



**Le Mouvement associatif and Coordination SUD report to the United Nations Human Rights Committee on the impact of the “Contrat d'Engagement Républicain” (CER) on associative freedoms.**

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International Covenant on Civil and Political Rights.

**Le Mouvement associatif**  
28, place Saint-Georges 75009 Paris.  
Tél : 01 40 36 80 10  
[www.lemouvementassociatif.org](http://www.lemouvementassociatif.org)

**COORDINATION SUD**  
14 passage Dubail 75010 Paris  
Tél. : 01 44 72 93 72  
[www.coordinationsud.org](http://www.coordinationsud.org)

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# Introduction of contributing organizations

**Le Mouvement associatif:** The Associative Movement is an association that brings together major associative networks and coordination bodies. It represents, through its members, almost half of the associations in France. There are 1.5 million associations in France, which are essential actors in democratic vitality, citizen participation, and the development of a local, everyday economy. Associations are spaces where citizens come together to act for their living environment, where they build a collective voice, spaces of emancipation and contribution to public debate, giving everyone the power to act.

**Coordination SUD:** Founded in 1994 under the French 1901 law, Coordination SUD now brings together 180 member NGOs, either directly or through six collectives (CLONG-Volontariat, Cnajep, Coordination Humanitaire et Développement, CRID, FORIM, Groupe initiatives). Acting with and for the most marginalized populations, these organizations engage in emergency humanitarian actions, development, environmental protection, human rights advocacy, and citizenship and international solidarity education. For the French legal framework on international solidarity, Coordination SUD, along with its member organizations, fulfills four key missions: promoting and defending a favorable environment for civil society organizations (CSOs), supporting and strengthening these CSOs, building and representing common positions before public and private institutions in France, Europe, and worldwide on solidarity policies, and monitoring and forecasting on international solidarity and the associative sector's developments and challenges.

## I. Introduction

This report aims to provide insight to the United Nations Human Rights Committee on the threats to associative freedoms in France, particularly through the law of August 21, 2021, relating to the respect of republican principles, which introduced various measures to strengthen control over associations, especially through the implementation of the Republican Engagement Contract (CER).

### 1. References to articles of the International Covenant on civil and political rights

- Article 2: Recognition of rights to all individuals without distinction

- Article 18: Freedom of thought, conscience, and religion
- Article 19: Freedom of opinion and expression, including the right to disseminate information and ideas without interference
- Article 21: Right of peaceful assembly
- Article 22: Right to freedom of association with others, including the right to form and join trade unions
- Article 26: Equality before the law and prohibition of discrimination

## **2. References to the list of points established before the submission of France's sixth periodic report**

In its document (CCPR/C/FRA/CO/6), the Human Rights Committee expressed concerns regarding associative freedoms in France. It requested clarifications on the measures taken to ensure freedom of association (paragraphs 22-24).

In its response (CCPR/C/FRA/RQ/7), France emphasized the control mechanisms put in place to ensure the respect of republican principles by associations, without acknowledging the criticisms regarding the arbitrary application of the CER (paragraphs 207-208).

## **3. Presentation of the Republican Engagement Contract (CER)**

The Republican Engagement Contract is a document through which associations and foundations commit to respecting the principles of the Republic, as specified in the law reinforcing respect for republican principles and detailed in Decree No. 2021-1947 of December 31, 2021. The contract includes respecting principles such as freedom, equality, fraternity, human dignity, secularism, and the necessity not to disturb public order. These general principles, specified by decree, are not explicit about their implementation or are already covered by existing laws:

- "Respect for the laws of the Republic is mandatory for associations and foundations, which must not engage in or incite any action clearly contrary to the law, violent, or likely to cause serious public disturbances. The beneficiary association or foundation commits not to invoke political, philosophical, or religious convictions to circumvent the common rules governing its relations with public authorities. It specifically commits not to challenge the secular nature of the Republic." (Commitment No. 1)
- "The association or foundation commits to respecting equality for all before the law." (Commitment No. 4)
- "The association or foundation commits to acting in a spirit of fraternity and civility. In its activities, internal functioning, and relationships with third parties, the association commits

not to incite hatred or violence against anyone, and not to condone such acts." (Commitment No. 5)

