



LIBE Democracy, Fundamental Rights and Monitoring Group (DFRMG)
16 November 2023

Questions to the French government

1. Which measures do the French authorities plan to take in order to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings? (Greens/EFA)
2. Which measures do the French authorities plan to take in order to ensure adequate human resources for the justice system? (Greens/EFA)
3. Which measures do the French authorities plan to take in order to ensure sufficient human and financial resources are allocated to the investigation and prosecution of high-level corruption cases? (Greens/EFA)
4. Which measures do the French authorities plan to take in order to ensure that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level? (Greens/EFA)
5. Media freedom organisations such as Reports Sans Frontières have been asking for years for a strengthening of the legislative framework on the secrecy of journalistic sources. The procedure launched against the investigative journalist Ariane Lavrilleux by the domestic intelligence services shows the loopholes of such legislation. What measures do the French authorities plan to take in order journalistic sources are effectively protected? (Greens/EFA)
6. Which measures do the French authorities plan to take in order to improve the transparency of media ownership, in particular, complex shareholding structures? (Greens/EFA)
7. Which measures do the French authorities plan to prevent concentration of media ownership? (Greens/EFA)
8. The 2022 and 2023 European Commission Rule of Law report raise concerns over the repeated use of fast-track legislative procedures. In particular, Article 49.3 of the Constitution has been used 12 times by the Prime Minister since the legislative elections of May 2022. Fast-track procedures are legal, but their repeated use raises concerns over democratic accountability and qualities of democratic debate. Which steps is the French government planning to implement to address these concerns? (Greens/EFA)
9. Which measures do the French authorities plan to take in order to ensure full compliance with freedoms of expression and assembly during public rallies? In particular, which steps will be taken to protect peaceful demonstrators and journalists covering these demonstrations from police violence and from violent individuals operating within the demonstrations or in their margins? (Greens/EFA)

10. In particular, which reforms and measures is the government planning to take in order to ensure that crowd control and anti-riot tactics used by the French police remain necessary, proportional and comply with fundamental rights, in particular, the right to human dignity? (Greens/EFA)
11. How will the French authorities ensure that any case of alleged disproportionate use of force and violence by the law enforcement is fully and effectively investigated within reasonable time by independent and impartial authority? (Greens/EFA)
12. Could the French government give the DRFMG a state of play of the investigations undertaken with the objective of determining whether the tactics used by the police during the pension law reform and Saint-Soline demonstrations in Spring 2023 were necessary and proportional? (Greens/EFA)
13. Which support is provided to the victims of excessive use of force and arbitrary arrests, as well as their families? (Greens/EFA)
14. Could the French government give the DRFMG a state of play of the investigations following the assassination of Nahel Merzouk by a police officer on 27 June 2023? (Greens/EFA)

Several stakeholders, such as the European Commission and the CNCDH (French NHRI) have raised concerns over the impact of the 2021 Law on Republican principles on freedom of association and civic space. The same law has been used as a pretext to consider reviewing the funding of the human rights organisation *Ligue des Droits de l'Homme (LDH)*, and to propose to dissolve the ecological organisation *Soulèvements de la Terre*.

15. Could the French authorities explain why the French authorities have considered using this Law against both organisations? (Greens/EFA)
16. Could you please also explain which safeguards have been put in place to ensure the Law on Republican Principles does not clash with the right to freedom of association? (Greens/EFA)
17. Could the French authorities explain how the SREN law proposal (*projet de loi visant à sécuriser et réguler l'espace numérique*) differ from the Avia law, of which most provisions have been declared unconstitutional in June 2020? Which safeguards have been proposed to ensure the provision automatically sanctioning providers & online platforms which did not delete child pornography content within 24 hours will not lead to mass censorship of online content? (Greens/EFA)
18. Could the French authorities explain how the banning of the wearing of abayas complies with the limitations to freedom of religion allowed under international human rights law, namely limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others? (Greens/EFA)
19. Were the French authorities aware that the spyware Predator, developed by the French-based company Nexa Technologies, was sold to the Vietnamese government and used to spy opponents, journalists and elected officials, including from the EU and US? Which steps are the French authorities planning to take to investigate the issue and provide support to the French victims? (Greens/EFA)

