

## Rule of law consultation response on France and civic space, March 2021

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*The enabling framework for civil society - Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.).*

In France, civil society organisations defending the rights of Muslim people and fighting against discrimination have been under attack, including by public authorities. It is part of a trend accelerating since the emergency laws in 2015<sup>1</sup>: the dangerous conflation of counter-terrorism measures with the policing of Muslims and the criminalisation of those who defend them. Most recently, the stigmatisation of those who defend the rights of Muslims in the public debate became even more widespread. The French minister for higher education announced an investigation in universities because of the spread of a supposed "Islamism" in academic institutions, targeting intersectional studies<sup>2</sup>.

Negative developments affecting the framework for civil society in the past years include:

Threats and attacks:

- Administrative dissolution of the Collectif contre l'Islamophobie en France (CCIF) and BarakaCity on grounds of incitement to hatred and terrorism<sup>3</sup>. The dissolution came after a public smear campaign, with the Interior Minister labelling the organisations as "enemies of the Republic"<sup>4</sup>. CCIF members received more than 12 thousand threats on social networks after the government's announcement.
- Since 2018, administrative temporary closure of 452 venues open to the public linked to the Muslim community, including sport clubs and schools, accused of being "separatist" organisations<sup>5</sup>.

Legal environment

- A new bill "Strengthening the respect of the republican principles"<sup>6</sup>, provides that organisations subscribe to a vaguely conceptualized "republican engagement" contract in order to receive public funding. Early version of the "contract" indicates the threat for disproportionate restriction of the rights to freedom of association and expression at the disposal of local and central authorities. The bill also extends the grounds for

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1 HRW, 03/02/2016 <https://www.hrw.org/news/2016/02/03/france-abuses-under-state-emergency>

2 Le Monde, 16/02/2021 [https://www.lemonde.fr/societe/article/2021/02/16/frederique-vidal-lance-une-enquete-sur-l-islamo-gauchisme-a-l-universite\\_6070195\\_3224.html](https://www.lemonde.fr/societe/article/2021/02/16/frederique-vidal-lance-une-enquete-sur-l-islamo-gauchisme-a-l-universite_6070195_3224.html)

3 The grounds for dissolution by the Interior Minister <https://twitter.com/GDarmanin/status/1334108451614633986> and the reply by the CCIF <http://www.islamophobie.net/les-nombreuses-contre-verites-sur-le-ccif/>

4 The statement by the Interior Minister <https://twitter.com/GDarmanin/status/1318090336384782336>

5 List from the website of the Interior Ministry <https://www.interieur.gouv.fr/Espace-presse/Dossiers-de-presse/Dossier-de-presse-point-mensuel-de-janvier-du-ministre-de-l-Interieur-et-de-la-ministre-deleguee>

6 Text of the bill <https://www.dalloz-actualite.fr/flash/projet-de-loi-confortant-respect-des-principes-de-republique#.YD6Ui2hKg2w>

administrative closures of associations “whose object or action *tends* to endanger the integrity of the state” or associations “whose action *contributes* to discrimination” opening to a vague interpretation of the provision<sup>7</sup>.

- Access and participation: no consultation took place with civil society organisations in the process of drafting and voting the law.

Access to resources:

- Public authorities’ froze the funds of the dissolved organisations BarakaCity and blocked the bank account of Ummah Charity, following the smear campaign against them.
- After the petition and campaign initiated in 2019 by Alliance Citoyenne to lift the burkini ban in public swimming pools in Grenoble, public funds to the NGO were cut and the organisation was evicted from its premises in Villeurbanne<sup>8</sup>.
- Lallab (in 2018) and Alliance Citoyenne (in 2020) saw their “service civique” (state allowance to associations) suspended after public work on Muslim women wearing headscarves.
- In 2019, the Ministry of Interior attempted to block the bank account of ADM after the NGO released its report on the closure of mosques. ADM appealed and the litigation on this case is still pending. A complaint was also filed for threats, attempted intrusion on ADM’s computers and attempted home break-in<sup>9</sup>.

Chilling effect: the attacks over the past years increased the pressure on these organisations and restricted the space in which they operated in 2020. In a climate of constant political attacks, multiplication of threats, administrative and judicial procedures, legislative barriers, civil society activism in this field was hit hard and organizations increasingly resorted to self-censorship due to fears of retaliation.

It also creates a protection gap, including under EU law and the Charter of Fundamental Rights, for the victims of discrimination: with the dissolution of CCIF, hundreds legal cases remain unaddressed.

It has to be noted that civic organisations mobilised widely against the attacks, which is a sign of largely shared concern with French government policy in the field of civic rights and freedoms.

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7 Analysis by LDH <https://www.ldh-france.org/23-fevrier-2021-tribune-de-malik-salemkour-contrat-dengagement-republicain-vers-une-democratie-muselee-publiee-sur-mediapart/> ; by the Syndicat des Avocats de France <http://lesaf.org/wp-content/uploads/2021/01/Analyse-du-PJL-renforc%CC%A7ant-les-principes-de-la-Re%CC%81publique.pdf> ; by a collective of NGOs and academics <https://lemouvement.org/loiseparatisme/>

8 For more details on the case <https://www.leprogres.fr/rhone-69/2019/07/31/pro-burkini-le-collectif-alliance-citoyenne-prive-de-locaux-a-villeurbanne>

9 For more details on the case <https://www.lacoalition.fr/Mise-en-interdiction-bancaire-d-une-association-de-defense-des-droits-des?view=liste&theme=11>