- "The association or foundation commits not to undertake, support, or condone any action that undermines the dignity of the human person." (Commitment No. 6)

This Republican Engagement Contract, signed by the association, binds not only its leaders, employees, volunteers, and participants, but also any person involved in its activities, whether nationally or locally. According to Article 5, "the association or foundation ensures that the contract mentioned in Article 1 is respected by its leaders, employees, members, and volunteers. The association or foundation is responsible for violations committed by these individuals when acting in their official capacity, or for any other violation committed by them directly related to the activities of the association or foundation if its governing bodies, although informed, failed to take necessary actions to stop them, given the resources available to them."

The subscription to the Republican Engagement Contract is mandatory for associations and foundations in the following cases: for applying or renewing grants (monetary or in kind), for applying or renewing authorizations, for applying or renewing public utility recognition, or for welcoming young people in civic service. The Republican Engagement Contract is enforceable by public authorities in case of non-compliance. The law also provides that associations with government-issued authorizations and those recognized as public utility are automatically subject to this contract without the need to sign it.

Its territorial application extends beyond France; the Republican Engagement Contract also applies to French associations (with headquarters in France) operating abroad, as well as foreign-based associations that receive French public funding.

Since the presentation of the law to combat separatism at the end of 2020, various bodies, such as the Haut Conseil à la Vie Associative (High Council for Associative Life), the Council of Experts on NGO Law of the INGO Conference of the Council of Europe, the Commission Nationale Consultative des Droits de l'Homme (CNCDH), and the Défenseure des Droits (Human Rights Ombudsman), have denounced its approach of defiance towards the associative world. However, despite these warnings, the law was adopted without any substantial changes.

## II. The Republican Engagement Contract (CER): An instrument that weakens the associative sector

While this law is intended to combat “separatism”, to give the French Republic the “means to act against those who wish to destabilize it”<sup>1</sup>, and to stem the proliferation of secular charters adopted by local authorities, above all it gives the administration the power to interpret principles of constitutional value, with the effect of immediate sanction, without recourse to the courts.

Until the decree, it was up to the judicial authorities to assess associations' compliance with the principles of the French Republic. Under the new decree, the administrative authority responsible for subsidizing an association - whether a government department, a public institution or a local authority - will be able to assess the association's compliance with these commitments and sanction it directly, by withdrawing the subsidy and demanding reimbursement of sums received, if it considers that these principles have not been respected, without the possibility of a suspensive judicial appeal. Furthermore, interpretations can vary from one funder to another, for example as to what constitutes “abusive proselytizing”, or as to the assessment of an “action likely to cause serious disturbance to public peace and order”.

Suspension of public funding for non-compliance with the CER entails the risk of withdrawal by all other public funders, as well as public approvals, posing a considerable threat to the economic survival of associative players. This gives any public funder considerable leverage to influence the activities of the organizations it subsidizes according to its more or less politically oriented interpretation of the CER principles. Moreover, the disproportionate risk of all public fundings being cut off in the event of a proven breach of the CER dissuades many associations from challenging in court a public funder's decision to stop funding for alleged non-compliance with the contract.

Uncertainties of this kind make associations more vulnerable. The application rules identified since January 2022, and the first cases of associations accused of non-compliance with the CER, already illustrate the risks, limits and possible drifts against the freedom and capacity for action of associations, as well as the rights of their members, whether they are administrators, employees, volunteers or simply volunteers.

