

# LIBERTIES

# RULE OF LAW

# REPORT

# 2026



#roi-report2026

# FRANCE



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## FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

**[Download the full Liberties Rule of Law Report 2026 here.](#)**

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# FRANCE

## ABOUT THE CONTRIBUTING ORGANISATIONS

### VoxPublic



VoxPublic is a non-profit organisation composed of a permanent team of four advocacy specialists based in Paris. It is governed by a seven-member executive board. The association was created in 2016 and ever since has been working on empowering French civil society organisations and citizen initiatives in their advocacy actions. VoxPublic thereby provides support and capacity-building to victims of discrimination and social injustices wishing to challenge decision-makers. VoxPublic also works with issues regarding the rule of law, respect for fundamental freedoms, and the protection of the democratic space, which are essential for civil society actors to defend their causes. VoxPublic provides partners with operational support in terms of advocacy and communication campaign building, networking, strategic document writing, etc.

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## OVERALL ASSESSMENT: SLIDER

The worrisome trends observed in the previous years persisted in France in 2025. The very unpredictable and unstable political French situation, along with the predominance and continuous spread of far-right speeches and ideas, reinforced some of these trends. Indeed, the judicial system is weakened by a lack of resources and attacks coming from many political actors, including some ministers. 2025 was marked by several important political trials: in March, Marine Le Pen was sentenced (first instance) to five years of ineligibility for misappropriation of public funds; in September, former president Nicolas Sarkozy was sentenced to five years in prison for criminal conspiracy. The media landscape is also very concerning with the increased concentration of the media in the hands of conservative billionaires. Journalists and media are also hindered in their work by being publicly accused and sometimes sued. In general, the French civil society is vigorously criticised and attacked, on one hand by far-right and conservative groups and media, and on the other by the government and its administrative authorities. Finally, checks and balances have been undermined, a trend worsened by the succession of governments.

Nonetheless, the French civil society remained vivid and very active active in denouncing and fighting the attacks against the rule of law.

### **Assessment of the trajectory**

Some actions were taken by the government, regarding the justice digital system, and with a new plan against corruption, but they remain inadequate and insufficient. Furthermore, none of the recommendations made by the French civil society in the previous years were followed. The current and unprecedented political situation (no majority in the parliament, a succession of governments) and the factors mentioned above reinforced the regression of the rule of law. Moreover, with local elections approaching in 2026 and general elections in 2027, the government has prioritised electoral strategies aimed at the ‘conquest’ of far-right voters, leading to a noticeable shift towards more conservative positions on many issues.

## ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

If the Commission wishes to take preventive steps in the face of worrisome rule of law trends in France, it could trigger the Rule of Law Framework from the toolbox, in order to enter dialogue with France and address systemic threats, with an emphasis on the justice system and media freedom, so that France does not slide further away.

No infringement proceedings should be considered.

So far, no EU funds should be withheld. Nonetheless, the Commission should remain vigilant about the rule of law in France and be ready to potentially activate such conditionality mechanisms if the situation keeps deteriorating.

### **State of play (versus 2025)**

-  *Justice system*
-  *Anti-corruption framework*
-  *Media Environment and Media Freedom*
-  *Checks and balances*

### **Legend**

- | <i>Regression</i>  | <i>No progress</i>  | <i>Progress</i>   |
|--|---|---|
|  |  |  |

## JUSTICE SYSTEM -

### General assessment

The issues raised in the 2024 Rule of Law Report regarding the lack of independence of the justice system (especially public prosecutors) and the insufficiency of the judicial national budget were not solved. The Commission noted some progress following its recommendation regarding the digitisation of judicial procedures. However, the Commission's recommendation fails to mention other major issues in the French justice system, according to several civil society organisations: lack of financial and human resources, lack of protection for the independence of judges, and a lack of action to combat prison overcrowding.

### Implementation of 2025 Commission recommendations

#### Recommendation: Step up efforts to complete ongoing projects aimed at full digitalisation of civil and criminal court proceedings (first made in 2022)

The Commission assessed some progress on completing ongoing projects aimed at full digitalisation of civil and criminal court proceedings.

The Commission's recommendation is too vague and only addresses the issue of digitalisation, whereas other systemic weaknesses affect the French justice system.

Two decrees (decree 2025-619<sup>1</sup> and decree No. 2025-660<sup>2</sup>) came into force in September 2025 regarding the procedures for electronic exchange and the technical framework applicable to the digital transmission of judicial documents.

The first decree of 8 July 2025 (No. 2025-619) relaxes the regulatory framework for electronic communication in order to promote the digitisation of procedures.

1 Decree No. 2025-619 of 8 July 2025 on various measures to simplify civil procedure, ('Décret n° 2025-619 du 8 juillet 2025 portant diverses mesures de simplification de la procédure civile'), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000051861897>.

2 Decree No. 2025-660 of 18 July 2025 on reforming conventional proceedings and recodifying amicable dispute resolution methods, ('Décret n° 2025-660 du 18 juillet 2025 portant réforme de l'instruction conventionnelle et recodification des modes amiables de résolution des différends'), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000051919659>.

The second decree of 18 July 2025 (No. 2025-660) simplifies certain procedures and encourages the use of amicable dispute resolution methods.

Reduce the time taken to process court cases, in particular by digitalising court procedures, but also by recruiting new magistrates and increasing the justice budget.

**Commission's 2025 assessment: Some progress**

**VoxPublic's current assessment: No progress**

## Gaps in the Commission's Report

### Political pressure and underfunding of the judiciary

VoxPublic highlighted three prominent issues upon which the Commission should have made a recommendation but did not:

1. The lack of financial resources allocated to the functioning of the justice system.
2. The issue of the independence of magistrates, particularly prosecutors and courts.
3. Attacks and pressures against the judicial system and magistrates, defamation, accusations against a supposedly 'political' justice system when political figures face trial in 2025 (Marine Le Pen, Nicolas Sarkozy, and Rachida Dati). During these trials, politicians verbally accused or attacked judges and their independence, thereby weakening the rule of law.

