



# De-radicalisation and Integration: Legal & Policy Framework

France/D4 Country Report

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Stephen W. Sawyer, Roman Zinigrad – The  
American University of Paris, Center for Critical  
Democracy Studies



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Any enquiries regarding this publication should be sent to us at: [ssawyer@aup.edu](mailto:ssawyer@aup.edu); [zinigradr@gmail.com](mailto:zinigradr@gmail.com).

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## About the Project

D.Rad is a comparative study of radicalisation and polarisation in Europe and beyond. It aims to identify the actors, networks, and broader social contexts driving radicalisation, particularly among young people in urban and peri-urban areas. D.Rad conceptualises this through the I-GAP spectrum (injustice-grievance-alienation-polarisation) so as to move towards measurable evaluations of de-radicalisation programmes. Our intention is to identify the building blocks of radicalisation, which include a sense of being victimised; a sense of being thwarted or lacking agency in established legal and political structures; and coming under the influence of “us vs them” identity formulations.

D.Rad benefits from an exceptional breadth of backgrounds. The project spans national contexts, including the UK, France, Italy, Germany, Poland, Hungary, Finland, Slovenia, Bosnia, Serbia, Kosovo, Israel, Iraq, Jordan, Turkey, Georgia, Austria, and several minority nationalisms. It bridges academic disciplines ranging from political science and cultural studies to social psychology and artificial intelligence. Dissemination methods include D.Rad labs, D.Rad hubs, policy papers, academic workshops, visual outputs and digital galleries. As such, D.Rad establishes a rigorous foundation to test practical interventions geared to prevention, inclusion and de-radicalisation.

With the possibility of capturing the trajectories of seventeen nations and several minority nations, the project will provide a unique evidence base for the comparative analysis of law and policy as nation-states adapt to new security challenges. The process of mapping these varieties and their link to national contexts will be crucial in uncovering strengths and weaknesses in existing interventions. Furthermore, D.Rad accounts for the problem that processes of radicalisation often occur in circumstances that escape the control and scrutiny of traditional national frameworks of justice. The participation of AI professionals in modelling, analysing, and devising solutions to online radicalisation will be central to the project's aims.

## Introduction

France has a decades-long record of developing mechanisms of counterterrorism and intelligence in its struggle against various forms of violent extremism. It is however relatively new to the field of (de)radicalisation. The first comprehensive, non-security-based reforms addressing political violence appeared only in 2013, considerably later than in other countries dealing with similar threats, such as the United States or the UK. The policies and subsequent legislative initiatives were triggered first by the 2013 series of shootings targeting French soldiers and a Jewish school, committed by Mohammed Merah, a jihadist radical, and then took a form of utmost urgency after the emblematic series of jihadist attacks in January and November 2015. Since then, France has been constantly upgrading its arsenal of counterterrorist efforts and expanding the scope and variety of its deradicalisation measures, albeit directing them, almost exclusively, against jihadist violence and radicalisation.

In what follows, we trace the main reforms introduced by the French government in response to the rise of political extremism, point to the shortcomings of their narrow focus on jihadist violence, and analyse their impact on the French constitutional structure, legislative framework, policymaking, and social fabric. This report begins with a short overview of the socio-economic, political and cultural context of radicalisation in France. The overview touches upon issues of political polarisation; immigration and the French policy of *integration* towards migrants; the principle of *laïcité* [secularism] and its implementation in the context of jihadist radicalisation; inequality and social protests; and finally, provides a brief history of extremist violence in France.

The next part examines those elements in the constitutional structure of the French regime that affect or are affected by deradicalisation efforts. It explains the relation between the principle of indivisibility of the French Republic and its decentralised governance; the constitutional status of *laïcité*, the fundamental rights protected in the French constitutional documents, and surveys the decisions of the French Constitutional Council on the constitutionality of the government's counterterrorist and deradicalisation reforms. The report then goes on to analyse the legislative framework that makes these reforms possible. It addresses legislation in the fields of security, counterterrorism, surveillance technology, intelligence, radicalisation in prisons, administrative banning of violent groupings and organisations, restriction of religious freedoms, religiously motivated radicalisation, online hate speech and fake news. Next, the report offers an overview of the comprehensive national plans, government policies and institutional structure that implement and enforce the existing legislative scheme, and often also precipitate the next legislative initiatives.

Finally, the report maps out the main programmes and instruments of deradicalisation employed by the French government and its partnering organisations. This part evaluates the success and prospects of French policies of deradicalisation in public education – the institution on which the current administration pins most hopes in this respect – as well as in the prison system, and in several other programmes of rehabilitation and social reintegration for radicalised individuals. The report's conclusions suggest several changes in the current legal regime of deradicalisation that aim to minimise the infringements it generates upon individual rights and the rule of law, while improving its contribution to public security.

# Socio-Economic, Political and Cultural Context<sup>1</sup>

## Introduction

The following section situates the stakeholders and processes of (de)-radicalisation analysed in the report in a socio-political context. It offers a brief analysis of significant political, social and economic shifts in France's recent past, and an overview of the French history of extremist violence.

## Political polarisation

The 2017 presidential elections reorganised the bipolar structure of French politics into a multi-party system controlled by a strong centre. In past decades, the French electorate was characterised by a relatively balanced right-left divide with one or two political parties on each side. The rise of the far-right *Front National* party from the end of the '80s and on was initially linked to the politicisation of migration, processes of globalisation and European integration, gradually creating a third stable electorate. In 2002, the far-right block was strong enough for its candidate to qualify for the second round in the presidential elections for the first, but not last, time. Despite growing polarisation and distrust, the political landscape remained relatively stable, with the presidency alternating between the centre-left and the centre-right until 2017. In 2012-2017, the system saw a further increase in political polarisation with the appearance of new far-left parties, primarily *La France insoumise* (LFI), led by Jean-Luc Mélenchon. The two establishment-left and -right parties were drawn to their respective extremes and moved away from competing over the centre's moderate undecided voters. The opened gap partly facilitated the overwhelming success of the centrist and neoliberal *La République en marche* (LREM) in 2017, led by Emmanuel Macron (Bedock, 2020; Murray, 2020). The current political scene in France has been described as a state of "polarized pluralism", where "two bilaterally opposed (and internally divided) camps that cannot unite and have little perspective of governing in the near future on either the left or on the right, and a strong centrist pole with ill-defined borders in a system characterized by fragmentation and ideological polarization" (Bedock, 2020). Macron's reforms, introduced shortly after the elections, played a prominent role in triggering the Yellow Vests movement in October 2018 (see 'Inequality and social protests: The Yellow Vests' below).

## Immigration and *intégration*

Immigrants currently consist of about 10 per cent of the French population (~6.5 million); more than a third are naturalised. 46.5% of immigrants living in France were born in former French colonies in North and West Africa (mainly in Algeria, Morocco and Tunisia), and another third were born in Europe (primarily in Portugal and Italy) (INSEE, 2019). Immigration is a recurring but remarkably fluctuating topic in French election campaigns – it was highly politicised in the 1988, 2002 and 2012 elections but received low attention levels in the subsequent 1995, 2007 and 2017 electoral cycles (Grande et al., 2019). More generally, immigration and the French colonial past, the intersection of which is most vivid in the large waves of migrants arriving from Algeria in the '60s and '70s, continue to play a significant role in the country's politics and affect its collective identity.

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<sup>1</sup> This section has been published in (Sawyer and Zinigrad, 2021).

The struggle of second- and third-generation immigrants from former colonies against discrimination and for recognition of their identity began in the '80s. It is still far from being fully addressed by the state. Systemic racism denied them equal opportunity in education, employment and housing, and spatial segregation enclosed communities of North- and West-African immigrants in the French suburbs (*banlieues*), where they continue to suffer from unemployment, violence and marginalisation (Chabal, 2015; Chrisafis, 2015). Until today, “Living in banlieues and immigrant-concentrated neighbourhoods in Paris is a proxy for racial and ethnic background; it marks one as non-white or as a visible minority within France” (Barwick and Beaman, 2019). Revolts against the effective transparency of these conditions have been breaking out in the *banlieues* since the '80s. The protest peaked in 2005, with violent riots that started in a northeast suburb of Paris and grew into a two-week uprising in 300 towns that involved the setting on fire of some 10,000 vehicles. The 2005 riots were met with severe police response, brought to more than 3,000 arrests and led the President to declare a state of emergency for the first time in metropolitan France since the Algerian war (Dikeç, 2007; Horvath, 2018).

