

Document #1442391
Freedom House

Freedom in the World 2018 - France

Year:

2018

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

2

Aggregate Score:

90

Freedom Rating:

1.5

Overview:

The French political system features vibrant democratic processes and generally strong protections for civil liberties and political rights. However, due to a number of deadly terrorist attacks in recent years, successive governments have been willing to curtail constitutional protections and empower law enforcement to act in ways that impinge on personal freedoms. Anti-Muslim and anti-immigrant sentiment have also increased.

Political Rights and Civil Liberties:

POLITICAL RIGHTS 38 / 40

A. ELECTORAL PROCESS 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The French president is chief of state, and is elected to five-year terms by direct, universal suffrage in a two-round system. The prime minister is head of government, and is appointed by the president. Macron, a centrist newcomer to politics, won the first round of the presidential election in April 2017. In the second round, held in May, Macron bested Le Pen of the far-right FN, taking 66.10 percent of the vote. Le Pen had campaigned on pledges to suspend immigration and hold a referendum on France's EU membership. The turnout in the first round was 77 percent, but lower in the second, with over 25 percent of voters abstaining.

The OSCE, following a needs assessment mission conducted in March 2017, expressed confidence in the integrity of French elections and sent only a limited observer mission to assess campaign finance processes and media coverage surrounding the presidential poll. It expressed concern over legal provisions under which journalists could be compelled to reveal their sources if it were deemed in the public interest, but generally praised the media environment surrounding the election.

Documents from the Macron campaign were leaked ahead of the election, with many analysts suggesting that Russian-based hackers were responsible. The country's election commission responded swiftly, warning media outlets to respect the campaign blackout period during which the documents were released and not to report on them, and noting that some of the leaked information appeared to have been fabricated.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the lower house of Parliament, the 577-seat National Assembly, are elected to five-year terms in a two-round system. The upper house, the 348-seat Senate, is an indirectly elected body whose members serve six-year terms. In the June 2017 legislative elections, LREM and its centrist ally won a comfortable majority in the National Assembly, with 350 out of 577 seats. The center-right Republicans (LR) and their allies finished second, and the center-left Socialist Party (PS) and its allies finished a distant third. Despite securing 13.2 percent of the vote nationally, only 8 FN candidates were elected to the National Assembly; remaining seats were split among a number of other parties. The legislative election saw record low turnout, with 49.7 percent turnout in the first round and 42.6 percent in the second.

The OSCE declined to send a mission to observe the polls, having expressed general confidence in French elections and saying there was no need for a second mission following its earlier evaluation of the presidential election.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

France's electoral laws and framework are fair and implemented impartially. While generally praising the electoral framework, the OSCE in its assessment of the 2017 presidential poll recommended that officials work to close loopholes that can allow actors to sidestep campaign finance regulations.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Parties are generally able to organize and operate freely. For the first time, France held live televised debates during the first round of the presidential race, providing a platform for the top five candidates to express their views, and expanding the national exposure of less dominant parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The 2017 legislative elections, which saw strong performances by the LREM, the FN, and the far-left France Insoumise (FI)—demonstrated that parties outside the political mainstream can gain power through elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

People's political choices are generally free from domination.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

No laws restrict the political participation of women, LGBT (lesbian, gay, bisexual, and transgender) people, or ethnic, religions, and racial minorities. However, the rise of far-right parties and accompanying mainstreaming of nationalist ideas have caused certain minorities to feel excluded from the political sphere, most notably Muslim communities.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

In general, the elected head of government and national legislative representatives determine the policies of the government. However, under the administration of former president François Hollande, the government used Article 49.3 of the French constitution to bypass parliament in the passage of legislation. Since becoming president, Macron has used the *ordonnance* process to similarly bypass parliamentary debate on his overhaul of labor laws.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption in French politics remains an issue, as reflected by recent allegations against presidential candidates Le Pen of FN and François Fillon of the LR involving the payment of large salaries to close associates and family members who had been granted "assistant" positions. A 2017 law on "moralization" seeks to reduce such conflicts of interest by banning lawmakers at national and local levels as well as civil servants from employing family members, among other provisions.

C3. Does the government operate with openness and transparency? 4 / 4

The government operates with openness and transparency, although the use in recent years of Article 49.3 and *ordonnances* demonstrates some desire by the executive to make policy without legislative or public scrutiny.

