

## France 2025

### Information from: French National Consultative Commission on Human Rights (CNCDH)

## Independence, effectiveness, resilience and establishment of NHRIs

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### International accreditation status and SCA recommendations

The National Consultative Commission on Human Rights (CNCDH) was last [reaccredited with A-status by the Sub-Committee on Accreditation \(SCA\) in March 2019](#). The SCA noted with appreciation the continuous efforts by the institution to implement the previous recommendations made by the SCA.

Regarding the mandate of the CNCDH, the SCA encouraged the NHRI to continue to broaden its activities in relation to its protection mandate and to advocate for amendments to its enabling law to make its broad protection mandate explicit. The SCA also recommended the institution to continue to strengthen its cooperation with the Défenseur des droits and with other national entities with responsibility for the promotion and protection of human rights.

In addition, the SCA was of the view that, in order to promote institutional independence, it would be preferable for the terms of all members of the CNCDH to be limited to one renewal and encouraged the institution to advocate for amendments to its Decree to address this issue.

Finally, the SCA reminded that, where an NHRI has been mandated with additional responsibilities, it must be provided with the adequate funding to effectively fulfil these duties. Thus, the SCA encouraged the institution to continue to advocate for adequate funding to effectively carry out the full extent of its mandate, especially in view of its expanding responsibilities.

The SCA will consider the reaccreditation of the CNCDH in its first session in March 2025.

### Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The process of re-evaluation is underway. The examination of the CNCDH by

the SCA will take place on March 17, 2025.

## **Regulatory framework**

The CNCDH does not have a mandate to deal with individual complaints. When it receives some requests, they are analysed and oriented towards the competent services such the French Ombudsman.

The CNCDH can address, in the form of a third party intervention, observations to the judges, on issues raised by a dispute within the European Convention on Human Rights. With regard to the implementation of the Court's judgments, the CNCDH may also submit observations to the Committee of Ministers of the Council of Europe, drawing their attention to the inadequacy of the measures adopted by France.

## **NHRI enabling and safe space**

The relevant state authorities have good awareness of the CNCDH's mandate, independence and role. However, the CNCDH notes that it is not systematically informed by public authorities on the preparations of legislative and policy makings that are related to human rights and rule of law. The institution is sometimes seized by the government to adopt an opinion on a law in preparation.

Additionally, despite the increase in the number of employees, the means made available to the CNCDH, taking into account its missions and its mandates as an independent national rapporteur, remain insufficient. In a general context of reduction in public spending, the CNCDH is not spared and it lost 12% of its budget in 2025.

As concerns the measures to ensure timely and reasoned responses to the recommendations, the CNCDH observes that no legislation, state measures or practices have been put in place since 2022 to ensure timely and reasoned response to its recommendations.

As regards the functional immunity of the leadership and staff, the CNCDH notes that as functional immunity is being provided only for certain constitutional authorities, it does not cover the members of the CNCDH. The irrevocability of CNCDH members, as provided for by the authorization law, is a guarantee of sufficient independence, in the French legal context.

The CNCDH notes that functional immunity does not seem necessary, first due to the independence of justice and the principle of opportunity of the proceedings on which the French judicial system rests. Under the principle of opportunity for prosecution, the public prosecutor does not pursue the people who acted in good faith in the context of their functions.

Then, because the trend in France, for several years, has been that of a questioning of these immunities for the benefit of ordinary law.

Thus, the immunity of parliamentarians was relaxed by the [constitutional reform of August 4, 1995](#). A draft constitutional revision had aimed to abolish the Court of Justice of the Republic (La Cour de justice de la République!), thus ending this exceptional jurisdiction for the acts that ministers commit in the exercise of their functions. The independence of justice, ensured by serious guarantees (in particular the ban for the Minister of Justice to send the Public Prosecutors instructions in individual affairs), constitutes an effective rampart against possible temptations to destabilize the institutions of defense of rights and freedoms by legal means. In particular, the French legal regime is attached to the guarantee of the freedom of expression of independent institutions in charge of promoting and protecting rights and freedoms, as evidenced by the many public expressions of the members of the CNCDH, particularly critical vis-à-vis the government, including on the most sensitive subjects.

