30</sup>.</p> <p>As the municipality of Poitiers explicitly rejected the prefect's request, the prefect asked the court to order the withdrawal of this subsidy.</p>
The key legal question raised by the Court	<p>The question facing the judge was whether the presence, within the festival organised by the association, of a workshop given over to civil disobedience was contrary to these commitments.</p>
Result of the case in terms of factual	<p>The judge first noted that the event organised by the association covered a number of topics (protection against chemical substances, ecological agriculture, etc.), through various activities (concerts, exhibitions, animations, etc.). Only one workshop was given over to</p>

<sup>29</sup> France, Law No 2021-1109 strengthening the respect of the Republican principles ([Loi n° 2021-1109 confortant le respect des principes de la République](#)), 24 August 2021, Art. 12.

<sup>30</sup> France, Decree No. 2021-1947 implementing Article 10-1 of law No. 2000-321 of 12 April 2000 and approving the republican commitment contract for associations and foundations receiving public subsidies or state approval ([Décret No 2021-1947 pris pour l'application de l'article 10-1 de la loi n° 2000-321 du 12 avril 2000 et approuvant le contrat d'engagement républicain des associations et fondations bénéficiant de subventions publiques ou d'un agrément de l'Etat](#)), 31 December 2021, Annex.

Case law	
<p>outcome, and in terms of assessment of the legal question raised</p>	<p>civil disobedience. The festival was therefore not generally intended to incite actions that were both manifestly contrary to the law and violent or likely to cause serious disturbance to public order.</p> <p>The judge went on to point out that, although the organisers of a debate in the "Resist" workshop had called for and encouraged actions of civil disobedience, the comments made by people outside the Alternatiba Poitiers association could not be imputed to the latter, nor did they constitute provocations to hatred or violence against individuals that the association had implicitly endorsed.</p> <p>This ruling is important for two main reasons:</p> <ul style="list-style-type: none"> <li>- In order for a breach of the republican commitment contract to be constituted, the association must have undertaken or incited to undertake actions that are not only "manifestly contrary to the law", <u>but also</u> "violent or likely to cause serious disturbance to public order".</li> <li>- The court implicitly recognised a right to civil disobedience.</li> </ul>