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<sup>1</sup> Extrait du compte rendu du Conseil des ministres du 9 décembre 2020 : [Respect des principes de la République \(Dossier législatif en version dépliée\) - Assemblée nationale \(assemblee-nationale.fr\)](#)

## 1. Examples of broad or abusive interpretations of the text

- **Alternatiba Poitiers:** In September 2022, the prefect of Vienne ordered the city of Poitiers to withdraw a subsidy granted to the association due to a workshop on civil disobedience, which was deemed contrary to republican values. The concept of civil disobedience is not mentioned in the CER. Therefore, it was through an interpretation of certain commitments within the text that the prefect considered it contrary to the values and principles of the Republic. This situation illustrates perfectly the arbitrary and broad applications of the CER (response from France, paragraph 83). It is worth noting that civil disobedience has a long history in movements working for the general interest and the defense of human rights, as exemplified by the actions of Rosa Luxemburg, Martin Luther King, Gandhi, or the resistance during the Vichy regime, as well as feminist struggles aiming to legalize access to abortion (e.g., the 343 signatories of the abortion manifesto and the declaration of the 331 doctors performing abortions despite its illegality). The European Court of Human Rights has recognized civil disobedience several times as an essential aspect of the right to freedom of expression<sup>2</sup>.
- **Planning Familial 71:** In March 2022, the mayor of Chalon-sur-Saône withdrew authorization for a booth, accusing the association of promoting communitarianism because a veiled woman appeared on one of its posters. The association swiftly filed an appeal, supported by other associations and legal assistance, and the Dijon administrative court, along with the Council of State, ruled in favor of the association. However, this case illustrates the risk of abuse of local authorities in the application of the CER (response from France, paragraph 84).
- **APU-Vieux Lille:** The association against poor housing lost its public funding from the Lille metropolis after one of its members, who was observing an eviction of Roma people, was accused of verbal abuse towards law enforcement. Although the association contests this version, Lille metropolis did not renew its grant, citing a violation of the CER during the incident<sup>3</sup>.
- **Canal Ti Zef:** This association was denied a grant from the 2023 Fund for the Development of Associative Life (FDVA) for non-compliance with the CER. It was accused of being close to the collective "Pas d'Avenir sans avenir" in Brest. The sub-prefect withdrew the grant at the time of payment, even though the grant had been approved by the FDVA consultative commission. Three other associations (Patronage Laïque Guérin, Ekoumène, and Radio U) were also affected by the grant refusal, although the CER was not explicitly mentioned in their cases. The association has filed an appeal.

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<sup>2</sup> Enjoying the protection of freedom of expression (Article 10 of the European Convention on Human Rights) or the right to freedom of demonstration (Article 11 of the European Convention on Human Rights).

<sup>3</sup> [À Lille, une association d'aide aux mal-logés, nouvelle victime de la loi séparatisme | Mediapart](#)

- **The Fund for the Development of Associative Life in Corrèze:** Members of different departmental consultative committees of the FDVA have reported that state services preemptively excluded some associations from receiving FDVA grants based on presumed non-compliance with the Republican Engagement Contract. For example, in Corrèze, five associations were excluded by the prefect during an FDVA committee meeting in May 2022 without transparency or clear criteria for the grant denial. In this case, the prefecture cited financial reasons for the refusals, yet three of the associations received unmotivated refusals and feared being excluded due to their presumed alignment with left-wing or anarchist positions.

## 2. CER Impacts: A challenge to associative independence

These examples demonstrate how the CER allows politically motivated and abusive interpretations by public funders. The discretionary power of public funding authorities becomes increasingly political, undermining the independence of associations and their role as a counterbalance in democracies. The case of Canal Ti Zef, where proximity to another association led to the refusal of a grant, is a clear example. Similarly, the FDVA case in Corrèze highlights a lack of transparency in the decision-making process regarding CER application. While public funding is not an unconditional right for associations, excluding them based on a preventive application of the Republican Engagement Contract, without giving them the opportunity to defend themselves or appeal the decision, limits the ability of associations to act as it is used to on a regular basis.

**Freedom of expression and engagement:** In some of the associations involved in the Corrèze case, it seems that the personal political engagement of certain volunteers or employees outside the association was questioned. It raises concerns about freedom of personal engagement since an association cannot be held responsible for the personal commitments of its members or employees. In this regard, the recent requests made to associations in the Hauts-de-France region in the context of the FDVA call for projects, asking them to provide personal information on the identities of their board members in their application, is concerning. The legal basis of such requests must be questioned, as well as the legality of holding associations accountable for the political activities of their employees or volunteers.