Except for an initial period of relative openness to immigrants' identity politics in the mid-'80s, French governments downplay the unique grievances and demands of this group (Chabal, 2015). Multicultural attitudes to ethnic and religious minorities are rejected in favour of a policy of *intégration* into the French republican project, which “requires the effective participation of all those called to live in France in the construction of a society that brings [its citizens] together around shared principles as they are expressed in equal rights and common responsibilities”.<sup>2</sup> In recent years, the integration rhetoric increasingly focuses on the religious dimension of the problem and underscores *laïcité* – the French notion of secularism – as the regime's foremost “shared principle” (Chebbah-Malicet, 2018).

### *Laïcité, jihadist violence, and the far right*

The French government's two principal mechanisms employed to deal with jihadist violence are its security apparatus and public education system. Constitutional and legislative reforms, pumped up by emergency executive prerogatives unfolding in the wake of global jihadist terrorism after 9/11 and intensified after the 2015 Paris attacks, have equipped the state with extensive and precarious police powers to detect, trace and foil violent activity.

Coinciding regulatory reforms in the school system have sought to ensure the next generation of French citizens subscribes to the regime's fundamental values, the most important of which in this context is the *laïcité*. Officially written into law in 1905 as a standard ensuring strict institutional separation of (the Catholic) church and state, the *laïcité* has been gradually transformed under the Fifth Republic into a principle that extends to the regulation of individual conduct in the public sphere and encourages “moderate” religious practice. In the past twenty years, it has been famously mobilised to prohibit visual manifestations of religious attributes, such as hijabs in schools and burqas in public places, and presented as the common denominator for all French citizens.

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<sup>2</sup> This definition – quoted in (Chabal, 2015, p. 91) – was framed by the French High Council for Integration. This government institution was dissolved in 2012 but the definition continues to reflect the government's approach.



The French government insists that the preventive and integrative policies ensuing from the combination of law enforcement with the principle of *laïcité* target only radicalised “Islamist” individuals and by no means intend to stigmatise Islam or Muslim French citizens and residents as a whole. Yet, notwithstanding the official declarations regarding equality and religion-blind actions, French legal reforms and political discourse increasingly conflate Islam with jihadist ideology.

One of the aggravating factors contributing to the problem is the instrumentalisation of *laïcité* to confront violent radicalisation and, more generally, religious *communautarisme* (communitarianism). “Communitarianism” is commonly understood in France as a case of social pathology where an ethnic group prioritises traditional or religious values above the interests of the “nation” and the republican society. Historically, French governments have favoured *communautarisme* as an alternative explanation to their failure in handling the country’s colonial legacy, social integration of immigrants and other manifestations of systemic racism and discrimination. Save for the radical left, *communautarisme* is routinely denounced by politicians across the political spectrum who invoke *laïcité* as the ultimate antidote against the “desire to secede from the Republic in the name of a religion” (Faye, 2019). And as the government depicts *laïcité* as being threatened by jihadism, its aversion to *communautarisme* is gradually conflated with its concern for jihadist violence (Chabal, 2015, chaps. 4, 8; Geisser, 2020a).

The recent act “reinforcing respect of the principles of the Republic”, recently passed by the parliament, illustrates the problem (*Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République*). It is criticised for blurring the line between jihadism and Islam by lumping together security procedures aimed at curtailing terrorism together with measures limiting the place of religion in the public and private spheres.<sup>3</sup> Such steps turn attempts to deradicalise “Islamists” into a policy of “deradicalisation” of Islam and discredit the government’s repeated declarations that in the eyes of the law, “*communautarisme* is not terrorism” (Faye, 2019).

Finally, the legal and political amalgamation of jihadism and Islam plays into the hands of the political far right. *Rassemblement National*, the former *Front National*, and its leader, Marine Le Pen, amplify the alleged contrast between Islam and the republic’s basic values, positioning themselves as the “true” defenders of *laïcité* and derive from it their anti-immigrant and anti-Muslim agenda.

## Inequality and social protests: The Yellow Vests

In the past two decades, France has faced broader socioeconomic challenges, including slow recovery from the 2008 crisis, stagnating economic growth, low social mobility, and high

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<sup>3</sup> See also the formulation suggested by the Senate “Commission of Inquiry into the responses provided by the public authorities to the development of Islamist radicalisation and the means to combat it”: “Islamist radicalism is not only about the issue of terrorism or the shift to violent action, but also involves behaviors that can be peaceful and that do not lead to violence. It can be the work of groups that advocate identitarian closure or entryism into the associative and political world. For the commission of inquiry, it is a question of the desire to ensure, in certain parts of the territory, a so-called religious norm over the laws of the Republic” (Eustache-Brinio, 2020).

unemployment rates, especially among the youth. The neoliberal reforms in labour law and the pensions system introduced by Macron, along with rising taxes, were opposed mainly by the low and middle classes and established his reputation as the “president of the rich”. In October 2018, triggered by the seemingly anecdotal imposition of a carbon tax on diesel fuel, residents of rural areas and farther suburbs started gathering in spontaneous protests against the government’s economic policies. The rallies quickly grew into weekly mass demonstrations across France and evolved into the “Yellow Vests” social movement. It was driven by economic and democratic grievances of the lower-middle-class, brought hundreds of thousands across France to the first manifestations, and was initially met with approval by 65% to 80% of the population (Chamorel, 2019; Elabe, 2019; Frénois et al., 2018). The 2018-2020 mobilisation of the Yellow Vests produced the most significant political crisis in France since the students uprising in May 1968.

The movement did not position itself as either left or right but was rather backed by both political extremes. The majority of the Yellow Vests supporters voted for either Marine Le Pen (FN/RN) or Jean-Luc Mélenchon (LFI) in the first round of the 2017 presidential elections (Foucault et al., 2019). This phenomenon may indicate that the “right-left cleavage is giving way to one pitting the center against the far right —a shift caused by splits within both the right and the left, as well as cultural issues that draw the elites toward the center-left and the working-class toward the far right. Growing class and educational divides are replacing the socially mixed constituencies of the traditional right and left” (Chamorel, 2019, p. 57).

## History of extremist violence

Politically motivated extremist violence has a long and diverse record in France. Its main driving forces since WWII may be classified in five intertwined categories: 1) anti-capitalist; 2) anti- and pro-colonial; 3) regional separatist; 4) international, and 5) jihadist terrorism. The first category is associated primarily with the extremist left-wing *Action Directe* operating in France in 1979-1987 against French ties with international corporate business and military industry. Anti-colonial violent struggles spread across South-East Asia, North Africa, the Middle East and sub-Saharan Africa from mid-’40s to early ’60s,<sup>4</sup> and with less success in the French Overseas Territories (DOM-TOM) in the ’70s-’80s.

Organisations belonging to the separatist category emerged in Brittany, French Basque Country and Corsica in the ’60s-’70s fighting for regional autonomy or independence. The Basque ETA and particularly the *Corsican Front de Libération Nationale de la Corse* (FLNC) have since carried out many thousands of terrorist acts – including more than 500 attacks only in 2011-2018 – and until recently were the most tangible and frequent terrorist threat in the country. Incidents of international terrorism are related to French involvement in other states’ affairs, predominantly its ex-colonies.<sup>5</sup> Finally, jihadist terrorism characterises

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<sup>4</sup> The most notorious of these was led by the *Front de Libération Nationale* (FLN) in Algeria during its War of Independence (1954-1962) – brought to a quick dissolution of most of the French empire. The pro-colonial *Organisation Armée Secrète* (OAS) – a paramilitary group founded by members of the French military in 1961 and fighting *against* the self-determination of Algeria – was the first in this period to “import” large scale terrorist attacks into Metropolitan France.

<sup>5</sup> The main chapters belonging to this category are first, Palestinian attacks aimed at Israeli targets in France and the French state related to the French involvement in the Israeli-Palestinian conflict in the 1960’s-1980’s; and second, terrorist operations carried out in the 1990’s by the *Groupes Islamistes*

attacks that have been carried out in France since 2012 and that are associated with or inspired by Al-Qaeda and the Islamic State (IS). Two elements of modern Jihadist violence stand out among previous types of terrorism. The first is the medium of its proliferation – widely available online means of recruitment and diffusion of radical propaganda reaches an audience on a previously unimaginable scale. The second is the new profiles of its adherents: foreign fighters, hundreds of whom come to France from Syria, Iraq and other warzones; and “homegrown” terrorist groups or “lone wolves”, who are often self-recruited, are not formally controlled by a terrorist organisation and are motivated by perceptions of personal grievance and marginalisation (Galli, 2019; Gregory, 2003).