The Commission remained silent on the insufficient budget allocated to the functioning of the justice system, which is proportionally underfunded to ensure its optimal functioning, particularly in comparison with its European counterparts. Rémy Heitz, Attorney General at the Court of Cassation, in his speech to the Court at the start of the 2025 academic year, declared: "Our country's justice system does not have the necessary budget to carry out the essential tasks it is entrusted with. It has half as many judges and a quarter as many prosecutors as comparable countries around it and represents a tiny fraction of the state budget: €10 billion, or 2% of expenditure."<sup>3</sup> At the end of 2025, the Union Syndicale des Magistrats (Magistrates' Union) alerted the National Assembly on the lack of financial

3 *Cour de cassation, Rémy Heitz - Back-to-School Address 2025 ('Rémy Heitz - Allocution de rentrée 2025'), January 2025, <https://www.courdecassation.fr/print/pdf/node/138936>*

and human resources for the justice system, and was heavily preoccupied by the announced budget cuts, particularly in the 2026 finance bill.<sup>4</sup>

The French system is still questionable regarding judicial independence: French prosecutors are entirely subordinate to the executive power, with the Ministry of Justice having the sole responsibility for their appointment and disciplinary proceedings. The majority of the members of the Superior Council of the Judiciary (8/15) are appointed by the government and the parliament, they are not judges or prosecutors elected by their peers. Except for the administrative branch of the judiciary, courts do not enjoy any financial autonomy. The members of the State Council (i.e. the highest Administrative Court) worked half of their careers as directors of central administration in ministries.

The Magistrates' Union warned of the pressure faced by judges in 2025 (particularly in 'political' cases, see the section 'anti-corruption framework'). Stéphane Fischesser, representative of the Magistrates' Union, stated: "When magistrates are threatened with physical harm, or even death, it is the entire justice system that is under attack. In a democracy, what is at stake and what we must fight for is the vitality of countervailing powers. When we look at Hungary, Poland and Turkey, it is always the same institutions and the same people who are targeted: NGOs, the media and, as far as the state is concerned, the justice system."<sup>5</sup> In this way, the associations Sherpa, Anticor and Transparency International<sup>6</sup> warn about the worrying climate regarding the justice system, with increasing threats against magistrates and denigration of the judicial institution. The associations are reminding politicians of their duty to defend the independence of justice, which is essential to defend the rule of law.

The lack of independence, financial and human resources, as well as the increase in attacks on the justice system, demonstrate a weakening of the French judicial system. By focusing on the digitalisation of procedures, the Commission is failing to address other systemic weaknesses and worrying trends in the French justice system.

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4 Union Syndicale des Magistrats (USM), USM *Heard on the 2026 Draft Budget Law* ('L'USM entendue sur le PLF 2026'), 24 October 2025, <https://www.union-syndicale-magistrats.org/lusm-entendue-sur-le-plf-2026>.

5 MOB, le média de la démocratie, *Justice: Judicial Independence on Trial* ('Justice : l'indépendance en procès'), 27 October 2025, <https://mob-media.info/index.php/2025/10/27/justice-lindependance-en-proces>.

6 Sherpa, *The "Libyan financing" affair: a historic and unprecedented conviction for Nicolas Sarkozy*, (*Affaire du « financement libyen » : une condamnation de Nicolas Sarkozy historique et inédite*), 25 September 2025, <https://www.asso-sherpa.org/une-condamnation-de-nicolas-sarkozy-historique-et-inedite#une-procedure-entachee-par-de-multiples-attaques>.

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## New Issues that Emerged in 2025

### Failures in criminal justice administration

1. Judicial handling of police violence
2. Prison overcrowding due inadequate management of the prison system, examined and denounced by several organisations such as the Observatoire International des Prisons (International Prison Observatory, French section)<sup>7</sup> and the Observatoire des disparités dans la justice pénale (Observatory of Disparities in Criminal Justice).<sup>8</sup>

The questioning of the independence of magistrates and the justice system, through statements or actions carried out by political figures in particular, is a major concern in 2025. Gérald Darmanin, Minister of Justice since December 2024 and previously Minister of the Interior, visited former President Nicolas Sarkozy, who was convicted of corruption, in prison. This visit sparked strong reactions from legal professionals. A group of 29 lawyers filed a complaint against the Minister of Justice for ‘illegal taking of interest’ and considered that “by publicly expressing his desire to visit Nicolas Sarkozy in detention and implicitly supporting him, Gérald Darmanin necessarily took a position in a matter over which he has administrative or supervisory power”.<sup>9</sup>

The Attorney General of the Court of Cassation, Rémy Heitz, also considered that such a visit presented “a risk of undermining the independence of the judiciary and magistrates”.<sup>10</sup> Another notable case: Marine Le Pen (president of the Rassemblement National party between early 2011 and late

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7 Observatoire International des Prisons (section française), *Prison density map: measuring the scale of a structural crisis* (*Carte de la densité carcérale : mesurer l'ampleur d'une crise structurelle*), 23 October 2025, <https://oip.org/analyse/carte-de-la-densite-carcerale-mesurer-lampleur-dune-crise-structurelle>.

8 Observatoire des disparités dans la justice pénale, *Prison overcrowding: an old problem, urgent solutions* (*La surpopulation carcérale : un problème ancien, des solutions urgentes*), 2025, <https://observatoire-disparites-justice-penale.fr/les-conditions-de-detention/la-surpopulation-carcerale>.

9 Le Club des Juristes, *Darmanin's Visit to Sarkozy: Lawyers' Group Files Complaint for Illegal Interest Taking* (*Visite de Gérald Darmanin à Nicolas Sarkozy: un collectif d'avocat dépose plainte pour prise illégale d'intérêts*), 30 October 2025, <https://www.leclubdesjuristes.com/en-bref/visite-de-gerald-darmanin-a-nicolas-sarkozy-un-collectif-davocat-depose-plainte-pour-prise-illegale-dinterets-12730/>.