CIVIL LIBERTIES: 52 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 4 / 4

The media operate freely and represent a wide range of political opinions. However, high concentration of media ownership remains a concern.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution protects freedom of religion. Antidefamation laws penalize religiously motivated abuse, and Holocaust denial is illegal. France maintains the policy of *laïcité* (secularism), whereby religion and state affairs are strictly separated, though the government maintains relationships with organizations representing the country's three major religions, Christianity, Islam, and Judaism.

Since 2015, France's already damaged relationship with its Muslim communities has grown increasingly fraught in the wake of terrorist attacks, some of which the Islamic State (IS) militant group claimed responsibility for. Islamophobic rhetoric from prominent politicians and public figures on both the left and right is not uncommon.

The Collective against Islamophobia in France, a domestic monitor, recorded many instances of discrimination, attacks, and threats against Muslims in 2017. However, it noted that the total number of recorded incidents was lower in 2016 and the first half of 2017 than in previous years. Nevertheless, the figures point to ongoing discrimination.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There are no formal restrictions on academic freedom in France. However, in October 2017, Lyon University 2, a public university, cancelled a conference on Islamophobia after right-wing and secular groups applied pressure, with some opponents claiming concern about *laïcité*.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion remains generally open and vibrant, despite new laws that permit government surveillance. In 2015, Parliament approved a new law granting the government expanded powers to conduct domestic surveillance, including bulk collection of communications data as well as wider authority to use hidden cameras and microphones. The law authorizes the use of sophisticated intelligence technology to intercept all telephone conversations, text messages, and emails in targeted areas. The law only prescribes limited judicial oversight of these activities.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is normally respected. However, the state of emergency implemented after the November 2015 terrorist attacks in Paris affected the right to demonstrate, and rights organizations expressed concern that the antiterrorism law that replaced the state of emergency would continue to restrict freedom of assembly.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations, including those that are engaged in human rights- and governance-related work, can generally operate freely.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Trade unions are strong, despite declining membership.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 4 / 4

France has an independent judiciary, and the rule of law generally prevails in court proceedings.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process generally prevails in civil and criminal matters, but the state of emergency allowed authorities to take extraordinary measures, including conducting raids, detentions, and house arrests of suspects without warrants or judicial oversight. The state of emergency was extended six times, and in October 2017, an overwhelming majority of the National Assembly voted in favor of new antiterrorism legislation that formally replaced the emergency, and which gave the police increased power to perform searches, close religious facilities, and place limits on the movement of terrorism suspects.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The country has not seen a large-scale terrorist attack since 2015, though the state of emergency persisted throughout most of 2017, and was eventually replaced by the new antiterrorism legislation. In 2016, the UN Committee against Torture criticized France over its use of excessive force during police operations conducted under the state of emergency.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Migrants and refugees in France continue to suffer both from societal discrimination and abuse by government officials. Surging immigration and refugee flows from Muslim-majority countries have exacerbated anti-Muslim sentiment, and reports of vandalism of mosques, verbal assaults, and xenophobic graffiti continue.

French law forbids the categorization of people according to ethnic origin, and no official statistics are collected on ethnicity. Discrimination based on sexual orientation is prohibited by law. Legislation passed in 2016 scrapped the requirement that transgender people undergo sterilization in order to legally change their gender.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are normally no restrictions on freedom of travel or choice of residence or employment in France. However, measures allowing authorities to institute restrictions on movement were permitted during the state of emergency, and retained in 2017 law that replaced it.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Private businesses are free to operate. In 2016, major reforms to the labor code were enacted, further shifting power over hiring, firing, and working conditions to businesses and away from labor. These shifts were reinforced by Macron's 2017 changes to the labor code.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individuals generally enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance. However, a number of laws against religious clothing have forced some women to dress against their will.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Civil rights groups and scholars have reported evidence of employment discrimination against women, French Muslims, immigrants of North African descent, and others outside the traditional elite. While France's government takes action against human trafficking, the problem persists in the commercial sex trade; some victims are also forced into domestic labor.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology (<https://freedomhouse.org/report/methodology-freedom-world-2018>)

ecoi.net summary:

Annual report on political rights and civil liberties in 2017



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