## **NHRI's recommendations to national authorities**

The French National Consultative Commission on Human Rights recommends to national authorities to:

1. provide the French CNCDH with the required financial resources so that it can effectively carry out all its missions on the national and international level, as well as its mandates as national independent rapporteur on its five thematic issues.
2. consult the CNCDH in advance, or at least to systematically inform the CNCDH, of the preparation of legislative texts and public policies, in particular those that are related and/or have impacts on human rights, as do climate policies.
3. enable the CNCDH to intervene before national courts by submitting written observations. This could be achieved by the modification of the 2007 [decree](#) relating to the composition and functioning of the National Consultative Human Rights Commission

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## **Human rights defenders and civil society space**

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## **Laws and measures negatively impacting civil society and Human Rights Defenders**

The CNCDH's human rights monitoring and reporting found evidence of laws, policies and/or state measures that negatively impact on freedom of association, freedom of assembly as well as freedom of expression.

### **Adoption of law on the Republican Commitment Agreement and broadening of the grounds for administrative dissolution of an association**

In its opinions of [February](#) and [March 2021](#) on the draft law about “republican principles”, the CNCDH alerted the government to the risks to freedom of association posed by the introduction of the “Republican Commitment Agreement” (Contrat d'engagement républicain) and the broadening of the grounds for administrative dissolution of an association. Nevertheless, the law was adopted in [2021](#). With regard to the new legislation, associations are obliged to sign a republican commitment agreement when they apply for a public subsidy. This agreement is drafted in imprecise terms (notably “respect the principles of freedom, equality, fraternity and human dignity”; “refrain from any action that undermines public order”) and exposes associations to a risk of arbitrariness.

Since the law was passed, a number of [associations](#) have had their grants withdrawn for this reason.

With regard to the administrative dissolution of associations, this was originally envisaged for associations that “provoke armed demonstrations in the street”, but the law about “republican principles” has added “or violent acts against persons or property”. Several associations were dissolved on this new ground since the entry into force of this law like [La Défense Collective](#) or [Le Groupe union défense](#).

Finally, it has to be raised that an administrative mission to assess the implementation of the law about “republican principles” has been ordered by the Minister of the Interior. The CNCDH will be heard on 18 February. In the run-up to this hearing, it has asked its member associations for feedback.

### **Algorithmic video surveillance**

In its [opinion](#) adopted in June 2024, the CNCDH expressed its concerns about the experimentation of algorithmic video surveillance during the Olympic Games. In the past, the CNCDH has already had on many occasions to draw the attention of public authorities to the use of new surveillance technologies (drones, facial recognition, automated video surveillance etc.). Not only is this an invasion of privacy, but it also has a dissuasive impact on the exercise of the freedom to come and go and the freedom to demonstrate.

## Practices negatively impacting civil society and human rights defenders

The CNCDH's human rights monitoring and reporting found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities, in the form of intimidation, harassment or violence before, during or after protests, surveillance by state actors, negative attitudes campaigns towards/perception of civil society and/or human rights defenders, their work and environment, as well as strategic lawsuits against public participation – SLAPPs.

### Abuse of power by the police during demonstrations

The CNCDH is concerned about a number of police abuses committed in recent years against journalists and independent observers at public demonstrations.

The national law enforcement plan (SNMO), published in 2023, makes no mention of protections for independent observers at demonstrations, even though the Conseil d'Etat had [criticized](#) this absence in the previous edition of the SNMO. In a ruling handed down in 2023, the High Administrative Court once again annulled a passage in the SNMO protecting journalists “insofar as it excludes independent observers from the benefit of its provisions”. While this decision suggests that independent observers, like journalists, can now remain at the scene of a demonstration despite a dispersal order, the lack of reaction from the Ministry of the Interior - either through a reissue of the SNMO or a ministerial instruction - creates legal uncertainty for observers on this point.