## Constitutional Framework in the Field of Radicalisation

### Foundations of the French Regime

The French Fifth Republic is founded upon the principles of national sovereignty, democracy, human rights, equality, secularism, indivisibility, and social solidarity (Rogoff, 2011, p. 253). Article 1 of the 1958 Constitution epitomises these norms: “France shall be an indivisible, secular (*laïque*), democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organised on a decentralised basis”. The principles of indivisibility, decentralisation and secularism are most pertinent for questions of (de)radicalisation.

#### Indivisibility and decentralisation

The indivisibility of the French Republic echoes the ideas of the unity of the French People and the French Nation and the notion of indivisibility of national sovereignty. Article 3 of the 1958 Constitution proclaims: “No section of the people nor any individual may arrogate to itself, or to himself, the exercise [of national sovereignty]”. Article 3 of the 1789 Declaration of the Rights of Man and of the Citizen similarly asserts that the “principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation”. The principle of indivisibility is decisive in questions of concentration of power, territorial integrity, and group rights of minorities but is nevertheless qualified by the decentralised organisation of the government and the special status of French overseas territories and population. The Constitution asserts that “The Republic shall recognise the overseas populations within the French people in a common ideal of liberty, equality and fraternity” (Art. 72-3), and the Constitutional Council has recognised the right of “overseas people [...] to self-determination” (*Décision n° 91-290 DC du 9 mai 1991*).

France is a unitary state with powerful central executive, administrative, and legislative branches. The institutional structure of government, initially highly centralised, was considerably reorganised by a major legislative reform in 1982 and a constitutional amendment in 2003, which included decentralisation and vertical delegation of powers (*Loi n° 82-213 du 2 mars 1982 relative aux droits et libertés des communes, des départements et des régions; Loi constitutionnelle n°2003-276 du 28 mars 2003 relative à l'organisation décentralisée de la République*). The current model vests substantial political and

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*Armées* (GIA) in Algeria – against French and francophone Algerian nationals – and in France with the purpose of destabilizing domestic Algerian politics and disentangling it from the involvement of France.

administrative prerogatives in sub-national divisions of government and grants extended autonomy and privileges to French “overseas” territories. Article 72 of the 1958 Constitution establishes three level of “territorial communities” entrusted with distinctive prerogatives: *Régions* (France currently counts 18 *régions*), *Départements* (94), and *Communes* (more than 30,000). These non-hierarchical territorial authorities are “self-governing through elected councils and [...] have power to make regulations for matters coming within their jurisdiction” (Article 72), primarily in the domains of economic development, education, transportation and culture (Boyron, 2012; Duhamel and Tusseau, 2020). The territorial government is allowed to derogate from primary and secondary legislation, has financial autonomy and may organise referenda; voters in each territorial community have the right of petitioning the community’s authorities (*French Constitution of 4 October 1958*, Arts. 72, 72–1; *Code général des collectivités territoriales*, Arts. L1112-15 - L1112-23; *Loi n° 2004-809 du 13 août 2004 relative aux libertés et responsabilités locales*, Art. 122; Duhamel and Tusseau, 2013).

The French overseas territories generally have more autonomy from the central government than the sub-national territorial units in mainland France, but also greatly vary across categories in their level of independence. The former French colonies of Guadeloupe, French Guiana, Martinique, Réunion and Mayotte are today part of France, defined as “overseas” *régions* and *départements* (DROM). French law is automatically applicable in these territories but the Constitution allows for adaptations necessary “in light of the specific characteristics and constraints of such communities” (*French Constitution of 4 October 1958*, Art. 73). The guiding principle applied to them by the French government is assimilation (Duhamel and Tusseau, 2020, p. 1312).

France also recognises overseas collectivities (*collectivités d’outre-mer*). Some of them enjoy advanced autonomy (e.g., French Polynesia), others have special fiscal standing (Saint-Barthélemy and Saint-Martin islands), and others lack an autonomous status (Wallis and Futuna island) (Lemaire, 2012). New Caledonia is the most independent French collectivity that stretches the most the principle of indivisibility. The French Constitution has allowed for the recognition of a special status of “shared sovereignty” for New Caledonia and an option for full secession through a referendum. The collectivity’s unique model, established by an organic law in 1999, provides for a system of self-government and a New Caledonian citizenship granted to French nationals that allows to vote in the local elections. New Caledonia has its own Congress, government, customary Senate, Economic and Social Council and customary councils, but is also represented in the French Parliament and subject to the national laws in domains such as immigration control, national defence and higher education (*French Constitution of 4 October 1958*, Title XIII; *Organic Law No. 99-209 of March 19, 1999 Relating to New Caledonia (as Amended on December 31, 2009)*; *L’Accord de Nouméa* (5 mai 1998); Meur, 2017). New Caledonia has rejected independence in two previous referenda held in 2018 and 2020. A third and final referendum on independence, requested by the New Caledonian government and recently approved by the French government will be held in 2022 (*France 24*, 2021).

Of all the territories, the case of Corsica is particularly instructive for the understanding of the French model of “decentralised indivisibility” in view of the ongoing attempts by Corsican political and violent separatist movements to gain autonomy or independence from France. In 1991, the French Constitutional Council declared unconstitutional a section in a statute that referred to a “Corsican people, a living historical and cultural community and part of the French people” for violating the principle of indivisibility in Art. 2 of the 1958 Constitution, “as the

Constitution recognises only the French people, made up of all French citizens regardless of origin, race or religion” (*Décision n° 91-290 DC du 9 mai 1991*). At the same time, the Council upheld other parts of the same statute that accepted a special organisation of the Corsican territorial government. Thus, while breaking “with a Jacobinism of strict organisational identity” the Constitutional Council nevertheless “affirms a republican Jacobinism exclusive of any decomposition of the notion of people” (Duhamel and Tusseau, 2020). A decade later, and in the shadow of growing violence in Corsica, the Constitutional Council resorted to the unitarian logic once again and struck down an amendment to the General Code of Territorial Units, which allowed for a temporary delegation of legislative prerogatives to the Corsican Assembly. The Council considered that “giving the legislature, even for a derogatory experiment with limited duration, the possibility of empowering the territorial unit of Corsica to take measures on matters that fall to be regulated by statute, the Act referred has intervened in a matter that is for the Constitution [and] must accordingly be declared unconstitutional” (*Decision no. 2001-454 DC of 17 January 2002*). These powers were however delegated to all territorial collectivities by a constitutional amendment in 2003. Currently, Corsica is a “special-status territorial community”, as defined in Art. 72-1 of the 1958 Constitution.

Finally, the notion of indivisibility plays a role in the French approach to linguistic minorities. In 1999, France signed the European Charter for Regional or Minority Languages (4 November 1992, ETS 148), which protects and promotes languages used by national traditional minorities, but the Constitutional Council declared it incompatible with the 1958 Constitution. The Council concluded that the Charter, interpreted as conferring “specific rights to ‘groups’ of regional or minority language speakers, within the ‘territories’ in which these languages are used” contravenes “the constitutional principles of the indivisibility of the Republic, of equality before the law, and of the oneness (*unicité*) of the French people” (*Decision no. 99-412 DC of 15 June 1999*). The Constitution has since been amended to ambiguously recognise regional languages as “part of France’s heritage” (Article 75-1), but the Charter is yet to be ratified in France. The latest attempt to amend the Constitution so as to allow the ratification was rejected by the Senate in 2015.

### *Laïcité*

Secularism is a fundamental and preeminent norm in the life of the French Fifth Republic that is at the same time ever-changing and highly contentious. The principle of *laïcité* is enshrined in the 1958 Constitution and its basic tenets were set up in the church-state separation law of 1905 (*Loi du 9 décembre 1905 concernant la séparation des Eglises et de l’Etat*) but its scope and nature constantly evolve through legislative and administrative reforms, and the case-law of the French Constitutional Council that is regularly summoned to interpret the notion of *laïcité* in Article 1 of the 1958 Constitution.

As per the Constitutional Council, “the principle of *laïcité* is one of the rights and freedoms guaranteed by the Constitution”. The principle implies that

the State must be neutral; [...] that the Republic does not recognise any religion; [...] that all beliefs are respected, the equality of all citizens before the law without distinction based on religion are also respected, and that the Republic guarantee the free exercise of religion [... and] shall not subsidise any religion (*Décision n° 2012-297 QPC du 21 février 2013*).