10 Le Club des Juristes, *Darmanin's Visit to Sarkozy: Lawyers' Group Files Complaint for Illegal Interest Taking* (*Visite de Gérald Darmanin à Nicolas Sarkozy : un collectif d'avocat dépose plainte pour « prise illégale d'intérêts »*), 30 October 2025, <https://www.leclubdesjuristes.com/en-bref/visite-de-gerald-darmanin-a-nicolas-sarkozy-un-collectif-davocat-depose-plainte-pour-prise-illegale-dinterets-12730/>.

2021, former MEP and current president of the far-right group in the National Assembly), who has been a candidate in the second round of the presidential election several times, was sentenced (in first instance) in March 2025 to two years of ineligibility, with provisional enforcement, in a case involving the misappropriation of European public funds. Marine Le Pen appealed her conviction and denounced a ‘political decision’, accusing the Paris Criminal Court of “preventing her from being elected President of the Republic”. The president of the Criminal Court was targeted by the far right, suffering insults and threats and even having her personal address made public.<sup>11</sup>

In a press release, the Magistrates’ Union reiterates that these “accusations of politicised justice are intolerable in a state governed by the rule of law”.<sup>12</sup>

### **Implications and Recommendations for 2026**

The judicial handling of police violence in France has revealed a lack of impartiality on the part of the justice system in this specific area, as evidenced by an investigation conducted by the NGO *Flagrant déni*. While the number of cases of police violence has been steadily increasing for several years, the number of staff at the IGP (Inspection Générale de la Police Nationale) has been declining. Departmental units, whose independence is disputed, handle 90% of cases against police officers, and the clearance rate for cases of police violence is also declining.<sup>13</sup>

Prison overcrowding reached 135.9% in July 2025 (84,951 inmates for 62,509 available places). The International Prison Observatory (OIP) states that 70% of prisoners live in facilities with an average occupancy rate of 165% (this rate reaches 200% in several dozen prisons). 5,500 people sleep on mattresses on the floor. The OIP warns that the situation has become uncontrollable and reminds us that the French State is responsible for guaranteeing respect for the fundamental rights of prisoners.<sup>14</sup>

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11 *Le Monde*, *After Marine Le Pen’s Conviction, Justice Stands United Against Criticism and Threats* (*‘Après la condamnation de Marine Le Pen, la justice fait bloc face aux critiques et aux menaces’*), 2 April 2025, [https://www.lemonde.fr/societe/article/2025/04/02/apres-la-condamnation-de-marine-le-pen-la-justice-fait-bloc-face-aux-critiques-et-aux-menaces\\_6589764\\_3224.html](https://www.lemonde.fr/societe/article/2025/04/02/apres-la-condamnation-de-marine-le-pen-la-justice-fait-bloc-face-aux-critiques-et-aux-menaces_6589764_3224.html).

12 Syndicat de la magistrature, *The Only Tool of Magistrates is the Law* (*‘Le seul outil des magistrats, c’est la loi’*), 1 April 2025, [https://www.syndicat-magistrature.fr/documents/1764/CP\\_-\\_Le\\_seul\\_outil\\_des\\_magistrats\\_cest\\_la\\_loi.pdf](https://www.syndicat-magistrature.fr/documents/1764/CP_-_Le_seul_outil_des_magistrats_cest_la_loi.pdf).

13 *Flagrant Délit*, *Why Everything Must Change* (*‘POURQUOI IL FAUT TOUT CHANGER’*), November 2025, <https://www.flagrant-deni.fr/wp-content/uploads/2025/11/FD-RAPPORT-numerique-vf.pdf>.

14 *Observatoire international des prisons (OIP)*, *Map of Prison Density: Measuring the Scope of a Structural Crisis* (*‘Carte de la densité carcérale : mesurer l’ampleur d’une crise structurelle’*), 1 September 2025, <https://oip.org/analyse/carte-de-la-densite-carcerale-mesurer-lampleur-dune-crise-structurelle/>.

The association also warns of the lack of transparency in the data published by the French Ministry of Justice, which tends to significantly underevaluate the actual occupancy rates.

### Suggested recommendations:

Reaffirm the independence of the judicial system (judges, courts, and prosecutors) by strengthening separation of powers from the executive and granting prosecutors genuine independence.

Increase the justice budget to ensure sufficient resources for all judicial duties and improve functioning under optimal conditions.

Invest in prison renovation to enhance detention conditions and combat overcrowding.

Thoroughly reform the IGPN and all police complaint-handling bodies, with increased human and financial resources.

## Implementation of Judgments

In April 2025, the European Court of Human Rights (ECtHR) condemned France (in *L. and others v. France*) for having “failed to fulfill its positive obligations to introduce provisions criminalising and punishing non-consensual sexual acts and to apply them effectively”.<sup>15</sup> In all three cases, the applicants considered that French law did not provide effective protection against rape and that their status as vulnerable minors had not been taken into account. In October 2025, the French Parliament voted to enshrine the definition of rape based on consent in national law. For Amnesty International, “the adoption of this law is a historic step forward”.<sup>16</sup> Family Planning welcomes this progress in the fight against violence against women, particularly with regard to “reversing the burden of proof”.<sup>17</sup>

15 ECtHR, application no 46949/21, 24989/22 , 39759/22, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22002-14453%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22002-14453%22]}).

16 Amnesty International, France: ‘Historic Victory’ as French Law Adopts Consent-Based Definition of Rape, October 2025, <https://www.amnesty.org/en/latest/news/2025/10/france-historic-victory-as-french-law-adopts-consent-based-definition-of-rape/>. Planning Familial 13, *Inclusion of Consent in the Criminal Definition of Rape and Sexual Assault in France* (‘*Entrée du consentement dans la définition pénale du viol et des agressions sexuelles en France*’), 29 October 2025, <https://www.leplanning13.org/entree-du-consentement-dans-la-definition-penale-du-viol-et-des-agressions-sexuelles-en--france/>.