The same applies to the Conseil d'Etat's [decision](#) on the practice of encirclement by enforcement officers. While the Conseil d'Etat accepts the exceptional and detailed use of such practices, it specifies that they “may not legally have the effect of enabling the competent authorities to carry out identity checks under conditions not provided for in article 78-2 of the Code of Criminal Procedure”. Once again, the Ministry has not amended the SNMO to include this clarification. The CNCDH notes, however, that numerous testimonies indicate that the “nasses” regularly lead to massive identity checks, followed by fines, particularly in the context of demonstrations on the situation in the Middle East, which endanger the freedom to demonstrate.

### Growing climate of violence and repression against environmental defenders

In February 2024, the United Nations Special Rapporteur on Environmental Defenders under the Aarhus Convention, also member of the CNCDH, adopted a [declaration](#) on the methods of policing and evicting environmental activists - nicknamed ‘squirrels’ - peacefully occupying trees on a private site during protests against the A69 motorway project. In this declaration, it expressed its deep concerns about the testimonies he received regarding acts of sleep

deprivation, burning of materials, lighting of fires and dumping of inflammable products by law enforcement, which may have endangered the lives of the activists installed in the trees.

Moreover, on 7 April 2023, the CNCDH questioned the French Prime Minister about “a tendency that has become systematic in the rhetoric of the Minister of the Interior to disparage human rights defenders and civil society organisations, and to threaten to cut their grants” referring to the presentation by the Minister of the Interior of defenders “as agitators, delinquents, even terrorists”. Then, in its [opinion](#) on human rights defenders adopted on 30 November 2023, the CNCDH observed the existence of stigmatisation and judicial harassment practices, particularly against defenders of migrants’ rights and environmental rights. In this same opinion, the CNCDH noted that several [United Nations Special Rapporteurs](#) expressed concern about “a trend towards the stigmatisation and criminalisation of individuals and civil society organisations working to defend human rights and the environment, which seems to be increasing and justifying the excessive, repeated and amplified use of force against them”.

Since then, the situation does not appear to have evolved favourably. For instance, on 22 March 2024, France Nature Environnement (the French federation of associations for the protection of nature and the environment) submitted [two complaints](#) to the UN Special Rapporteur on Environmental Defenders regarding the growing climate of violence and repression against environmental defenders.

### **Surveillance by state actors**

As regards the surveillance by state actors, the CNCDH notes with concern in its aforementioned [opinion](#) on the surveillance of the public space, that generally, the proliferation of cameras on the public highway over the past twenty years, without sufficient safeguards.

### **Strategic lawsuits against public participation**

The CNCDH adopted in February 2025 an [opinion](#) on SLAPPs in the context of the transposition of the EU Directive 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings. This opinion acknowledges the existence of SLAPPs in France and the various forms these abusive proceedings can take: defamation, disparagement but also business secrecy or stock market offences, in an attempt to circumvent existing protection of freedom of expression. In the absence of any official data available, the CNCDH relies on the work of the non-governmental organisation [Coalition against SLAPPs in Europe \(CASE\)](#), which identified 90 SLAPPs in France from 2010 to 2023. The CNCDH believes this number to be underestimated.

Moreover, as noted by the Committee of Ministers of the Council of Europe in its Recommendation CM/Rec(2024)2 to Member States on countering the use of strategic lawsuits against public participation, the CNCDH highlights the differentiated impact SLAPPS can have on “women and persons with diverse sexual orientation, gender identity and expression and sex characteristics”.

