



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

Within the Framework of the 50 X 30 Human Rights Campaign for All

# Under the siege Freedom of Peaceful Gathering in France during Recent Protests

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## Introduction

Peaceful protests and demonstrations that have erupted across France since January 2023 as part of the social movement opposing the government's proposed pension system reform have exposed France's shortcomings in terms of respecting public



freedoms and human rights, including the right to freedom of demonstration and peaceful assembly. Despite France's claims of being an ideal model for upholding human rights and presenting itself as a role model to other nations, the serious violations that have occurred during the recent protests highlight that the French government still has a long way to go in safeguarding the human rights of all its citizens, particularly the right to freedom of peaceful assembly and association. More efforts are needed to ensure the unrestricted and unconditional realization of the right to freedom of demonstration and peaceful assembly for all individuals.

While Maat continues its work on the "50 x 30 Human Rights for All" campaign, aimed at promoting and raising awareness about the articles of the Universal Declaration of Human Rights (UDHR), this paper focuses on the progress made in implementing Article 20 thereof, which pertains to freedom of peaceful assembly. It specifically examines the recent protests that have been marred by a wide range of human rights violations against peaceful demonstrators and protesters, including the excessive use of force by law enforcement, arbitrary arrests, and detention under unjust conditions.

In light of the aforementioned issues, Maat addresses this paper through two main axes. The first axis delves into the legal framework governing freedom of peaceful assembly in France, while the second axis focuses on the violations and arbitrary practices that have occurred during the recent protests as citizens sought to exercise their right to peaceful assembly.

### ► Axis I: Legal Framework Governing Freedom of Peaceful Assembly in France

Although the UDHR is not legally binding, France, having been one of the initial sponsors of its adoption by the United Nations on December 10, 1948, at the Palais de Chaillot in Paris, bears a moral responsibility to ensure the implementation and enforcement of its 30 articles. Article 20 of the declaration specifically addresses freedom of peaceful assembly, stating that "everyone has the right to freedom of peaceful assembly and association,"<sup>1</sup> thereby granting individuals the right to organize and participate in public demonstrations and protests.

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<sup>1</sup> Article 20 of the Universal Declaration of Human Rights, University of Minnesota, link: <https://bit.ly/43cDcf>



France is a signatory to the International Covenant on Civil and Political Rights, which imposes a legal obligation to implement and enforce all its articles, **including Article 21**, stating that “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” In essence, it grants individuals the right to associate for various purposes, such as expressing opinions, advocating for social or political change, participating in cultural or religious events, or engaging in other peaceful activities. Any restrictions on this right must not be arbitrary or discriminatory but rather clearly defined by national laws or regulations. They must also be proportionate and necessary to achieve specific and legitimate objectives, such as protecting national security, public safety, public order, public health, morals, or the rights and freedoms of others.

**Furthermore,** France is a state party to the First Optional Protocol of the International Covenant on Civil and Political Rights, which allows individuals to submit petitions to the Human Rights Committee if they believe their human rights, as guaranteed by the Covenant, have been violated.<sup>2</sup>



Additionally, France is a signatory to the European Convention on Human Rights, which stipulates in Article 11 that every person has the right to freedom of peaceful assembly and association with others. Similar to the International Covenant, restrictions on these rights can only be imposed in accordance with the law and are necessary in a democratic society to maintain national security, and public safety, prevent disorder or crime, protect health or morals, or protect the rights and freedoms of others.

While these international conventions contribute to the legal framework supporting the freedom of peaceful assembly in France, there is a notable absence of specific national legislation in France that explicitly supports this right as guaranteed by international and regional human rights conventions. French national legislation sometimes contradicts the provisions of international law regarding the freedom of peaceful assembly. The French Constitution does not explicitly

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<sup>2</sup> Article 11: Freedom of assembly and association, Equality and Human Rights Commission, link: <https://bit.ly/46vZ8Jf>

protect the right to peaceful assembly, and various French laws conflict with international regulations. For example, Law No. 30 of 1881 requires organizers of protests and demonstrations to provide advance notice to authorities before organizing any demonstration.<sup>3</sup> Failure to comply with this requirement can result in imprisonment or fines under the Penal Code. According to Article 431-9 of the French Penal Code, a six-month imprisonment and a fine of €7500 shall be imposed on anyone who participated in organizing an undeclared demonstration or without prior notification.<sup>4</sup> This contradicts international law, which maintains that peaceful demonstrations should not require prior authorization and that the failure to announce a protest does not make it illegal.