17 Planning Familial 13, *Inclusion of Consent in the Criminal Definition of Rape and Sexual Assault in France* (‘*Entrée du consentement dans la définition pénale du viol et des agressions sexuelles en France*’), 29 October 2025, <https://www.leplanning13.org/entree-du-consentement-dans-la-definition-penale-du-viol-et-des-agressions-sexuelles-en--france>

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With this decision, France is complying with the Convention on Preventing and Combating Violence Against Women and Domestic Violence (ratified by France in 2014).

In June 2025, the ECtHR also condemned France in the case of *Seydi and others v. France*,<sup>18</sup> finding France guilty of conducting discriminatory identity checks and racial profiling. No action has been taken by the government to date. According to Amnesty International, “despite these multiple convictions, the prohibition of identity checks based on discriminatory grounds is not sufficiently explicit in French law”.<sup>19</sup>

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18 ECtHR, application No. 35844/17, <https://hudoc.echr.coe.int/?i=001-243820>.

19 Amnesty International France, *What is 'Ethnic Profiling'? ('Qu'est-ce que le 'contrôle au faciès' ?)*, <https://www.amnesty.fr/focus/quest-ce-que-le-contrôle-au-faciès>.

## ANTI-CORRUPTION FRAMEWORK -

### General assessment

The government adopted ‘a multi-year national anti-corruption plan for 2025–2029’ (Plan national pluriannuel de lutte contre la corruption), which is criticised by civil society organisations. Moreover, the anti-corruption system, including the anti-corruption accreditation for organisations, remains too weak and concentrated in the hands of the executive power.

### Implementation of 2025 Commission recommendations

**Recommendation: Continue ongoing efforts to ensure that rules on lobbying activities are consistently applied to all relevant actors, including at top-executive level, and take forward the legislative process on the draft laws on lobbying (first made in 2022)**

The Commission assessed some progress on ensuring that rules on lobbying activities are consistently applied to all relevant actors, including at top executive level.

The recommendation could be more precise and clarify the concrete objectives to be achieved.

A new multi-year anti-corruption plan for 2025–2029<sup>20</sup> has been launched, but it lacks transparency.

Several elements of the plan have been criticised by associations such as Transparency International.<sup>21</sup> On the one hand, the plan focuses on supporting stakeholders to protect them from the risk of corruption, which may prevent effective monitoring and punishment of perpetrators. Many of the plan’s measures are not binding, which may prevent their effective implementation. In addition, a large part of the plan’s measures focus on organised crime, which may lead to a lack of attention and resources being devoted to the fight against financial crime (misappropriation of funds, misuse of corporate assets). Finally, this multi-year plan has been criticised for its lack of transparency regarding how it will be implemented. Few details have been provided about the resources allocated to its implementation, and its announcement was very discreet.

20 Agence française anticorruption (AFA), *National Multi-Annual Anti-Corruption Plan 2025–2029* (‘Plan national pluriannuel de lutte contre la corruption 2025–2029’), 14 November 2025, <https://www.agence-francaise-anticorruption.gouv.fr/files/2025-11/Plan%20pluriannuel%20anticorruption%202025-2029%20Web.pdf>

21 Transparency International France, *A national plan that has been a long time in the making and raises legitimate questions* (‘Un plan national à la gestation laborieuse qui suscite des interrogations légitimes’), 14 November 2025, <https://transparency-france.org/2025/11/14/un-plan-national-a-la-gestation-laborieuse-qui-suscite-des-interrogations-legitimes>.

*Integrate better specialised civil society actors and organisations into the government’s anti-corruption plan.*

**Commission’s 2025 assessment: Some progress**

**VoxPublic’s current assessment: No progress**

## Gaps in the Commission’s Report

### Reform of anti-corruption accreditation for associations

Anti-corruption accreditation continues to be granted to associations by the executive branch itself. The Anticor association welcomes the Cour des Comptes (Court of Auditors) report on this subject, which “highlights the vagueness of the criteria for granting accreditation and the unsuitability of its duration, limited to three years (compared to five for other associative sectors). Above all, it calls for greater transparency in the granting of this accreditation and questions the role given to the Government in the procedure, “insofar as corruption cases are likely to involve members of the Government”.<sup>22</sup>

## New Issues that Emerged in 2025

### Lack of resources for dealing with corruption cases

Following Nicolas Sarkozy’s sentencing to five years in prison for criminal conspiracy to commit corruption, the organisations Sherpa, Anticor and Transparency International welcomed this historic decision, which punishes acts of exceptional gravity. This ruling represents a major step forward in the fight against corruption and sends a clear message against all forms of impunity. However, for the Sherpa association, this trial also reveals the weaknesses of the French judicial system, with more than 20 years of waiting before the trial began. The association attributes this slowness to “the chronic lack of resources that weakens the criminal response in corruption cases”.<sup>23</sup>

22 Anticor, *Evaluation of Anti-Corruption Policy: Cour des Comptes Recommends Reforming Anti-Corruption Accreditation for Associations* (‘Évaluation de la politique de lutte contre la corruption : la Cour des comptes recommande de réformer l’agrément anticorruption des associations’), 11 December 2025, <https://www.anticor.org/2025/12/11/evaluation-de-la-politique-de-lutte-contre-la-corruption-la-cour-des-comptes-recommande-de-reformer-lagrement-anticorruption-des-associations/>.

23 Sherpa, *A Historic and Unprecedented Conviction of Nicolas Sarkozy* (‘Une condamnation de Nicolas Sarkozy historique et inédite’), 25 September 2025, <https://www.asso-sherpa.org/une-condamnation-de-nicolas-sarkozy-historique-et-inedite>.