### **Transnational repression of human rights defenders**

In 2023, the CNCDH highlighted in its [Report on Business and Human Rights](#) that several joint communications of UN special procedures were sent to the French firm Total and to the French government regarding the harassment of some human rights defenders in the context of an extractive project on Uganda. In December 2024, several NGOs, including one member of the CNCDH, published a [report](#) revealing allegations of new human rights violations in Uganda while exacerbating existing ones.

### **Initiatives, frameworks, and policies for the protection of human rights defenders at the national level**

Despite the fact that there is no specific legal framework for human rights defenders in France, Law no. 2016-1321 of 7 October 2016, since amended to transpose the 2019 directive on persons reporting violations of European Union law, has established a protective framework for whistleblowers. Nevertheless, numerous restrictions are also affixed to it (only natural persons are covered, associations and NGOs are excluded from the status; facts covered by “national defense secrecy, medical secrecy, the secrecy of relations between a lawyer and his client” are excluded and a very strict procedure is indicated in Article 8 for revealing the alert under penalty of non-protection).

### **Specific protection mechanisms for civil society and/or human rights defenders**

The concept of protecting human rights defenders is present in some foreign affairs policies. In 2016, French diplomacy developed a booklet of actions to support human rights defenders at embassy and consulate level. Although there is no real institutionalised system for welcoming human rights defenders from abroad, a number of initiatives have been put in place. For instance, the [Marianne initiative for human rights defenders](#) is a programme that rewards around fifteen defenders around the world each year. The winners, selected by a committee, receive accommodation in France for six months, a grant (€2,000 per month) and training to enhance their capacity for action.

This initiative also includes an international component, in collaboration with the French Development Agency (AFD), aimed at supporting human rights defenders in their own countries.

Although the CNCDH welcomes these initiatives, it regrets that they are not

complemented by real political strategy at the government level that would make it possible to respond to all the issues concerning human rights defenders and to achieve positive changes in the long term. In particular, there is currently no infrastructure or system for effectively welcoming defenders in emergency situations.

Moreover, these initiatives are only approached from the angle of foreign policy and thus no policies are designed to be applied for the protection of national human rights defenders.

It also has to be mentioned that associations such as the LDH (Ligue des droits de l'Homme) or the Committee to Protect Journalists (CPJ), for example, provide concrete support for human rights defenders. These mechanisms remain ad hoc and depend on the commitment of associations and non-governmental organizations.

In addition, the CNCDH also notes that gender-based violence and discrimination are central to the dangers faced by women human rights defenders, who are confronted with increased risks of harassment, sexual violence and marginalization.

## **Activities of NHRIs to support civil society space and Human Rights Defenders**

The CNCDH has taken several initiatives in 2024 to promote civil society space and human rights defenders, particularly in the form of awards of prizes, organization of joint meetings and/or roundtables, as well as capacity building initiatives.

Every year, the CNCDH awards a human rights prize [French Republic Human Rights Prize](#) (Prix des droits de l'Homme de la République française « Liberté – Égalité – Fraternité ») to women and men, defenders who act daily in the field for the promotion and effective protection of human rights. The [2024 edition](#) (37th), anniversary of the 75th anniversary of the Geneva Conventions adopted in 1949, decided to reward projects on the theme linked to the protection of the rights of civilians in situations of armed conflict. The winners were: Mandela Center International - Cameroon La Société des droits de l'homme Ezgulik (Uzbekistan); L'Organisation des Citoyens pour une Nouvelle Haïti (Haiti), Ludirlena Pérez Carvajal (Colombia) and Cesar (Syria).

Furthermore, as every year, the CNCDH held meetings with human rights defenders (Mali and Nicaragua) to discuss the situation in their country and the different modalities of action before international human rights protection bodies.

The CNCDH regularly organizes meetings with civil society in France to

familiarize them with the United Nations bodies and the different existing options of interaction with them, particularly when France is examined. This year, the CNCDH held a seminar on Thursday July 11 intended for French NGOs so that they could intervene in the framework of the exam of France by the Human Rights Committee which took place in October 2024.