In 2010, the Council upheld the constitutionality of the “burqa-ban law”, which prohibits the wear of “clothing designed to conceal the face” in any public space unless it is justified by medical or other, non-religion-related, motives (*Loi n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public*). The act was judged by the Council to ensure “a conciliation which is not disproportionate between safeguarding public order and guaranteeing constitutionally protected rights” as long as it does not apply to “places of worship open to the public” (*Decision no. 2010-613 DC of 7 October 2010*). The proportionality of the ban was later approved by the European Court of Human Rights who found the act pursues a legitimate aim of “living together” and does not exceed France’s margin of appreciation under the European Convention on Human Rights (*S.A.S. v. France (GC), application no. 43835/11, judgment, 1 July 2014*).<sup>6</sup>

## The French “Block of Constitutionality” and Fundamental Rights

The French material constitution consists of several constitutional texts and norms known as the “block of constitutionality” (*bloc de constitutionnalité*). The formal 1958 French Constitution of the Fifth Republic is only one of its components. The “block” also includes the 1789 Declaration of the Rights of Man and of the Citizen, the Preamble to the French Constitution of 1946, the 2004 Charter for the Environment, and more broadly, “general principles recognised in the laws of the Republic” that concern fundamental rights and liberties, national sovereignty or the organisation of public authorities (Boyron, 2012; *Décision n° 2013-669 DC du 17 mai 2013*). All elements of the block of constitutionality are normative and judicially enforceable.

The 1958 Constitution sets up the structure and functions of government institutions and establishes the foundational principles of the French republican rule. Some of the principles, such as secularism (*laïcité*) directly concern individual liberties, but the Constitution contains no full-fledged Bill of Rights. It references the protection of rights in its Preamble, and explicitly guarantees only a few rights, such as “equality before the law” in Article 1 and protection against arbitrary detention in Article 66. The legislator is then charged with determining “the rules concerning [...] civic rights and the fundamental guarantees granted to citizens for the exercise of their civil liberties; freedom, pluralism and the independence of the media; the obligations imposed for the purposes of national defence upon the person and property of citizens” (Article 34). The primary sources for the protection of rights are the other components of the block of constitutionality. The Declaration of 1789 recognises civic and political rights, such as the rights to “liberty, property, security, and resistance to oppression” (Article 2, 17), right to participate in the legislative process (Article 6), freedom of religion (Article 10) and freedom of speech (Article 11); the 1946 Preamble also proclaims social and economic rights like the rights to work, unionise and strike (§§5-7), rights to health and minimal living conditions (§11), and the right to education (§13); and the 2004 Charter guarantees the right to live in a balanced environment, which respects health (Article 1).

Other fundamental rights were incorporated into the block of constitutionality by the French Constitutional Council, which defined them as “general principles recognised in the

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<sup>6</sup> See also the debate around the ban of veils (and of other “conspicuous religious symbols”) in public schools (Weil, 2014; *Dogru v. France, Application no. 27058/05, judgment, 4 March 2009*).

laws of the Republic”. Among these “unenumerated” rights are freedom of association, freedom of conscience, right to a fair trial, freedom of education (concerning the rights of parents to choose their children’s education and the rights of private actors to manage alternative educational institutions), and academic freedom in universities (*Décision n° 71-44 DC du 16 juillet 1971*; *Décision n° 77-87 DC du 23 novembre 1977*; *Décision n° 76-70 DC du 2 décembre 1976*; *Décision n° 83-165 DC du 20 janvier 1984*).

## Constitutionality of counter-terrorist measures

The Constitutional Council recognises the aim of “combating terrorism” as a legitimate government purpose, “which is part of the objective of constitutional value of preventing breaches of public order” (*Décision n° 2021-822 DC du 30 juillet 2021*; Favoreu, 2019, pp. 145–146). In recent years, the Constitutional Council has reviewed various legislative reforms that concerned surveillance, regulation of online hate speech, deradicalisation, and other matters of national security in connection with extremist violence and terrorism. The Council approved some of the securitisation tools introduced by the parliament but opposed other legislation that was seen as infringing the personal freedoms of individuals suspect in the dissemination of hate speech or in terrorist activity.

In August 2020, the Constitutional Council has struck down a major part of a legislative reform allowing to monitor persons convicted of terrorism after their release from prison. The objective of this reform, promulgated in the act “establishing security measures against perpetrators of terrorist offenses at the end of their sentence” (*Loi n° 2020-1023 du 10 août 2020 instaurant des mesures de sûreté à l’encontre des auteurs d’infractions terroristes à l’issue de leur peine*), was prevention of terrorism. In August 2020, the Council declared unconstitutional the act’s main scheme, which authorised courts to issue an order for monitoring shortly before the person’s release if they were estimated to pose a high risk to public security. The cumulative nature of the planned restrictions on the released offenders, their duration (that could be, in some cases extended to ten years after the end of their sentence), and the lack of an obligation to implement reintegration mechanisms planned during the sentence were among the factors that lead the Council to conclude that the reform infringes upon the freedom of movement, the right to personal privacy, and the right to have a normal family life of the concerned individuals (*Decision no. 2020-805 DC of 7 August 2020*; Garnerie, 2020) (for details on the proposed reform, see ‘Security and Surveillance’ below).

In July 2021, the government has reintroduced a softened version of the annulled measures within the act “on the prevention of acts of terrorism and intelligence” (*Loi n° 2021-998 du 30 juillet 2021 relative à la prévention d’actes de terrorisme et au renseignement*). While still allowing to order the monitoring restrictions at the expiration of the sentence and be “based not on the guilt of the convicted person but on their particular dangerousness” upon release, the new regime imposes stricter conditions for issuing a monitoring order and limits the maximum period of control to five years. Likewise, the Constitutional Council considered that in contrast with the previous scheme that was mainly oriented towards ensuring the general interest of public security, the altered mechanism is designed as a rehabilitative measure, aiming to reintegrate the released offenders back in society. As such, the new reform was estimated to properly balance “between, on the one hand, the objective of constitutional value of preventing breaches of public order and, on the other hand, the right to respect for private life and right to respect for the inviolability of the home” (*Décision n° 2021-822 DC du 30 juillet 2021*).

Indeed, the general trend in the case-law of the Constitutional Council is of non-intervention in the ever-increasing number and scope of security and surveillance measures introduced by the state in past years. In a series of decisions spanning from 2003 to 2015 the Council has approved the gradual expansion “mechanisms necessary for the development of surveillance of the population with the aim of preventing breaches of public order”. Among the tools deemed constitutional by the Council were systems for the automatic processing of personal data implemented by the national police and gendarmerie, a procedure of requisition of technical connection data, and a system for the systematic reading of license plates, all with the aim of preventing and suppressing terrorism (*Décision n° 2003-467 DC du 13 mars 2003*; *Decision no. 2005-532 DC of January 19, 2006*; *Decision no. 2015-713 DC of July 23, 2015*). According to one analysis, this caselaw indicates that “the control of the constitutionality of laws on national defence is taken hostage by the legislator under the approving gaze of a public opinion in search of an alleged fundamental right to security”, which leads to an “ever more increasing consideration of the requirements of defence and security, to the detriment of rights and freedoms” (Roudier, 2016).

However, the government’s recent attempts to curtail online hate speech encountered a stark objection. In June 2020, the Council members have effectively annulled the *loi Avia* (*Loi n° 2020-766 du 24 juin 2020 visant à lutter contre les contenus haineux sur internet*), a far-reaching reform meant to fight against online hatred, judging to be “over-censoring”. The Council struck down a provision punishing online publishers who fail to remove certain terrorism-related or child pornography content within one hour after being notified by the administrative authorities (which would not allow to contest the order in court) by one year of imprisonment and 250,000 euros fine. The Council also voided the requirement of online operators to remove manifestly illegal content of hateful or sexual nature within 24 hours from its publication or risk 250,000 euros fine for each violation. These measures were declared to violate freedom of expression and communication in a manner that “is not necessary, appropriate and proportionate”. The only provisions of the *loi Avia* approved by the Constitutional Council concerned the creation of an observatory for the dissemination of hateful content online (see ‘Online Hate and Fake News’ below) (*Décision n° 2020-801 DC du 18 juin 2020*; Garnerie, 2020a).