Rachida Dati, current Minister of Culture and candidate for Mayor of Paris in March 2026, has been referred to court in a case of corruption and influence peddling linked to illegal consulting fees she allegedly received while she was a Member of the European Parliament. For Transparency International France, this case “illustrates a more systemic problem in France [...], the lack of oversight of parliamentarians’ ancillary activities”. Transparency International France also condemns “Rachida Dati’s direct attacks on the work of judges [...] which undermine confidence in the judicial institution and constitute yet another damaging attack on the foundations of the rule of law”.<sup>24</sup>

### **Weaknesses in the 2025-2029 multi-year anti-corruption plan**

In November 2025, the French government announced the launch of its second multi-year anti-corruption plan for 2025–2029. Transparency International France welcomed the “positive steps forward” but also highlighted “legitimate questions” concerning the change in approach it introduces and the lack of transparency regarding the actual resources allocated to this plan.<sup>25</sup> For the NGO, “this plan risks quickly proving incapable of providing France with a robust mechanism to deal with new threats, as evidenced, for example, by the very limited attention given to the challenges posed by the development of cryptoassets and strategic corruption”.<sup>26</sup>

### **Implications and Recommendations for 2026**

Anti-corruption accreditation for associations granted by the executive branch denies the essential role of independent bodies, especially civil society organisations.

**Suggested recommendation:** Entrust the granting of anti-corruption accreditation to associations to a high administrative authority that is independent of political power.

24 Transparency International France, *Rachida Dati referred to criminal court: Transparency International France condemns the minister’s attacks on the justice system and calls for exemplary behaviour* (‘Rachida Dati renvoyée en correctionnelle : Transparency International France dénonce les attaques contre la justice de la ministre et appelle à l’exigence d’exemplarité’), 25 July 2025, <https://transparency-france.org/2025/07/25/rachida-dati-renvoyee-en-correctionnelle-transparency-internationalfrance-denonce-les-attaques-contre-la-justice-de-la-ministre-et-appelle-a-lexigence-dexemplarite/>

25 Transparency International France, *A national plan that has been a long time in the making and raises legitimate questions* (‘Un plan national à la gestation laborieuse qui suscite des interrogations légitimes’), 14 November 2025, <https://transparency-france.org/2025/11/14/un-plan-national-a-la-gestation-laborieuse-qui-suscite-des-interrogations-legitimes>.

26 Transparency International France, *A national plan that has been a long time in the making and raises legitimate questions* (‘Un plan national à la gestation laborieuse qui suscite des interrogations légitimes’), 14 November 2025, <https://transparency-france.org/2025/11/14/un-plan-national-a-la-gestation-laborieuse-qui-suscite-des-interrogations-legitimes>.

**Suggested recommendation:** Establish and finance an ambitious public policy to combat corruption, taking into account the recommendations of civil society actors and specialised magistrates.

## MEDIA ENVIRONMENT AND MEDIA FREEDOM

### General assessment

No progress was observed in 2025 and some worrisome trends continued or were even reinforced: media concentration, lack of pluralism on certain media channels and weakness of the mitigation procedures.

### Implementation of 2025 Commission recommendations

**Recommendation: Complete ongoing reforms to improve the transparency of media ownership, in particular, complex shareholding structures, building on the existing legal safeguards (first made in 2022)**

The Commission assessed that significant progress was made on improving the transparency of media ownership, in particular, complex shareholding structures, building on the existing legal safeguards.

The Commission's recommendation does not specifically address the crucial issue of the extremely high concentration of French media ownership in the hands of a few billionaires.

No significant progress has been made for the year 2025, and media concentration has worsened.

Audiovisual and Digital Communications Regulatory Authority (ARCOM) exercised its prerogatives and did not renew the broadcasting rights of several channels. The television channels C8 and NRJ12 ceased broadcasting in February and March 2025. This decision is particularly significant for C8, which has received a total of 36 warnings and sanctions since 2012 for failing to comply with its legal obligations (particularly with regards to human rights and hate speech).

However, regulatory measures remain insufficient and some problematic channels, owned by billionaires, still air, such as far right news channel CNews.

*Limit excessive media concentration in the hands of billionaires with a political agenda through robust antitrust thresholds and more public funds for the media.*

**Commission's 2025 assessment: Significant progress**

**VoxPublic's current assessment: Regression**

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## Gaps in the Commission's Report

### **The concentration of media ownership in the hands of a few billionaires.**

Media concentration in France increased in 2025, with Reporters Without Borders arguing that, “The concentration of private press groups in the hands of a few businessmen is becoming a major concern in the country. The expansion of the Bolloré group [...] is worrying the sector due to the shareholder’s brutal and interventionist methods and the lack of internal pluralism, raising fears that opinion will triumph over facts.”<sup>27</sup> CMA Media (a subsidiary of CMA CGM) also acquired Brut, strengthening the media group owned by billionaire Rodolphe Saadé.<sup>28</sup> Journalists at *Le Parisien* have expressed their fears over a possible takeover of the newspaper by Vincent Bolloré.<sup>29</sup>

## New Issues that Emerged in 2025

### **Weak media regulation system**

Media and the far right: an inquiry committee<sup>30</sup> led by the far-right and violent attacks on civil society by far-right media outlets.

In February 2025, the television channels C8 and NRJ12 ceased broadcasting, after the ARCOM decided not to renew their broadcasting rights on TV. This decision was motivated by the numerous sanctions imposed on C8 for incitement to hatred and failure to comply with the obligation of honesty

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27 Reporters Sans Frontières, Classement mondial 2025 : France (*Classement mondial 2025 : France*), 2025, <https://rsf.org/fr/pays/france>.