Moreover, the CNCDH has also taken specific actions in 2024 to protect civil society space and human rights defenders (HRDs), including monitoring, as well as issuing recommendations & opinions. However, the CNCDH notes that it does not have a mandate to process individual requests such as the ones submitted by whistleblowers. This is the role of the French Ombudsman (Le Défenseur des droits).

### **Engagement with the Human Rights Committee**

As part of its written contribution to the Human Rights Committee for France's exam, the [CNCDH](#) has devoted developments to the situation of human rights defenders in France. It noted several issues hampering their action: intimidation campaign, judicial harassment, criminalization of their activity or even stigmatization. She furthermore proposed to the experts a series of recommendations. In addition, during the oral intervention in Geneva, the CNCDH mentioned the obstacles against environmental defenders who are prosecuted and qualified as eco-terrorists

## **NHRI's recommendations to national and regional authorities**

The CNCDH recommends to national authorities to:

1. adopt legislation that guarantees the recognition and legal protection of defenders (definition of the term 'human rights defender, establishment of a framework ensuring a safe and favourable environment, creation a mechanism to protect defenders),
2. adopt a national action plan to protect human rights defenders at risk be put in place to prioritise the protection and shelter in France of defenders who need it, including in the context of a possible application for asylum,
3. create, as a Member State of the European Union, a specific multiple-entry visa for defenders in the EU Visa Code, while taking care to provide for facilitated procedures, as soon as the applicant has been identified as a human rights defender by relevant NGOs or international or regional mechanisms.

## **France 2025**

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### Functioning of justice systems

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Based on the human rights monitoring and reporting, the CNCDH has identified significant challenges affecting access to justice and/or effective judicial protection, mainly in the areas concerning independence and impartiality of judiciary, delays in court proceedings, access to legal aid, professionalism, specialisation and training of judges, timely and effective execution of national courts' judgments.

A number of [cases](#) recently brought before the European Court of Human Rights concern the state authorities' failure to comply with court rulings. These failures are frequent in certain areas, such as the protection of unaccompanied minors, conditions of detention in places of deprivation of liberty, and the question of emergency housing.

Moreover, despite reforms aimed at speeding up judicial procedures, delays are still very long in some procedures.

CNCDH, as the National rapporteur on fight against racism, antisemitism and xenophobia, has also highlighted for several years a lack of training for judges in the area of discrimination and anti-racism litigation. This has an impact on the rate of judicial response, which is still too low given the scale of the problem and the number of victims.

#### **Challenges in access to justice disproportionately impacting women or marginalised gender groups**

France faces an enormous challenge regarding access to justice of women victims of rape and sexual assault. As justice doesn't give the proper answer, according to official [data](#), less than 10% of victims denounce the crime and file a complaint. And when they do, only 1% of perpetrators are condemned: 73% are closed without further action.

The current criminal law doesn't protect them. There is an urgent need for a paradigm change. A first step would be to change the definition of rape in the criminal code and to refer specifically to consent in the legal definition of rape. This would place the perpetrator at the centre of the investigation, not the victim. This would bring France in line with its international commitments, such as the 2011 Istanbul Convention.

#### **Follow-up and implementation by state authorities of European Courts' judgments**

### *Judgments of the European Court of Human Rights*

For several years, the CNCDH and the national preventive mechanism have closely followed the action plans/reports of the French government with regard to the execution of the ECtHR's judgment in the case of [JMB v. France](#), 30 January 2020 (about unworthy detention conditions and lack of effective preventive recourse).

The measures adopted by France to deal with the problem of prison overpopulation - targeted by the ECtHR in its judgment - are insufficient, as evidenced by the growing incarceration rate in France. Furthermore, the [law](#) adopted to respond to the lack of effective remedy is not appropriate. In January 2024, the CNCDH and the CGLPL transmitted their [observations](#) to this effect to the Committee of Ministers (it is the third time they intervene about this case within the Rule 9 procedure).