Another issue the Council took on in recent years was the criminalisation of activities that do not involve direct violence or terrorism but are nevertheless situated on the radicalisation spectrum. The Council approved a 2014 reform outlawing the “apology for terrorism” (the French penal code currently punishes persons “publicly defending” acts of terrorism by five years of imprisonment and 75,000 euros fine, or seven years and 100,000 euros if the act is committed online) but struck down an offense that aimed to “repress behaviour likely to lead to radicalisation” by criminalising the “habitual consultation of terrorist websites” (*Decision no. 2018-706 QPC of 18 May 2018*; *Decision no. 2017-682 QPC of December 15, 2017*; Goetz, 2017).

## Legislative Framework in the Field of Radicalisation

### Security and surveillance

In the past thirty-five years, the French legislator has passed a number of comprehensive security reforms in response to a rising number of emblematic and mediatised terrorist incidents. The first act that provided a definition for the term “terrorism” introduced a set of



counterterrorist measures and laid the foundations for the contemporary legislative scheme was enacted in 1986, after a series of attacks claimed by the CSPPA (“Committee of Solidarity with Arab and Middle East Political Prisoners” (Shapiro and Suzan, 2003; *Trente cinq ans de législation antiterroriste*). The most recent changes to this framework were introduced in July 2021 with the passing of the act on “the prevention of acts of terrorism and intelligence” (*Loi n° 2021-998 du 30 juillet 2021 relative à la prévention d’actes de terrorisme et au renseignement*). The current security framework set up by the act is an overhaul of previous regimes of security and intelligence introduced in France in 2015 (prior to and in the aftermath of the November 2015 Paris attacks) and 2017.

### 2015-2017: Intelligence reform and State of emergency

In July 2015, the French Parliament passed a far-reaching reform in its intelligence apparatus, which provided the legal approval for surveillance methods that were already being employed by the state without a clear legal basis (*Loi n° 2015-912 du 24 juillet 2015 relative au renseignement*; Tréguer, 2017). At the time, the new act was considered “the most extensive piece of legislation ever adopted in France to regulate the work of intelligence agencies” (Tréguer, 2017). The act empowered intelligence services to employ information gathering techniques that were previously authorised only for judicial investigations (e.g., targeted telephone and Internet wiretaps, access to metadata, geotagging records and computer hacking), and sanctioned Big Data surveillance methods (such as “black boxes” monitoring Internet traffic) and real-time collection of metadata to track terrorism related activities (*Loi du 24 juillet 2015 relative au renseignement*; Tréguer, 2017). These provisions were set to expire at the end of 2021 but were made permanent in the July 2021 reform (see ‘2021: Prevention of Acts of Terrorism and Intelligence’ below).

Several months later, following a series of coordinated jihadist attacks at the Bataclan theatre, the national stadium, and a restaurant in the centre of Paris (Sawyer and Zinigrad, 2021), the French government declared a state of emergency allowing the state to employ exceptional security measures to restore public safety (*Décret n° 2015-1475 du 14 novembre 2015 portant application de la loi n° 55-385 du 3 avril 1955*). The emergency regime was confirmed by an act of the Parliament and extended for three months on 18 November (*Loi n° 2015-1501 du 20 novembre 2015 prorogeant l’application de la loi n° 55-385 du 3 avril 1955 relative à l’état d’urgence et renforçant l’efficacité de ses dispositions*). In addition to other measures already provided for by the 1955 law on the state of emergency (such as restrictions on the free movement of people and closure of public places), the November 2015 act authorised the Minister of Interior to order house arrests and the use of electronic bracelets for any person for whom “there are serious reasons to believe that their behaviour constitutes a threat to security and public order”; issue an order for administrative dissolution of “associations or de facto groups which participate in, facilitate or incite the commission of acts seriously undermining public order”; and take “any measure” to block online contents promoting terrorism or inciting terrorist acts (*Renforcement de la loi sur l’état d’urgence: les nouvelles mesures*, 2015; *État d’urgence et autres régimes d’exception (article 16, état de siège)*, 2019).

### 2017: Strengthening internal security and the fight against terrorism

The state of emergency was extended six times and was in force until 2017, when the Parliament passed many of its security measures into regular law. Instead of effacing the exceptional derogations on fundamental rights that were judged necessary in the aftermath of

the 2015 attacks, the state has made them permanent by de facto perpetuating the emergency regime (Hennette-Vauchez, 2018). The most intrusive measures introduced by the law of 30 October 2017 “strengthening internal security and the fight against terrorism” that ended the state of emergency included:

1. Establishing “protection perimeters” at public events, aiming to guarantee security by authorising visual bag inspections, frisks by private security agents and searches of vehicles.
2. Allowing the closure of places of worship that are used to incite or endorse terrorism or hatred and discrimination (subject to appeal before an administrative judge).
3. Authorising “individual administrative control” of “any person in respect of whom there are serious reasons to believe that their behaviour constitutes a particularly serious threat to security and public order” or is in contact with persons or organisations inciting or supporting terrorism. The control measures included daily reporting to the police for a period up to one year or consent to electronic surveillance.
4. Allowing prefects to order (subject to judicial authorisation) the entry and search of any place if there is serious reason to believe it is being frequented by a person posing a terrorist threat or who is in contact with such persons.

*(Loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme; Gouvernement.fr, 2017).*

Another measure introduced by the act specifically addressed the radicalisation of civil servants. It allowed to initiate administrative investigations of civil servants in positions of authority who “pose a risk of radicalisation” and authorized, when appropriate, their transfer, suspension or removal (Gouvernement.fr, 2017). Other security instruments implemented by the act involved:

1. Instituting a new criminal offence carrying a 15-year prison sentence and a 225,000 euro fine for parents who incite their children to commit acts of terrorism; this sentence may be accompanied by the loss of parental authority.
2. Carrying out identity checks in border areas or within a 20km radius of airports and international stations (later reduced to 10km).
3. Allowing the consultation of the Passenger Name Record (PNR) database, which contains the information of all air and sea passengers entering or leaving France, and creating a national system for centralising maritime transport passenger records data to or from France, separate from the PNR system (According to a government website, the PNR makes “it easier to detect the movements of Jihadist terrorists travelling by air upstream both across Europe and between Europe and other parts of the world in order to prevent them from carrying out their planned acts” (*Adoption of the PNR, 2016*)).
4. Introducing a new system for surveillance of wireless communications, which authorises intelligence services to intercept and exploit electronic communications directly, without the involvement of operators.

*(Loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme; Renforcer la sécurité intérieure et l'action contre le terrorisme, 2021; Loi du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme, 2017).*

The 2017 act was initially set to expire in 2021, but the July 2021 reform perpetuated and even enhanced the state’s security arsenal (see below).

## 2020: Surveillance of convicted extremists upon release from prison (failed reform)

In 2020, the French Parliament proposed a bill “establishing security measures against perpetrators of terrorist offenses at the end of their sentence”. The bill aimed to introduce a probation-like regime of “socio-judicial” monitoring for persons convicted of terrorism after the end of their sentence. The future law foresaw two different procedures to impose the restrictive regimes. One was the standard practice in other types of offences, namely authorising the trial court to subject persons convicted of terrorism to monitoring as part of their punishment, in addition to or instead of a custodial sentence. The other was, however, an exceptional measure allowing a court to order the monitoring shortly before one’s release from prison if an examination of the concerned individual establishes that they remain radicalised even if it had not been ordered as part of the initial criminal sentencing (“characterised by a very high probability of recidivism and by a persistent adherence to an ideology or to theses inciting to the commission of acts of terrorism”) (Assemblée Nationale, 2020; Sénat, 2020).

The limitations imposed under the “socio-judicial” monitoring include an obligation to periodically report to judicial, probation or police authorities, submitting to home visits and notifying the authorities of changes of employment and residence, of any travel abroad or of travel lasting more than fifteen days; not owning or carrying weapons; and more broadly, the duty to “respect the conditions of health, social, educational or psychological care to allow their reintegration and the acquisition of the values of citizenship” (*Loi du 10 août 2020 instaurant des mesures de sûreté à l’encontre des auteurs d’infractions terroristes à l’issue de leur peine*).

The bill was submitted to the review of the French Constitutional Council in August 2020. The Council upheld the option to sentence a terrorist perpetrator to a monitoring regime (this provision was promulgated on 10 August 2020 (*Loi n° 2020-1023 du 10 août 2020 instaurant des mesures de sûreté à l’encontre des auteurs d’infractions terroristes à l’issue de leur peine*)) but struck down the option to impose it retroactively, due to its disproportionate encroachment upon the constitutional freedoms of the convicted persons resulting from the accumulation and extent of the proposed measures (*Decision no. 2020-805 DC of 7 August 2020*) (see above). The Council’s ruling was accounted for in the July 2021 security reform, which includes a tempered version of the annulled measures (see ‘2021: Prevention of Acts of Terrorism and Intelligence’ below).