**Imposed neutrality:** The will to impose a principle of neutrality on associations, similar to the requirement for public services, has been observed, despite infringing on the freedom of conscience and religion (Articles 18 and 26) of the administrators, employees, volunteers, and participants involved in the association. Since March 17, 2022, the Auvergne-Rhône-Alpes region applied its own



version of the CER before it was annulled by the administrative court on July 24, 2024<sup>4</sup>. The region required, in Article 1, that beneficiaries strictly adhere to the principles of neutrality, secularism, and equal access to services. It is worth noting that in a previous version, which was challenged in court, the text explicitly prohibited beneficiaries from wearing clothing reflecting any form of religious proselytism in public facilities, except for religious representatives. The region also removed Article 3 of the national CER, which referenced the freedom of association members<sup>5</sup>. Beyond this attempt to alter the CER by the Auvergne-Rhône-Alpes regional council, several subsidies were withdrawn from cultural and environmental associations that did not align with the political agenda of the presidency. This was notably the case for France Nature Environnement, which lost its multi-year contract with the region<sup>6</sup>, and the Théâtre Nouvelle Génération in Lyon<sup>7</sup>.

**Freedom of conscience and religion:** The case of Planning Familial mentioned above, even though it only involved a poster with a veiled woman, also infringes on the freedom of religion and conscience (Articles 18 and 26), in contradiction with the general comments Nos. 25 (1996) and 34 (2011) of the Human Rights Committee, which notably affirm the right to manifest one's beliefs publicly and to wear religious symbols in public spaces. An abusive interpretation of the CER by some public funders, based on the provisions of the law reinforcing the respect for the principles of the Republic (Article 1), could also impose a neutrality requirement and prohibit employees and volunteers of an association from wearing religious symbols, thus extending obligations previously limited to civil servants to third parties.

### 3. Risk of CER extension to non-associative actors

The logic of the Republican Engagement Contract (CER), which allows public authorities to impose vague and politically sensitive principles on signatory entities, is beginning to extend beyond French associations.

While the CER was initially intended only for associations benefiting from public funding, the Grenoble Institute of Political Studies (Sciences Po Grenoble), a “public administrative higher education institution,” was forced by the Auvergne-Rhône-Alpes Region in January 2024 to adhere to the CER in order to receive its regional subsidies again, which had been cut off following the suspension of a teacher.

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<sup>4</sup> [Tribunal administratif de Lyon, 4ème Chambre, 24 juillet 2024, 2203793 \(pappers.fr\)](https://tribunal-administratif-lyon.fr/decisions/2024/07/24/2203793)

<sup>5</sup> In this case, the administrative court hearing the case on behalf of the Ligue des Droits de l'Homme association ruled that local authorities could not modify the Contrat d'Engagement Républicain (Republican Commitment Contract).

<sup>6</sup> <https://reporterre.net/Laurent-Wauquiez-quitte-sa-region-son-bilan-anti-ecologique-demeure>

<sup>7</sup> <https://www.lefigaro.fr/lyon/laurent-wauquiez-privé-de-subsidiation-un-theatre-lyonnais-qui-critique-sa-politique-culturelle-20230504>

Finally, a similar mechanism to the CER was created by the Immigration Law of January 26, 2024, this time targeting individuals. Article 46 of the law establishes that “a foreigner applying for a residence permit must sign an engagement contract to respect the principles of the Republic, including personal freedom, freedom of expression and conscience, equality between men and women, human dignity, the motto and symbols of the Republic as per Article 2 of the Constitution, territorial integrity defined by national borders, and must not invoke their beliefs or convictions to bypass common rules governing relations with public services and individuals.” Sanctions for non-compliance with this contract may lead to the refusal to grant or renew a residence permit, or even its withdrawal. As with the CER, concerns have been raised about varying interpretations and potential abuses. This mechanism could restrict individuals' freedom of expression, particularly regarding the integrity of national borders, potentially preventing criticism of French overseas territories where French authority is sometimes contested, such as in New Caledonia.