20. Following the recent detention and interrogation of investigative journalist Airane Lavrilleux related to her professional activities, what measures do the French authorities intend to take to address concerns expressed by journalistic organizations regarding this and other similar cases in order to guarantee the protection of journalists from being targeted for disclosing material in the public interest? (S&D)

21. What are the precise criteria employed by French authorities to ascertain when investigative reporting necessitates the application of measures, such as the detention and interrogation of investigative journalists? (S&D)

22. In April 2023, a researched report by 5 NGOs (<https://www.lacimade.org/publication/rapport-2022-sur-les-centres-et-locaux-de-retention-administrative/>) reported that in 2022, 43 565 persons were detained in “centres de rétention administrative (CRA)” with in majority of cases the only vague motive of public order as a justification. The report goes on to find that half of these people detained were later released by a Court decision: why do the French authorities excessively use the notion of public order to detain these people, when it constantly violates the law doing so? (S&D)

23. Recently many tragic incidents occurred between police forces and people fleeing police controls - what is the current state of the investigations of these cases? In June 2023, the UN high commissioner for human rights (OHCHR) spokesperson declared that “this is a moment for the country to seriously address the deep issues of racism and discrimination in law enforcement.” What have the French authorities done since to count racism and discrimination in law enforcement? (S&D)

24. In July 2023, Frédéric Veaux, director general of the French National Police, said - in relation to pre-trial detention orders against police officers - that “before a possible trial, a police officer has no place in prison”. Neither the Interior Minister nor the French President condemned this declaration against the separation of power. Is the French Government committed to securing that officers of the French police are fully held to account for any violations of the law? (S&D)

25. In 2022, the French Défenseur des Droits (Ombudsman) published a report with 32 recommendations on unaccompanied minors - how many recommendations did the French government take on board and what do you intend to do regarding the rights of these minors? (S&D) https://www.defenseurdesdroits.fr/sites/default/files/2023-07/ddd_rapport-les-mineurs-non-accompagnes-au-regard-du-droit_synthese_20210124.pdf

26. Le gouvernement français ne considère-t-il pas qu'il y a une atteinte à l'État de droit quand :

1. son ministre de la Justice est maintenu en poste alors qu'il est doublement mis en examen et renvoyé devant la Cour de justice de la République (CJR) pour prise illégale d'intérêts ? (ID)

2. le président de la République évoque la possibilité de limiter, voire de couper l'accès aux réseaux sociaux lors d'épisodes de violences urbaines, comme il l'a déclaré le 4 juillet dernier ? (ID)

3. le Président de la République porte atteinte à la présomption d'innocence en déclarant avant même que la justice se soit prononcée « Nous avons un adolescent qui a été tué, c'est inexplicable, inexcusable », après la mort d'un individu, appelé Nahel, à la suite d'un tir policier ? (ID)

4. son ministre de la culture prend parti, sort de sa réserve et ne respecte pas l'indépendance du régulateur français de la télévision, l'ARCOM, comme elle l'a fait le 9 février sur la radio France Inter, en laissant à nouveau entendre que les licences des chaînes du groupe Canal + ne mériteraient pas d'être renouvelées en 2025 alors même qu'elle se refuse à commenter la procédure de renouvellement d'autres acteurs de l'audiovisuel ? (ID)

5. ce même ministre de la Culture s'inquiète publiquement d'un changement de direction annoncé dans un journal français, le 'Journal du Dimanche' ? (ID)

27. Does France have a police code of ethics? If so, how does it align with the Council of Europe Police Code of Ethics? Do French police officers get mandatory training in police ethics? (RE)

28. What dedicated tools does the French police have for de-escalation during mass events? (RE)

29. In France individuals who believe they may have been the target of surveillance under law nr 2015-1556 on international electronic communications may only challenge such surveillance before the CNCTR, the dedicated oversight body. Only the CNCTR has the right to challenge a surveillance order in court, not the individual him/herself. A legal challenge of the adequacy of the legal remedies was filed in May 2016, and in a subsequent appeal case before the Strasbourg European Court of Human Rights in 2018.¹ To date there is still no final court ruling. Meanwhile various new surveillance technologies have become available to the authorities, such as the highly intrusive "spyware". Have any legislative measures been taken to enhance the right to legal remedy of the individual? (RE)

¹ The complainant in case is Ms Sophie in 't Veld