## 2021: Prevention of acts of terrorism and intelligence

The current legislative framework of terrorism prevention is promulgated in the July 2021 act on “the prevention of acts of terrorism and intelligence” (*Loi n° 2021-998 du 30 juillet 2021 relative à la prévention d’actes de terrorisme et au renseignement*). The new act encompasses the issues covered by the 2017 security act and the 2015 intelligence reform while also enhancing the prerogatives of state agencies in both areas.

The reform’s main highlight concerning preventive security is the reintroduction of the monitoring regime struck down by the Constitutional Council in August 2020. As in its previous version, the monitoring scheme allows the Paris Sentence Enforcement Court to submit persons convicted of terrorism to a regime of “socio-judicial control” if they are considered to pose a particular threat to public security at the time of their release. Yet, the predominant goal of the current monitoring regime is the rehabilitation of the offenders rather than public security; the order can be issued only “if it appears strictly necessary to prevent recidivism and ensure the reintegration of the person”. The regime cannot be applied to persons already

sentenced to socio-judicial follow-up or subject to other means of surveillance or security detention, and the maximum period of control is limited to five years (*Loi n° 2021-998 du 30 juillet 2021 relative à la prévention d'actes de terrorisme et au renseignement; Décision n° 2021-822 DC du 30 juillet 2021*).

The July 2021 reform also entrenches the prerogatives granted to state agencies in the 2015 surveillance act and empowers the state apparatus to employ new surveillance technologies. The new instruments include increased use of algorithmic surveillance, interception of communications satellites and jamming of drones (*Loi du 30 juillet 2021 relative à la prévention d'actes de terrorisme et au renseignement*).<sup>7</sup>

## Dissolution of violent associations

French law authorises the Council of Ministers to issue an administrative order for the dissolution of groups and associations that pose a threat to public safety. Radicalised groups can be effectively banned by such an order if they provoke armed demonstrations in the street, present by military form and organisation the character of combat groups or private militias, aim to undermine the integrity of the national territory, attack by force the republican form of government, aim to bring together individuals who have been condemned for collaboration with the enemy, provoke discrimination, hatred or violence against a person or a group because of their origin, ethnic group, nationality, ethnicity or religion, or engage, on French territory or from this territory, in terrorism related activity in France or abroad (*Code de la sécurité intérieure, Art. L212-1*).<sup>8</sup>

## Laïcité, religious freedoms, and education

### 2004, 2010: Veil and burqa legislation

In March 2004, the French legislator passed an act prohibiting “the wearing of signs or clothing which conspicuously manifests students’ religious affiliations in public elementary, middle and high schools” (*Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics*). The law was enacted as a result of rising political tensions over the wearing of hijabs in schools but the definition of “conspicuous manifestation” includes other religious signs, such as kippot, dastars (Sikh turbans) or large crosses.

The scope of the ban proved to be a controversial issue. A 2004 government circular states that the law “does not prohibit accessories and outfits that are commonly worn by students without any religious significance” but does apply if students attempt to “take advantage of the religious character which they attach to [an outfit]” (*Circulaire du 18 mai 2004 relative à la mise en oeuvre de la loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics*). The decision about whether a student uses a garment as a religious symbol was left to the discretion of the school

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<sup>7</sup> See also the recent law “for comprehensive security preserving freedoms” extending the police use of surveillance cameras and drones (*Loi n° 2021-646 du 25 mai 2021 pour une sécurité globale préservant les libertés*).

<sup>8</sup> This article, enacted in 2012, replaces similar provisions dating to 1936 (*Loi du 10 janvier 1936 sur les groupes de combat et milices privées*).

management, which has resulted in several cases of students not being allowed to enter schools with long skirts (Laubacher, 2015; Soidri, 2016).

The “veil law” was criticised by some as an illiberal and unjustified incursion upon the religious freedoms of Muslims, whereas others suggested it fosters the children’s autonomy from their parents and community (Weil, 2014). However, irrespective of the legislative motives behind the 2004 act or its actual impact on students, it proved to be the beginning of a trend of increasing intolerance toward the presence of Islam, particularly of Muslim religious women, in the French public sphere. Six years later, the legislator established an implied link between Muslim religious fundamentalism and extremist violence.

In 2010, the French parliament promulgated a law “prohibiting the concealment of one’s face in public places”, popularly known as the “burqa ban”. The ban applies everywhere in the public space – in public institutions, such as hospitals, schools, or government buildings, as well as on the street – save for public places of worship (*Decision no. 2010-613 DC of 7 October 2010*), and targets exclusively women wearing niqabs (a Muslim full-face veil leaving an opening only for the eyes). Face covering is only allowed if it is prescribed by law and is justified “for health or occupational reasons, or if it is worn in the context of sports, festivities or artistic or traditional events” (*Loi n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l’espace public*).

The parliament justified the burqa ban by needs of security (“such practices are dangerous for public safety and security and fail to comply with the minimum requirements of life in society”) and the principle of equality (“those women who conceal their face, voluntarily or otherwise, are placed in a situation of exclusion and inferiority patently incompatible with constitutional principles of liberty and equality”) (*Decision no. 2010-613 DC of 7 October 2010*). It was subsequently approved by the Constitutional Council and later also by the European Court of Human Rights (*Decision no. 2010-613 DC of 7 October 2010*; *S.A.S. v. France (GC), application no. 43835/11, judgment, 1 July 2014*). The European Court ruled that the interests of security and equality do not justify a blanket ban on the burqa and yet upheld the law in the name of the “French principle of living together (*le ‘vivre ensemble’*)”, which implies “the observance of the minimum requirements of life in society” (*S.A.S. v. France (GC), application no. 43835/11, judgment, 1 July 2014*). Nevertheless, the security narrative continues to inform the limitations upon religious freedoms in France and contributes to the association between religious fundamentalism and extremist violence. This tendency is especially apparent in the latest legislative reform confronting “separatism”.

### 2021: Anti-separatism law

In August 2021, France enacted a law “reinforcing respect for the principles of the Republic” (*Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République*). The official rationale behind the act was to “provide responses to withdrawal into the community and to the development of radical Islamism by reinforcing respect for republican principles and by modifying the laws concerning religion” (*Loi du 24 août 2021 confortant le respect des principes de la République, 2021*). Informally, the act is nicknamed the “separatism law” in reference to President Macron’s statement prior to its enactment that France must tackle “Islamist separatism”. Following the October 2020 murder of Samuel Paty, a public-school teacher, by a jihadist extremist, Macron warned against a

conscious, theorised, political-religious project [that] is materialising through repeated deviations from the Republic’s values, which is often

reflected by the formation of a counter-society as shown by children being taken out of school, the development of separate community sporting and cultural activities serving as a pretext for teaching principles which aren't in accordance with the Republic's laws. It's indoctrination and, through this, the negation of our principles of gender equality and human dignity (Macron, 2020a).

The act is the most far-reaching expression yet of the French government's attitude toward jihadist radicalisation. It is based on the presumption that radicalisation in religious views and practices is the main cause of jihadist violence. This causality is questioned and criticised in empirical research (Bjørgo and Horgan, 2009; Köhler, 2014; McCauley and Moskalenko, 2017; Pettinger, 2017). The three underlying premises of this approach are: first, strict observance of Islam and extremist violence are situated on the same continuum (i.e., radicalisation is rooted in religion); second, the drift from radical religious opinion to radical action can and should be prevented by weakening the socio-political power of Muslim religious communities and institutions that nurture "separatism" (i.e., deradicalisation must sever the communal ties); and finally, that the most effective means to do so is increasing the weight, visibility and importance of the principle of *laïcité* (or secularism) – a constitutional principle in the current French republican regime – in the public sphere, in education policy and in government services (i.e., the restriction of religious freedoms as an effective tool of deradicalisation).