The extension of so-called Republican contracts to actors or organizations beyond French associations in recent years reflects the growing influence that public authorities aim to have over civil society actors. By giving themselves considerable and discretionary power over these actors through existential threats to their economic viability or their ability to remain in France, based on vaguely defined grievances, public authorities are restricting the environment that enables civil society to play its role in political, economic, and social life, i.e. the civic space. They are also constraining the exercise conditions for freedom of expression and association for civil society actors in France.

#### **4. A Contested and Contrasted Deployment**

Since its implementation, the CER has been questioned by various bodies concerned about the risks it poses to associations and its overall relevance. The Senate issued an informational report on the implementation of the Law of August 24, 2021, reinforcing respect for republican principles, calling the CER an “almost empty shell.”<sup>8</sup> The report also noted that the CER significantly degraded relations between administrations and associations.

The Economic, Social, and Environmental Council (CESE) also criticized the implementation of the Republican Engagement Contract in its May 2024 report titled “Strengthening Association Financing: A Democratic Urgency.”<sup>9</sup> In its recommendations, the CESE prioritized the abolition of the CER, citing its

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<sup>8</sup> Information report no. 383 (2023-2024), submitted on March 6, 2024

<sup>9</sup> [https://www.lecese.fr/sites/default/files/articles/fichiers/CESE\\_financement\\_associations\\_rapport\\_final\\_V2.1.pdf](https://www.lecese.fr/sites/default/files/articles/fichiers/CESE_financement_associations_rapport_final_V2.1.pdf)

“counterproductive effects, particularly harmful in the current context of reduced funding and weakening of associations.”

Finally, in its most recent report on the rule of law<sup>10</sup>, the European Commission also noted civil society concerns about the implementation of the CER, “which conditions access to public funding on adherence to the fundamental values of the French Republic.”

### III. Extraterritorial application of the CER: state interference?

The extension of the CER's application is not limited to France. The extraterritoriality of the CER, an unintended side effect during its drafting, has gradually become evident. The general and vague terminology of the Republican Engagement Contract, along with its application scope in the law, has raised interpretation issues regarding its application abroad. Neither the law nor its implementing decree addresses the legal or territorial status of associations, whether they are French or governed by foreign legal systems. The report from the Haut Conseil à la Vie Associative (High Council for Associative Life) also does not mention the extraterritorial scope that could result from mandatory adherence to the CER, leaving this issue in a grey area<sup>11</sup>.

Initially, after the adoption of the law and the implementing decree, the ambiguity of these texts led some administrative authorities to require CER adherence for access to subsidies, while others did not mention it in their contracts.

In February 2023, the government's practical guide on the Republican Engagement Contract<sup>12</sup> clarified its application modalities, particularly its territorial scope. According to this document, “any association or foundation, including those with headquarters abroad, must adhere to the CER as soon as they apply for public funding.”

It specifies that the CER also applies to actions carried out internationally: “French associations operating abroad with public subsidies from a French administrative authority (including an embassy or consulate) or holding authorizations under the Contrat à Temps Partiel Associatif (TCA) or engaged in civic service and volunteer work must comply with their CER commitments. In their activities abroad, they must not engage in actions contrary to the laws of the Republic.”

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<sup>10</sup> [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle/2023-rule-law-report\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle/2023-rule-law-report_en)

<sup>11</sup> Opinion of the High Council for Associative Life : [https://www.associations.gouv.fr/IMG/pdf/avis\\_du\\_haut\\_conseil\\_a\\_la\\_vie\\_associative\\_concernant\\_le\\_projet\\_de\\_loi\\_confortant\\_les\\_principes\\_republicains.pdf](https://www.associations.gouv.fr/IMG/pdf/avis_du_haut_conseil_a_la_vie_associative_concernant_le_projet_de_loi_confortant_les_principes_republicains.pdf)

<sup>12</sup> [FAQ\\_CER\\_fevrier\\_2023\\_vf.pdf \(associations.gouv.fr\)](https://www.associations.gouv.fr/IMG/pdf/FAQ_CER_fevrier_2023_vf.pdf)

This concretizes the extraterritorial application of the CER. The guide also specifies that this requirement extends to “foreign employees and volunteers involved in activities financed by a subsidy or an authorization subject to the TCA or recognized as a public utility.”

