

Commissioner Didier Reynders
European Commission
Rue de la Loi 200 / Wetstraat 200, 1040 Brussels

Michael O'Flaherty
European Union Agency for Fundamental Rights
Schwarzenbergplatz 11, 1040 Vienna

Brussels, 03 June 2021

Dear Commissioner Didier Reynders,

Dear Michael O'Flaherty,

Cc: Commissioner Ylva Johansson, Vice President Vera Jourová

THE FRENCH "SEPARATISM" BILL RAISES CONCERNS FOR RIGHTS AND CIVIL LIBERTIES: THE EUROPEAN COMMISSION MUST QUESTION FRANCE

We, civil society organisations that advocate for rights and values, for the defence of civil liberties and the rule of law, and against any form of discrimination, are writing to raise concerns about the French "separatism" bill (*«projet de loi confortant le respect des principes de la République»*) currently under discussion in Parliament.

Numerous actors including associations in France¹, the national human rights body² and European organisations³ have expressed major concerns over the bill and the implications it would have for rights and civil liberties. Among the provisions raising worries is a so-called "Contract" of Republican Engagement, that the Government will introduce by a Decree, which will give administrative authorities the right to withdraw public funding and extended possibilities for dissolution with a limited role for the judiciary. Additionally, it introduces unnecessary controls on foreign funding that cast a negative presumption on all civic organisations receiving funding from abroad.

The bill may be considered by EU institutions as implementing EU law on combating terrorism, racism and xenophobia and its provisions may lead to disproportionate restrictions of freedom of association (article 12 of the Charter of Fundamental Rights of the EU - CFR), freedom of expression (art. 11 of CFR) and freedom of thought, conscience and religion (art. 10 CFR), as well as to the violation of the right to non-discrimination (art. 21 CFR). There is concern that the bill as currently

¹ See, for example, Joint open letter – for the attention of senators: Bill "reinforcing respect for the principles of the republic", 7 April 2021, <https://www.ldh-france.org/wp-content/uploads/2021/04/Lettre-aux-senatrices-et-senateurs-avec-les-derniers-signataires.pdf>; the national platform, Le Mouvement Associatif, "Projet de loi Respect des principes républicains: propositions du Mouvement associative", 13 January 2021, [Propositions-du-Mouvement-associatif-sur-le-projet-de-loi-Respect-des-principes-republicains.pdf \(lmahdf.org\)](https://www.lemouvement.org/loiseparatisme/); The coalition for associative freedoms, a Coalition bringing together more than 10,800 supporters: "Separatism law": associative freedoms in danger, <https://lemouvement.org/loiseparatisme/>.

² Commission nationale consultative des droits de l'homme, Second avis sur le projet de loi confortant le respect des principes de la République, 4 April 2021.

³ COE, The Expert Council on NGO Law is concerned about the restrictions by the Bill to strengthen respect for the principles of the Republic by all, 31 March 2021, [The Expert Council on NGO Law is concerned about the restrictions by the Bill to strengthen respect for the principles of the Republic by all - Newsroom \(coe.int\)](https://www.coe.int/en/web/expert-council-on-ngo-law/newsroom/the-expert-council-on-ngo-law-is-concerned-about-the-restrictions-by-the-bill-to-strengthen-respect-for-the-principles-of-the-republic-by-all); ECNL, [France aims to strengthen respect of republican values: but how does it affect civic space?](https://www.ecnl.org/fr/france-aims-to-strengthen-respect-of-republican-values-but-how-does-it-affect-civic-space/), 10 December 2021.

drafted will affect minorities based on their ethnic origins, Muslim populations or people considered to be Muslim, and associations standing up for their rights.⁴

Organised civil society is a key pillar of French democracy and an important watchdog in ensuring the respect for the rule of law. We are alarmed by the fact that the law is dramatically increasing the control of public authorities and institutions on the right to associate, departing from the more than centennial liberal framework that made the French civil society sector one of the strongest and most vibrant in Europe and the world. Our concern extends to the fact that the French Government is restricting parliamentary debate to pass the law by a fast-track procedure and without consultation with civil society ahead of the legislative process.

If the law is passed in its current form, it will also set a dangerous precedent for the rest of Europe. As a recent case in point, legislation stigmatising and restricting access to foreign funding to associations in Hungary was later proposed in Poland and Bulgaria⁵.

The European Commission recognises the important role of civil society in the “ecosystem” of access to rights by all in the EU. The recognition of civil society’s role in safeguarding the rule of law was expressed in the Commission’s first rule of law report, and through the infringement procedure against Hungary’s law on the transparency of organisations supported from abroad. Another very positive development is illustrated by the Citizens, Equality, Rights & Values (CERV) programme funding’s increase for the 2021-2027 period.

We urge the Commission to show a similar willingness to support civic actors in France by expressing concerns about the draft law. In particular, we call on the European Commission to:

- Question publicly the provision restricting the right to associate and civil liberties included in the draft proposal, with no delay;
- Open discussions with the French authorities on the current state of civic space and rule of law in the country and associate French civic actors in appropriate forms.

We are counting on the European Commission and the European Fundamental Rights Agency to act swiftly in raising concerns regarding restrictions to rights and civil liberties with regards to the draft bill.

LIST OF SIGNATORIES

European and global Networks

- CIVICUS - Global
- Civil Society Europe - Europe
- Equinox - Europe
- European Center for Not-for-Profit Law (ECNL) – Europe
- European Civic Forum (ECF) - Europe
- European Network Against Racism (ENAR) - Europe
- Reclaim EU - Europe

⁴ ADM analysis of the « projet de loi confortant le respect des principes de la République » <https://adm-musulmans.com/wp-content/uploads/2021/05/Analyse-ADM-PJL-Separatisme.pdf>

⁵ European Commission, 2020 Rule of Law Report Country Chapter on the rule of law situation in Poland, 30 September 2021, [pl_rol_country_chapter.pdf \(europa.eu\)](https://ec.europa.eu/eu-justice/rule-of-law/reports/country-chapters/poland), p. 16; European Commission, 2020 Rule of Law Report Country Chapter on the rule of law situation in Bulgaria, 30 September 2021, [bg_rol_country_chapter.pdf \(europa.eu\)](https://ec.europa.eu/eu-justice/rule-of-law/reports/country-chapters/bulgaria), p. 20.

French organisations

- Le Mouvement Associatif – France
- Ligue des droits de L’Homme (LDH) - France
- Action Droits des Musulmans (ADM) - France
- Alliance Citoyenne – France

European
Civic Forum



European Center for
Not-for-Profit Law



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Ligue
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ALLIANCE
CITOYENNE