The questionable links drawn between religion and violence are most evident in Article 9 of the new act, which creates a new criminal offense of "separatism", carrying a maximum penalty of five years imprisonment and a fine of 75,000 euros. The offence concerns the use of threats or violence against a public official, or a private individual performing a public function, with the purpose of obtaining "a total or partial exemption [...] from the rules which govern the functioning of said service" (*Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République*, Art. 9). This opaque formulation is meant to apply to situations where the attack is driven by religious motives, such as "when a husband and his wife go to the hospital [...] and the husband utters threats or commits violence because he wants his wife to be examined by a woman and not by a man [whereas] normally a patient is examined by the available caregiver, whether it is a man or a woman" or when parents "do not want their daughter to attend gymnastics classes" (Brachet, 2021). Moreover, the law considers this type of motivations to be an aggravating factor: similar violence against a public official is punishable only by three years of imprisonment and 45,000 euro fine (*Code pénal*, Art. 433-3). This distinction is meant to underscore the special reprehensibility of religiously driven violence in the eyes of the state.

Another criminal offence established by the August 2021 reform – in direct reference to the murder of Samuel Paty – is hindering a teacher in carrying out their functions in a concerted manner and by means of threats. Relatedly, the reform increased the criminal penalties for incitement to discrimination, hatred or violence by religious officials and for holding political activities or campaigns in places of worship. It also allows to issue an order of a temporary administrative closure of places of worship where such meetings take place, and extends the powers of administrative dissolution of associations, especially if they provoke "violent acts against people or property" (*Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République*; Januel, 2021).



Other provisions of the new act address neither violence nor even the politicisation of religious institutions, aiming instead to discourage religious radicalisation by various methods of “secularisation”. Article 1 of the act requires that all government institutions and private bodies having public functions or providing public services respect the principles of secularism and neutrality. This rule prohibits employees to “manifest their religious beliefs through external signs, in particular clothing” (e.g., hijab, kippa or a cross) and applies to such establishments as day-cares, schools, libraries, swimming pools, as well as public transportation (the rule does not apply to private religious schools or places of worship). Notably, the obligation to observe neutrality even in private institutions that perform public functions was established in France already in 2013 by the Court of Cassation (*Cour de cassation, civile, Chambre sociale, 19 mars 2013, 12-11.690*). Its promulgation in law is therefore mainly of declarative and educational significance.

In the same vein, the law requires home-schooling to be preauthorised by the state, increases the government’s control over private educational institutions (*hors-contrat*), adds measures to enforce the prohibition of polygamy and forced marriages, prohibits health professional to issue “virginity certificates”, requires associations receiving government subsidies to sign “a republican contract of engagement”, which includes the obligation “not to call into question the secular character of the Republic”, submits religious associations to a stricter regime of registering and reporting foreign financing, and mandates public institutions to appoint a “laïcité referent” responsible, among others to organise the annual celebration of the “day of *laïcité*” (on December 9) (*Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République*).

Finally, the August 2021 reform includes provisions relating to online hate. It penalises the dissemination of information that may pose a risk to the life or property of individuals, especially if it concerns public or elected officials, journalists or minors, facilitates the blocking of “mirror sites”, which reproduce banned websites, and adapts the French law to the European regulation on the “Digital Services Act” (*Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République*; Januel, 2021; *Loi du 24 août 2021 confortant le respect des principes de la République*, 2021).

## Online hate and “fake news”

French law contains several provisions and sets up mechanisms directed against the incitement to violence, dissemination of hateful messages, and the spread of fake news.

### Online hate

Article 23 of the law “on the freedom of the press” punishes with one year of imprisonment and 45,000 euro fine any incitement to “discrimination, hatred or violence against a person or a group of persons by reason of their origin or of their belonging or not belonging to an ethnic group, a nation, a race or a specific religion, [or] sex, their sexual orientation or gender identity or their disability” (*Loi du 29 juillet 1881 sur la liberté de la presse*, Article 23).

The same article also prohibits expression publicly justifying “war crimes, crimes against humanity, crimes of enslavement or exploitation of a enslaved person or crimes and offenses of collaboration with the enemy, including if these crimes were not resulted in the conviction of their authors” (*Loi du 29 juillet 1881 sur la liberté de la presse*, Article 23).

In what specifically concerns the regulation of violent and hate speech online, the 2004 law “for confidence in the digital economy” empowers judicial authorities to order that “any

person likely to prevent or put an end to a harm caused by a public online communication service” takes “any measures” to that end (*Loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique*, Art. 6). The law also establishes an administrative procedure for enjoining ISPs and online content hosts to prevent access to publications containing incitement to or justification of terrorism and child pornography) within 24 hours of being notified. For other types of illegal content, the service providers are only required “to contribute to the fight against” the dissemination of messages containing incitement to violence or hatred, or justification of crimes against humanity. The “contribution” includes setting up “an easily accessible and visible system” for reporting this type of content to them and then promptly informing the government of the received complaints (*Loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique*, Arts. 6, 6-1). Since August 2021, similar obligations apply to large online platforms operators such as Google or Facebook (*Loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique*, Art. 6-4).

Notably, service providers are not currently compelled to monitor online platforms for illicit content but are nevertheless incentivised to remove it on their initiative. The law releases ISPs and content hosts from civil and criminal liability for the dissemination of illegal content if, once they become aware of its publication, they promptly block access to it (*Loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique*, Art. 6)

A law passed by the parliament in 2020 further reinforces the regulation of online content by establishing an “Observatory of online hate” and charging it with “analysing and quantifying the phenomenon of online hate” (*Loi n° 2020-766 du 24 juin 2020 visant à lutter contre les contenus haineux sur internet, Article 16*; CSA, 2020).<sup>9</sup> Initially, the establishment of the observatory was envisioned as only one part in a comprehensive legal reform inspired by the 2017 German Network Enforcement Act (*Netzwerkdurchsetzungsgesetz*) and advanced by President Macron with the purpose of imposing extensive government oversight on online content. An early draft of the 2020 “law against online hate speech” included a substantial expansion of online contents the government can order to block within 24 hours, from incitement to terrorism and child pornography to any material that contains “manifest” glorification or contestation of crimes against humanity, crimes of genocide, of enslavement, and of war, incitement of discrimination, hatred, violence or defamation against a person or a group because of their ethnicity, nationality, race, religion, sex, sexual orientation, gender identity or disability, or sexual harassment (Avia, 2019). However, the Constitutional Council struck down most of this reform ruling it disproportionately undermines the freedoms of expression and communication (*Décision n° 2020-801 DC du 18 juin 2020*, 2020, paras 8–9).

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<sup>9</sup> The observatory consists of major stakeholders representing the various interests in the online sphere. Its members include online operators (such as Facebook, Google, Microsoft, TikTok and Twitter), civil society organisations (such as CRIF, the Human Rights League, SOS Homophobie and SOS Racisme), government representatives (e.g., the National Consultative Commission on Human Rights, the Inter-ministerial Delegate for the fight against racism, anti-Semitism and anti-LGBT hatred, and the Ministry for the Digital Economy) and researchers. The agenda of this newly established organ is still under development: In October 2020, the observatory set up thematic working groups whose mission is to define the notion of hateful content, conduct a comprehensive analysis of its evolution, study the mechanisms of its diffusion and prevention, and provide support to the victims and the general public (CSA, 2020; Hoareau, 2021). The observatory has only convened three times since its foundation. The latest meeting in May 2021, was framed as “an opportunity to take stock of the work carried out and to testify to the dialogue and consolidated cooperation between the stakeholders” (CSA, 2020).



Some of the procedures were then reintroduced in a softened form by the 2021 “anti-separatism law” (see ‘2021: Prevention of acts of terrorism and intelligence’ above).

### Fake news

French legislation also criminalises the dissemination of false information in traditional and online media (*Loi n° 90-615 du 13 juillet 1990 tendant à réprimer tout acte raciste, antisémite ou xénophobe* (Gayssot Act); *Loi n° 2018-1202 du 22 décembre 2018 relative à la lutte contre la manipulation de l’information*).

Preventing the spread of “fake news” is a particular priority during election campaigns. The 2018 law “on the fight against the manipulation of information” imposes heightened transparency requirements on digital platforms at the time of elections. This involves reporting sponsored content and – for platforms exceeding a certain number of hits a day – also having a legal representative in France and making their algorithms public.