Other problems targeted by the ECtHR in several judgments remain persistent and are still monitored by the Committee of Ministers. In particular, the lack of care of unaccompanied minors in the Calais region ([Khan v. France](#), 28 February 2019, n° 12267/16) or the expulsion of foreign minors in Mayotte after having been arbitrarily attached to an adult ([Moustahi v. France](#), 25 June 2020, n° 9347/14).

### *Judgments of the Court of Justice of the European Union*

In a number of rulings handed down on July 12, 2022, the Criminal Division of the Court of cassation (Cour de cassation) has applied the case law of the Court of Justice of the European Union (CJEU) concerning the retention of and access to connection data in criminal investigations (CJEU, ruling [H.K. /Prokuratuur, C-746/18](#)), declaring articles 60-1, 60-2, 77-1-1 and 77-1-2 of the Code of Criminal Procedure, in their version prior to Law no. 2022-299 of March 2, 2022, to be contrary to Union law in that they do not provide for prior control by a court or independent body before access to connection data. In a [decision](#) dated February 27, 2024 (no. 23-81.061), the Court of cassation confirmed this position, ruling that French legislation, which allows the public prosecutor to order the geolocation of a telephone without prior judicial review, is contrary to European law. However, the legislator has not amended these articles to take into account the CJEU ruling. As a result, these processes are still used by law enforcement agencies in the absence of any amendment to the Code, despite the rulings of the Court of cassation.

In other CJEU rulings, French legislators have not yet taken the trouble to bring national rules into line with the principles laid down by the Court of Justice. This is the case, for example, with article 55-1 of the French Code of Criminal Procedure on the collection of biometric data, which, contrary to CJEU case law ([C-205/21](#) of 26 January 2023), makes no provision for assessing the appropriateness and proportionality of the collection of biometric data in

concrete terms. However, the legislators have not undertaken any steps to amend this article.

### *The CNCDH's actions to support the implementation of the European Courts' judgments*

In 2024, the CNCDH transmitted observations as part of monitoring the execution of the cases [M.A. v France \(n° 9373/15\)](#) and [A.S. v. France \(46240/15\)](#). The subject of these observations was to shed light on the Committee of Ministers on a certain number of declarations and non-performance by France of Court's interim measures in cases of removal of foreigners in a country where they risk torture.

Moreover, in order to support the implementation of the European Courts' judgments, whenever it is relevant, the CNCDH refers to these judgments as well as puts under the spotlight and informs about new cases concerning France on social networks.

## **NHRI's recommendations to national and regional authorities**

The CNCDH recommends to national authorities to:

1. increase the resources and staffing of the judiciary,
2. improve the quality of justice and to make the courts resolve disputes in a fair manner, by reducing procedural delays and make the law less complex to understand and to apply,
3. bring the national legislation (including the French Criminal Code and Code of Criminal Procedure) in line with the EU law and jurisprudence of the CJEU and ECtHR.

## **France 2025**

### **Information from: French National Consultative Commission on Human Rights (CNCDH)**

## **Media freedom, pluralism and safety of journalists**

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Based on the human rights monitoring and reporting, the CNCDH has found significant challenges affecting media freedom, mainly in the form of misinformation on the topic of migration, particularly when it comes to data.

For example, the narrative often represents migrant people mostly as men. Women in migration are not as visible, even if they represent a big part of the migrants. They are rarely mentioned in the political debates related to migration. This lack of consideration can lead to more difficult access to their rights or sometimes to a deprivation of their rights.

## France 2025

### Information from: French National Consultative Commission on Human Rights (CNCDH)

## Other challenges to the rule of law and human rights

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### NHRI's recommendations to national and regional authorities

The CNCDH recommends that France should go beyond its obligation to protect human rights, and place these rights at the heart of the elaboration, implementation and monitoring related to public policies at both national and local levels.