28 L’Humanité, After BFMTV and RMC, Rodolphe Saadé Takes Over Brut and Strengthens Billionaires’ Grip on French Media (*Après BFMTV et RMC, Rodolphe Saadé s’empare de Brut et renforce la mainmise des milliardaires sur les médias français*), 17 September 2025, <https://www.humanite.fr/medias/bfmtv/apres-bfmtv-et-rmc-rodolphe-saade-sempare-de-brut-et-renforce-la-mainmise-des-milliardaires-sur-les-medias-francais>

29 Le Monde, At ‘Le Parisien’, Journalists Fear Sale of Daily to Bolloré Group (*Au « Parisien », les journalistes redoutent la vente du quotidien au groupe Bolloré*), 9 September 2025, [https://www.lemonde.fr/economie/article/2025/09/09/au-parisien-les-journalistes-redoutent-la-vente-du-quotidien-au-groupe-bollore\\_6640179\\_334.html](https://www.lemonde.fr/economie/article/2025/09/09/au-parisien-les-journalistes-redoutent-la-vente-du-quotidien-au-groupe-bollore_6640179_334.html)

30 French National Assembly, Commission of Inquiry into the Neutrality, Functioning, and Funding of Public Broadcasting (*Commission d’enquête sur la neutralité, le fonctionnement et le financement de l’audiovisuel public*), 2025, <https://www.assemblee-nationale.fr/dyn/17/organes/autres-commissions/commissions-enquete/ce-audiovisuel-public>.

and rigour in the treatment of information (€7.6 million for 36 warnings and fines).<sup>31</sup> However, channels such as CNews (owned by the billionaire Vincent Bolloré, supporting far-right values) continue to broadcast. Historian Alexis Levrier condemns “the silence of the French Audiovisual and Digital Communications Regulatory Authority (Arcom) in the face of the daily attacks on Radio France and France Télévisions by the far-right media. Admittedly, the institution took a courageous decision at the end of Roch-Olivier Maistre’s term of office by withdrawing C8’s frequency. But it has long been reluctant to require Bolloré’s media outlets to respect internal pluralism, which is nevertheless the basis of the 1986 Létotard law.”<sup>32</sup>

On the initiative of several civil society organisations (trade unions and associations), the ‘Marseille Charter on Information and Migration’<sup>33</sup> was presented and made public in September 2025. It has been signed by dozens of media outlets, journalists, trade unions and journalism schools. The Charter aims to guide journalists towards accurate, comprehensive and respectful coverage of migration issues. It establishes eleven fundamental principles, including respect for dignity, combating stereotypes, professional responsibility, balancing facts and human interest, continuing education, broad communication and regular evaluation of practices. Its objective is to promote responsible journalism that contextualises migration and gives a voice to those affected. However, this Charter is not legally binding.

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31 Le Club des Juristes, *Why Arcom Excluded C8 and NRJ12 Channels from TNT* (‘Pourquoi l’Arcom a exclu les chaînes C8 et NRJ12 de la TNT ?’, 30 July 2024, <https://www.leclubdesjuristes.com/opinion/pourquoi-larcom-a-exclu-les-chaines-c8-et-nrj12-de-la-tnt-6732/>).

32 Le Monde, *Public Media Weakened by Those Tasked with Defending Them* (‘Les médias publics ont été fragilisés par ceux-là mêmes qui avaient pour mission de les défendre’), 5 January 2026, [https://www.lemonde.fr/idees/article/2026/01/05/les-medias-publics-ont-ete-fragilises-par-ceux-la-memes-qui-avaient-pour-mission-de-les-defendre\\_6660625\\_3232.html](https://www.lemonde.fr/idees/article/2026/01/05/les-medias-publics-ont-ete-fragilises-par-ceux-la-memes-qui-avaient-pour-mission-de-les-defendre_6660625_3232.html).

33 Charte Migration, *Charter for Media Coverage of Migrations* (‘La Charte pour une couverture médiatique des migrations, dans le respect de la déontologie journalistique » dite “Charte de Marseille”’), 29 April 2025, <https://chartejournalismemigrations.fr/>,

A parliamentary inquiry<sup>34</sup> into the neutrality, functioning and funding of public broadcasting has been described as a ‘witch hunt’ led by the far right.<sup>35</sup> It was created on 28 October on the initiative of the Union of the Right for the Republic (UDR) group, an ally of the National Rally (RN), and began its hearings on 25 November. It has been strongly criticised and described as a “global offensive against pluralism of information”.<sup>36</sup>

Public broadcasting (Radio France, France Télévisions) has been the target of attacks, particularly during the commission of inquiry, but also from politicians. In an opinion piece in *Le Monde*, media historian Alexis Lévrier asserts that “Emmanuel Macron bears clear responsibility in this regard. He himself has sometimes fueled mistrust of public broadcasting, describing it as ‘a disgrace to our fellow citizens’ in December 2017. Above all, he is responsible for a worrying and lasting financial weakening of these media outlets. [...] The current Minister of Culture bears even greater responsibility. Rachida Dati has vehemently criticised Radio France and France Télévisions in interviews with *Le Journal du dimanche* and *CNews*.”<sup>37</sup>

Far-right media outlets regularly attack civil society actors who promote an inclusive, fair and supportive society. In January 2025, the far-right media outlet *Frontières* published a special issue targeting dozens of lawyers and organisations that defend the rights of exiled people. Several organisations

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34 Assemblée nationale, Inquiry Commission on Neutrality, Operation, and Funding of Public Audiovisual Media (*Commission d’enquête sur la neutralité, le fonctionnement et le financement de l’audiovisuel public*), 28 October 2025, <https://www.assemblee-nationale.fr/dyn/17/organes/autres-commissions/commissions-enquete/ce-audiovisuel-public>.

35 *L’Humanité*, Inquiry Commission on Public Audiovisual: Facing Ciotti Rapporteur Charles Alloncle, Adèle Van Reeth Summoned to Justify France Inter Pluralism (*Commission d’enquête sur l’audiovisuel public: face au rapporteur ciottiste Charles Alloncle, Adèle Van Reeth sommée de se justifier sur le pluralisme de France Inter*), <https://www.humanite.fr/medias/audiovisuel-public/commission-denquete-sur-laudiovisuel-public-face-au-rapporteur-ciottiste-charles-alloncle-adele-van-reeth-sommee-de-se-justifier-sur-le-pluralisme-de-france-inter>.

36 *Le Monde*, The Pitiful Spectacle of the Inquiry Commission on Public Audiovisual (*Le piètre spectacle de la commission d’enquête sur l’audiovisuel public*), 20 December 2025, [https://www.lemonde.fr/idees/article/2025/12/20/le-pietre-spectacle-de-la-commission-d-enquete-sur-l-audiovisuel-public\\_6658940\\_3232.html](https://www.lemonde.fr/idees/article/2025/12/20/le-pietre-spectacle-de-la-commission-d-enquete-sur-l-audiovisuel-public_6658940_3232.html).