Another controversial law was enacted on [April 10, 2019](#), prohibiting the covering of one's face during protests. This law, as stated in Article 431-9-1 of the Penal Code, carries a penalty of one-year imprisonment and a fine

of €15,000 for concealing one's face during demonstrations without a legitimate reason. In practice, this law has enabled law enforcement authorities to detain and arrest peaceful protesters who may wear masks for self-protection against tear gas or to prevent their identification.<sup>5</sup>

The above analysis clearly shows that French national legislation imposes unjustifiable restrictions on the freedom of peaceful assembly. These restrictions serve as a practical basis for suppressing peaceful demonstrators who are exercising their legitimate right to protest. This contradicts France's international obligations under human rights law, particularly

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<sup>3</sup> Loi du 30-06-1881, Loi sur les réunions publiques, art. 6, link: <https://bit.ly/3EU7xu9>

<sup>4</sup> Code pénal : Section 3 : Des manifestations illicites et de la participation délictueuse à, Article 431-9, link: <https://bit.ly/48s1Tgh>

<sup>5</sup> Is it legal in France for demonstrators to march with their faces concealed?, lemonade, May 12, 2023, link: <https://bit.ly/3RCvwFY>

the International Covenant on Civil and Political Rights. Therefore, there is an urgent need for a comprehensive review of the provisions of the Penal Code to repeal any laws that are contrary to international law and are being used in France to suppress peaceful demonstrators.

## Axis II: Violations of Freedom of Peaceful Assembly in France During Recent Protests



Peaceful protests and demonstrations that erupted since **January 2023** throughout France as part of the social movement opposing the government project to reform the retirement system witnessed a wide range of human rights violations committed by law enforcement forces in France against the government's pension reform project. There have been numerous human rights violations committed by law enforcement forces. These violations include the excessive use of force, arbitrary arrests, and detention under inhumane conditions. These actions violate the right of demonstrators to

peacefully assemble and protest, and they also go against France's international obligations under human rights law, including [Article 20](#) of the Universal Declaration of Human Rights and Article 21 of the International Covenant on Civil and Political Rights. **Let's examine some of the most prominent violations that have occurred against demonstrators and peaceful protesters in France during these recent protests :**

### ● Use of Excessive Force

Firstly, there has been widespread use of excessive force by the French police against peaceful protesters as part of the social movement opposing the government project to reform the retirement system. Many videos posted on social media platforms have shown



law enforcement forces using tear gas, batons, hand grenades, stun grenades, and rubber bullets against demonstrators. As a result, hundreds of protesters have suffered injuries, some of them severe. For example, during the protests that took place after the mobilization **on 19 January 2023**, a police officer beat a demonstrator between the legs with a baton, even though the demonstrator posed no security threat. **On 11 March 2023**, a 15-year-old high school student sustained serious facial injuries after being hit by a hand grenade thrown by the French police.<sup>6</sup> In another incident during the demonstrations on **23 March 2023**, a woman's thumb was severely injured by a tear gas

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<sup>6</sup> French police hit by claims they're too tough on protesters, ap news, 3, April 3, 2023, link: <https://bit.ly/46soCal>



canister fired by the police in the city of Rouen, resulting in the permanent loss of her finger.<sup>7</sup>

Additionally, on **23 March**, a railway worker lost one of his eyes due to fragments from a hand grenade while participating in a demonstration in Paris. These incidents demonstrate a pattern of police violence against demonstrators and suggest a systematic policy to suppress opposition and silence dissent. Despite mounting evidence of violent police practices against peaceful protesters, the French Ministry of the Interior has denied these allegations, and investigations into police brutality are ongoing. However, the level of police violence against demonstrators has been far beyond what was expected or justified.