The Agence Française de Développement (AFD), a major public funder for international solidarity and development associations, did not require CER adherence from the civil society organizations it funded until 2023. At the end of 2023, the principal operator of France’s official development assistance included a clause in its contracts requiring adherence to the Republican Engagement Contract, even in its agreements with foreign organizations.

Beyond the significant concerns about the stability and predictability of the finances of civil society organizations (CSOs) and the discretionary power granted to their public funders, as described above, the application of the CER abroad undermines the independence and capacity for action of both French and foreign associations operating internationally.

### **1. The risk of exporting the principles of the French Republic through the CER**

The application of the Republican Engagement Contract (CER) constitutes a worrying form of exporting the principles of the French Republic to foreign countries, which are not subject to French laws or republican principles.

This overlapping of norms can cause legal issues and create difficulties in implementation and interpretation, especially when French laws contradict local laws, or when principles specific to the French Republic’s legal and cultural context are not shared in those countries. For example, Engagement No. 3 mentions freedom of association with a specific reference to Article 4 of the 1901 law on associations, even though the legal frameworks and associative statuses around the world vary widely, shaped by historical, social, or economic contexts different from those of France. Local associations, governed by their own legal systems, must comply with norms other than those of the French state.

In another area, the legal framework defining freedom of conscience and secularism in France is difficult to apply abroad. French and local law associations cannot ignore the cultural and religious realities of the countries in which they operate. These associations work with a wide variety of partners and local organizations, including religious or community organizations that play essential social roles

in many countries. In countries where religious institutions and values are prominent, the French conception of secularism or proselytism is difficult to understand and implement, especially when working with local partners or interlocutors.

## **2. Between political instrumentalization in France and implementation countries, independent action is challenged**

Beyond the interpretation and implementation challenges posed by the extraterritoriality of the CER, adherence to this contract undermines the independence and credibility of associations that are required to sign it. Adhering to the principles of the French Republic contradicts the principles of independence and the norms of international humanitarian law, which are central to international solidarity associations.

In many contexts, the acceptance and effectiveness of international solidarity organizations depend on the recognition of their neutrality, impartiality, and independence by local populations and partners. The mere fact that a French or foreign association must commit, among other things, to “respect the French tricolor flag, the national anthem, and the motto of the [French] Republic” (Commitment No. 7) could be interpreted in sensitive or hostile contexts toward France as evidence of the association’s subservience to France and its interests. This could jeopardize the security of their teams in certain countries or undermine their legitimacy to operate among local populations. Local authorities may also politically manipulate the CER adherence to discredit the independence of associations and the legitimacy of their actions.

Due to the vague provisions of the CER, some civil society organizations or French and foreign NGOs may become targets of both funders and public authorities for their statements or actions. In this way, the CER can be used to send political messages in France or internationally.

## **IV. Conclusion and recommendations**

The various opinions from institutions and organizations (Senate, CESE, CNCDH, European Commission, High Council for Associative Life, Conference of INGOs of the Council of Europe, and the Defender of Rights), as well as the documented cases presented by the Associative Movement, demonstrate the harmful effects and risks of the CER, which threaten the vitality of the associative sector in France. Associations are essential to social cohesion and the defense of rights and civic space. Their freedom

of action and expression must be protected, enabling them to fully exercise their role as a counterbalance.

Given the elements presented, we urge the United Nations Human Rights Committee to call on France to:

- **Abolish the Republican Engagement Contract:** The documented abuses and threats to associative freedoms and democracy fully justify this request.
- **Review the relationship between public authorities and associations:** Encourage a redefinition of the contours and principles of this relationship based on mutual trust and respect for associative freedoms, recognizing their actions for the public interest, as was previously done through a charter of reciprocal commitments signed between public funders and associations.