37 *Le Monde*, Public Media Weakened by Those Tasked with Defending Them (*Les médias publics ont été fragilisés par ceux-là mêmes qui avaient pour mission de les défendre*), 5 January 2026, [https://www.lemonde.fr/idees/article/2026/01/05/les-medias-publics-ont-ete-fragilises-par-ceux-la-memes-qui-avaient-pour-mission-de-les-defendre\\_6660625\\_3232.html](https://www.lemonde.fr/idees/article/2026/01/05/les-medias-publics-ont-ete-fragilises-par-ceux-la-memes-qui-avaient-pour-mission-de-les-defendre_6660625_3232.html).

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have filed complaints against this media outlet.<sup>38</sup> Despite requests from civil society organisations, the government has remained silent in the face of this attack.

### **Implications and Recommendations for 2026**

The media concentration in the hands of billionaires continued. This trend is a direct cause of the aggravation of the lack of pluralism of those media.

**Suggested recommendation:** Prioritise the transposition of the European Media Freedom Act (EMFA) into French law.

**Suggested recommendation:** Granting the editorial team of a media outlet legal personality, which gives it the right to oppose editorial decisions and appoint senior management when its independence is challenged by a shareholder, management or advertiser.

**Suggested recommendation:** Strengthening the control and sanction mechanisms available to ARCOM.

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38 Ligue des droits de l'Homme, LDH, MRAP, and Utopia 56 Sue Frontières and Other Media for Defamation (*'La LDH, le MRAP et Utopia 56 attaquent Frontières et d'autres médias en diffamation'*), 5 May 2025, <https://www.ldh-france.org/la-ldh-le-mrap-et-utopia-56-attaquent-frontieres-et-dautres-medias-en-diffamation/>.

## CHECKS AND BALANCES

### General assessment

The issues raised last year were not solved. The adoption of laws without vote (by using Article 49.3 of the Constitution) is still used (even if it was less extensive than the previous year). In 2025, former Prime Minister François Bayrou invoked Article 49.3 several times, notably to push through the 2025 budget.<sup>39</sup> Some concerns emerged from political instability as the country was ruled several times by governments which had resigned but were maintained until new governments were named. The shrinking of civic space also expanded.

### Implementation of 2025 Commission recommendations

Recommendation: There were no recommendations in this area

### Gaps in the Commission's Report

The use of Article 49.3 of the Constitution, which allows a law to be passed without a vote of the parliament.

Article 49.3 was used four times in early 2025 by the Bayrou government.<sup>40</sup> In October 2025, the new Prime Minister Sébastien Lecornu announced that he would refrain from using Article 49.3 to pass the 2026 budget,<sup>41</sup> but he finally did in early 2026.<sup>42</sup>

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39 Le Monde, François Bayrou déclenche un troisième 49.3 sur le budget de la « Sécu », après l'échec d'une nouvelle motion de censure (*François Bayrou triggers a third 49.3 on the social security budget, after the failure of a new motion of no confidence*), 10 February 2025, [https://www.lemonde.fr/politique/article/2025/02/10/francois-bayrou-declenche-un-troisieme-49-3-sur-le-budget-de-la-secu-apres-l-echec-d-une-nouvelle-motion-de-censure\\_6540511\\_823448.html](https://www.lemonde.fr/politique/article/2025/02/10/francois-bayrou-declenche-un-troisieme-49-3-sur-le-budget-de-la-secu-apres-l-echec-d-une-nouvelle-motion-de-censure_6540511_823448.html).

40 French PM François Bayrou survives another no-confidence vote over social security budget, 10 February 2025, <https://www.france24.com/en/live-news/20250210-%F0%9F%94%B4-french-pm-fran%C3%A7ois-bayrou-survives-another-no-confidence-vote-over-social-security-budget>.

41 Le Monde, Sébastien Lecornu announces that he is abandoning Article 49.3 on the budget and will deliver his general policy statement on Tuesday, (*Sébastien Lecornu annonce qu'il renonce à l'article 49.3 sur le budget et tiendra sa déclaration de politique générale mardi*), 3 October 2025, [https://www.lemonde.fr/politique/article/2025/10/03/budget-2026-sebastien-lecornu-annonce-qu-il-renonce-a-l-article-49-3-de-la-constitution\\_6644236\\_823448.html](https://www.lemonde.fr/politique/article/2025/10/03/budget-2026-sebastien-lecornu-annonce-qu-il-renonce-a-l-article-49-3-de-la-constitution_6644236_823448.html).

42 Le Monde, 2026 budget: in the National Assembly, Sébastien Lecornu invokes Article 49.3, the first of a series of three (*Budget 2026 : à l'Assemblée nationale, Sébastien Lecornu recourt au 49.3, premier d'une série de trois*), 20 January 2026, [https://www.lemonde.fr/politique/article/2026/01/20/budget-2026-a-l-assemblee-nationale-sebastien-lecornu-recourt-au-49-3-premier-d-une-serie-de-trois\\_6663418\\_823448.html](https://www.lemonde.fr/politique/article/2026/01/20/budget-2026-a-l-assemblee-nationale-sebastien-lecornu-recourt-au-49-3-premier-d-une-serie-de-trois_6663418_823448.html).

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## New Issues that Emerged in 2025

The proliferation of resigning governments and the extent of their prerogatives. The prerogatives of a resigning government are normally only bound to the management of day-to-day affairs. However, the extension of the term of office of certain resigning governments implies that this prerogative has been exceeded (the Bayrou resigning government lasted 27 days). The actions of these resigning governments are a cause for concern because they fall out of the scope of the control of parliament (parliament cannot censure a government that has already been censured).<sup>43</sup>

The shrinking of civic space and civil society's capacity for action due to the lack of commitments from the State to protect associative freedoms and to the arbitrary administrative decisions against organisations.