## • Arbitrary Arrests and Inhumane Detention Conditions

The French police have significantly increased their arrests and detentions of demonstrators and peaceful protesters who have participated in the ongoing peaceful protests in France since

**January 2023**, opposing the government's proposed retirement system reform. According to official statistics, hundreds of protesters and demonstrators have been



arrested by the French police during these peaceful protests. For instance, on **16 March 2023**, during a demonstration at Place de la Concorde in Paris, 292 demonstrators were arrested.

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<sup>7</sup> Doris, manifestante blessée à Rouen : une grenade lacrymogène en cause, l'IGPN saisie, paris, 27 Mars 2023, <https://bit.ly/46jVwtl>

Additionally, about **457 people** were arrested throughout France during the demonstrations on **23 March** against the retirement reform, which saw the participation of between one million and 3.5 million people.<sup>8</sup>

**On 17 April 2023**, following a demonstration in Marseille protesting the changes in pensions, the French police arrested 13 individuals.<sup>9</sup> It is important to note that these arrests were justified based on the French Interior Minister, Gérald Darmanin's claim that "participation in an unannounced demonstration constitutes a crime and warrants arrest." However, this violates international human rights law, which emphasizes that peaceful demonstrations should not require prior authorization and that failure to declare a protest does not render it illegal or warrant the



arrest of peaceful protesters and demonstrators. Furthermore, the French police have detained hundreds of peaceful demonstrators in police stations under inhumane and overcrowded conditions. Reports obtained by Maat indicate that the detained demonstrators were subjected to invasive body searches, physical abuse, and ill-treatment. They reportedly endured substandard sanitary conditions and lacked sufficient individual space in overcrowded cells.<sup>10</sup> These conditions starkly contrast with international standards for prisons, which France has committed to upholding on various occasions.

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<sup>8</sup> Retraites : la contrôleuse générale des lieux de privation de liberté dénonce "une instrumentalisation des gardes à vue à des fins répressives", France Info, May 3, 2023, link: <https://bit.ly/3RDUIkG>

<sup>9</sup> 13 people arrested in France after a demonstration in protest of pension change, PBS, Apr 17, 2023, link: <https://to.pbs.org/468BI2e>

<sup>10</sup> Un nouveau rapport dénonce les conditions d'arrestation et de détention en marge des manifestations contre la réforme des retraites, NEON, May 5, 2023, link: <https://bit.ly/3PUPRF1>

## Conclusion & Recommendations

**In conclusion**, the French authorities have imposed unjustifiable restrictions on the freedom of peaceful assembly, as guaranteed by numerous international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. This is particularly concerning in light of the recent peaceful protests and demonstrations that have taken place throughout France since the beginning of this year, opposing the government's retirement system reform. French laws impose criminal penalties and fines on individuals who participate in organizing unannounced or non-notified demonstrations, which contradicts international law's stance that peaceful demonstrations should not require prior authorization and that the absence of a declaration does not render a protest illegal. Furthermore, law enforcement authorities in France have employed excessive force against peaceful protesters, utilizing batons, tear gas, grenades, stun grenades, and rubber bullets to intimidate and disperse them. Additionally, the involvement of law enforcement forces in France in arbitrary arrests and inhumane detentions of hundreds of peaceful protesters under overcrowded conditions is deeply concerning.

In light of the aforementioned issues, **Maat for Peace, Development, and Human Rights presents the following recommendations to the French government** to improve the climate of fundamental rights and freedoms, particularly the right to freedom of assembly and peaceful demonstrations:

- **Ensuring that laws about freedom of assembly and demonstration are in line with international human rights** standards. Repealing or amending any laws that impose unjustifiable restrictions on freedom of assembly and peaceful demonstrations, including laws that require

prior authorization or impose excessive fines and penalties for participating in unannounced demonstrations;

- **Providing adequate training to law enforcement officials on the standards and principles of using force in demonstrations and public gatherings.** This should include guidance on the graduated use of force, proportionality, and necessity, ensuring that force is only employed as a last resort.
- **Conducting thorough investigations into all allegations of police brutality against peaceful protesters.** Hold perpetrators accountable and ensure that victims receive effective redress, including appropriate compensation.
- **Prohibiting the use of kinetic projectiles, such as rubber bullets, against peaceful demonstrators,** as these weapons have been responsible for causing numerous serious injuries.
- **Establishing an independent body to investigate allegations of arbitrary arrests and detentions of peaceful demonstrators.**