In France, when a government resigns, it remains in office until a new one is appointed. During this interim period, it handles only current affairs, meaning the regular functioning of the administration, the continuity of public services, and the issuing of decrees, orders and circulars necessary to implement laws that have already been passed. A resigning government does not have the authority to initiate new policies. In 2025, there were two resigning governments,<sup>44</sup> covering a period of one month and three days. In 2025, a bill aimed at strengthening parliamentary control during periods of day-to-day business was adopted by the National Assembly before being examined by the Senate.<sup>45</sup> For Green Party MP Léa Balage El Mariky, co-author of the parliamentary report, "This is a blind spot in our parliamentary system, which was built under the Fifth Republic on the basis of majority rule. Originally, a resigning government was not supposed to remain in office for more than 48 hours, but the situation has changed given the tripartite nature of the Assembly. [...] There needs to be greater parliamentary oversight of the actions of a resigning government, which requires an organic law."<sup>46</sup>

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43 LCP, "The outgoing government is a blind spot in our parliamentary system," says Léa Balage El Mariky. ("Le gouvernement démissionnaire est un angle mort de notre régime parlementaire", estime Léa Balage El Mariky), 9 September 2025, <https://lcp.fr/actualites/le-gouvernement-demissionnaire-est-un-angle-mort-de-notre-regime-parlementaire-estime>.

44 Mediapart, *Resigned and lacking legitimacy, Bayrou's ministers are playing for extra time* ('Démissionnés, sans légitimité, les ministres de Bayrou jouent les prolongations'), 1 October 2025, <https://www.mediapart.fr/journal/politique/011025/demissionnes-sans-legitimite-les-ministres-de-bayrou-jouent-les-prolongations>.

45 Assemblée nationale, *Strengthening Parliamentary Oversight During Current Affairs Period* ('Renforcer le contrôle du Parlement en période d'expédition des affaires courantes'), 13 February 2025, [https://www.assemblee-nationale.fr/dyn/17/dossiers/controle\\_parlement\\_affaires\\_courantes\\_17](https://www.assemblee-nationale.fr/dyn/17/dossiers/controle_parlement_affaires_courantes_17).

46 LCP, *The Resigned Government is a Blind Spot in Our Parliamentary System* ('Le gouvernement démissionnaire est un angle mort de notre régime parlementaire'), 9 September 2025, <https://lcp.fr/actualites/le-gouvernement-demissionnaire-est-un-angle-mort-de-notre-regime-parlementaire-estime>.

On 17 June 2025, the National Consultative Commission on Human Rights (CNCDH) adopted an opinion warning of the restriction of civic space in France and calling on public authorities to take stock of the danger. The CNCDH denounced numerous violations, noting in particular that “violations of civic space come from all sides”, “public policies contribute to the reduction of civic space”, “insufficient commitment by the State penalises civil society actors”, and “legislative and regulatory changes restrict civic space”.<sup>47</sup> Human Rights Watch also highlights attacks on organisations under the provisions of the 2021 separatism law (particularly through the compulsory signature of a Republican Commitment Contract), which “gives the authorities a wide margin of interpretation, encouraging arbitrary decisions to sanction the organisations concerned. These two instruments have created a climate of pressure and self-censorship within civil society.”<sup>48</sup>

Furthermore, numerous organisations and trade unions signed an open letter in July 2025 denouncing the French State’s authoritarian drift and repeated attacks on civil society.<sup>49</sup>

## **Implications and Recommendations for 2026**

By not addressing the use of Article 49.3, it remains a powerful tool which severely undermines the checks and balances.

**Suggested recommendation:** Remove Article 49.3 from the Constitution.

**Suggested recommendation:** Better increase parliamentary control and regulation of the powers and responsibilities of resigning governments and parliamentary checks (particularly with regard to the announcement of new decrees and the sustainability of resigned governments).

**Suggested recommendation:** Increase public funding to strengthen the human and financial resources of independent bodies and institutions responsible for monitoring human rights compliance.

47 Commission nationale consultative des droits de l’homme, *Opinion on the Restriction of Civic Space, a Major Issue for Democracy* (“Avis sur la restriction de l’espace civique, un enjeu majeur pour la démocratie et les”), <https://www.cncdh.fr/publications/avis-sur-la-restriction-de-lespace-civique-un-enjeu-majeur-pour-la-democratie-et-les>

48 Human Rights Watch, *Backsliding on the Rule of Law in France* (“Recul de l’état de droit en France”), 12 December 2025, <https://www.hrw.org/fr/news/2025/12/12/recul-de-letat-de-droit-en-france>.

49 Le Nouvel Obs, *Repeated Attacks on Civil Society, a Worrying Signal of Authoritarian Drift* (“Attaques répétées contre la société civile, un signal inquiétant de dérive autoritaire du pouvoir”), 9 July 2025, <https://www.nouvelobs.com/opinions/20250709.OBS105736/attaques-repetees-contre-la-societe-civile-un-signal-inquietant-de-derve-autoritaire-du-pouvoir.html>.

**Suggested recommendation:** Executive or legislative powers should abolish the Republican Commitment Contract and replace it with a Charter of mutual commitments between the State, local authorities, and the associations sector.

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## CONTACTS

### **VoxPublic**

VoxPublic is a non-profit organisation composed of a permanent team of four advocacy specialists based in Paris. It is governed by a seven-member executive board. The association was created in 2016 and ever since has been working on empowering French civil society organisations and citizen initiatives in their advocacy actions. VoxPublic thereby provides support and capacity-building to victims of discrimination and social injustices wishing to challenge decision-makers. VoxPublic also works with issues regarding the rule of law, respect for fundamental freedoms, and the protection of the democratic space, which are essential for civil society actors to defend their causes. VoxPublic provides partners with operational support in terms of advocacy and communication campaign building, networking, strategic document writing, etc.

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### **The Civil Liberties Union for Europe**

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

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**Co-funded by  
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