Likewise, the law allows courts to issue injunctions preventing the circulation of “fake news” that may compromise the outcome of an election (*Loi n° 2018-1202 du 22 décembre 2018 relative à la lutte contre la manipulation de l’information*). In between elections, digital platforms are subject to a general “duty of cooperation” that requires online operators to introduce measures to eliminate “fake news”. The French Broadcasting Authority (CSA) supervises the fulfilment of this obligation and is also authorised “to prevent, suspend and stop the broadcasts of television services that are controlled by foreign states or are influenced by these states, and which are detrimental to the country’s fundamental interests” (Government of France, 2018). The scope and effectiveness of these measures were questioned by various journalist organisations such as Reporters Without Borders (RSF, 2018) and the French National Syndicate of Journalists (Syndicat National des Journalistes, 2018). To date, only one known attempt has been made to issue an injunction against the dissemination of “fake news”. During the 2019 European elections, a French court rejected a complaint against a tweet by the French Minister of Interior about an alleged “attack” of demonstrators against a hospital staff and a police officer; the demonstrators broke into the hospital but did not physically attack people. The court ruled that the tweet was “exaggerated” but did not amount to the definition of “fake news” under the law (*TGI Paris, 17 mai 2019, n° 19/53935*; Mounier, 2019). Note that the 2018 law is not France’s first attempt to prevent the spread of “fake news”. It only reinforces the previous, broad legislative framework of civil and criminal sanctions that fight the publication of false information.

The main provisions regulating the diffusion of “fake news” can be found in Article 27 of the 1881 law “on the freedom of the press” (“The malicious publication, dissemination and reproduction, by whatever means, of false news and documents which have been fabricated or falsified or mendaciously attributed to third parties, when this has disturbed the peace, or was capable of disturbing it, will be subject to a fine of 45,000 euros. The same offence will be subject to a fine of 135,000 euros when this malicious publication, dissemination or reproduction is likely to undermine the discipline or morale of the armed forces, or interfere with the Nation’s war effort”); and in Article L97 of the French Electoral Code (“Those who, using false news, slanderous rumours or other fraudulent manoeuvres, have modified or diverted ballots, or led one or more voters to abstain from voting, will be punished with one year’s imprisonment and a fine of 15,000 euros”) (*Loi du 29 juillet 1881 sur la liberté de la presse, Article 27; Code électoral, Article L97*). (For further analysis see, e.g., Smith, 2019; Mouron, 2018).

## Policy and Institutional Framework in the Field of Radicalisation

In the past decade, the French government rolled out comprehensive plans to fight terrorism and radicalisation. The policies followed upon the legislative reforms in security and surveillance and implemented the newly authorised measures in the work of government agencies.

### Anti-Terrorism Plan (2014)

In April 2014, the government announced the Anti-Terrorism Plan (PLAT), which focused on thwarting the departure of French nationals to war zones, facilitating the detection and prosecution of “lone-wolves”, improving the fight against the dissemination of terrorist propaganda and providing the judiciary and the police “with means of investigation adapted to the threat and its evolutions” (Ministère de l’Intérieur, 2014; Pawella, 2019).

### Plan for Action against Radicalisation and Terrorism (2016)

The next programme, revealed in May 2016, explicitly addressed the issue of radicalisation on par with terrorism. The Plan for Action against Radicalisation and Terrorism (PART) was also more ambitious and wide-ranging. The plan’s key concern was the neutralisation of extremist networks. It contained 80 “measures” (up from 22 measures in 2014) and aimed to “mark a new stage in combating terrorism and preventing radicalisation”. Indeed, some of the seven priorities designated by the government to this end involved counter-terrorist methods while others introduced tools for deradicalisation. The mentioned themes included early detection of “radicalisation paths and terrorist networks”, monitoring and neutralising terrorist networks, reaching international networks and terrorist “safe havens”, increasing the reach of deradicalisation mechanisms “in order to ensure personalized measures for different populations”, developing counter-speech with the cooperation of “France’s Islamic community”, improving protection of vulnerable sites and networks, and bolstering the Nation’s resilience (‘Press Kit for the Action Plan Against Radicalization and Terrorism (PART)’, 2016).

Another sweeping programme countering extremist violence was rolled out in two parts, in February and July 2018, with separate plans announced for the counter terrorist and deradicalisation efforts.

### National Plan for the Prevention of Radicalisation (February 2018)

The National Plan for the Prevention of Radicalisation (PNPR) contains 60 measures and targets multiple social institutions and activities: school, Internet, university, sport, health, business, public services, strengthening the professionalisation of actors and the evaluation of practices, and disengagement”. The PNPR reflects a decisive reorientation of the government’s policy and a recent interest in the development of preventive techniques that would reach individuals in risk of radicalisation before they associate with extremist networks or engage in violence. The programme is built along five axes: (1) “protecting minds” from radicalisation; (2) enhancing the network of deradicalisation actors; (3) studying and anticipating the evolution or radicalisation; (4) training of local state actors and testing the practices currently in use; and (5) developing new disengagement tools (‘« Prévenir Pour Protéger » Plan national de prévention de la radicalisation: Communiqué du Premier ministre’, 2018).

The first axis includes investing in the teaching of *laïcité* and of other “Republican values”, developing mechanisms of detection in public schools and tightening the control over private educational institutions and home schooling, tackling online radicalisation by enhanced monitoring of radicalised activity on social networks and developing “counter-speech” tools. The second element in the programme instructs the national administration and territorial authorities as well as higher education institutions’ deradicalisation effort to appoint special referents responsible for the detection and prevention of radicalisation, train officials and raise awareness about this issue. The plan also encourages private organisations and companies to implement the same steps within their management structure. The third axis concerns investment in research and cooperation in the field of radicalisation. The fourth axis aims to mobilise health professionals and social workers to tackle radicalisation and increase training and expertise of other actors in the same. Finally, the fifth part of the plan directs relevant stakeholders to initiate programmes and institutions for the rehabilitation and social reintegration of minors, current and former prisoners, and other individuals in risk (‘« Prévenir Pour Protéger » Plan national de prévention de la radicalisation: Communiqué du Premier ministre’, 2018) (for the full list of measures, see Annex).

### Inter-ministerial Committee for the Prevention of Crime and Radicalisation (CIPDR)

The Plan was developed and is managed by the General Secretariat of the Inter-ministerial Committee for the Prevention of Crime and Radicalisation (CIPDR). It is implemented by various national, local and private actors. The CIPDR comprises representatives of 20 ministries and provides support, expertise and advice to prefectures, local communities and other actors in charge of prevention of delinquency and radicalisation. The Committee’s proclaimed objective is “to bring the values of the Republic to life in order to protect our social cohesion and rebuild a united nation”. Its main mission is to ensure the realisation of the PNPDR in cooperation with the prefectures, local authorities and other organisations. In addition, since 2020, the CIPDR takes part in implementing the government’s new policy of “fight against Islamist separatism” (see below).

### Préfectures and state agencies

French prefectures, local administrative authority on the level of French *départements*, are put in charge of assessing and monitoring radicalisation in the community. The prefects receive intelligence reports on individuals suspected of undergoing radicalisation and report to the prosecutor’s office if the monitored person is estimated to present a risk to themselves or to society. Each prefecture has three operational units specialising in radicalisation:

- (1) an assessment unit (*Groupes d’évaluation départementale (GED)*) responsible for the monitoring of individuals registered in the database of “alerts for the prevention of terrorist radicalisation” (*Fichier des signalements pour la prévention de la radicalisation à caractère terroriste (FSPRT)*);<sup>10</sup>
- (2) a monitoring unit that provides support and assistance to radicalised individuals and their families, “to allow the radicalised person, if necessary, to disengage and

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<sup>10</sup> The FSPRT was created in the aftermath of the January 2015 Paris attacks. According to the Minister of Interior, as of August 2020, the database registers more than 8,000 persons (down from more than 20,000 in September 2018) (*Question n°1810—Assemblée nationale*, 2018; *LCI*, 2021). This database is not to be confused with the “State Security” records (*fiche S*) that comprises files of individuals considered to be posing a serious threat to national security.

- reintegrate, according to the values of the Republic” (*Cellules de prévention de la radicalisation et d’accompagnement des familles (CPRAF)*); and since 2019,
- (3) a unit for the “fight against Islamism and communitarian withdrawal” (*Cellules départementales de lutte contre l’islamisme et le repli Communautaire (CLIR)*) (see below) (SG-CIPDR, 2021).<sup>11</sup>

In addition, the prefect is authorised to appoint a departmental coordinator for the prevention of radicalisation. The coordinators are responsible for harmonising and facilitating the work of the monitoring unit and local actors (SG-CIPDR, 2021).

Other State agencies involved in the coordination, monitoring and support system set up by the CIPDR on the local level are the administration of the national education system that appoints a radicalisation prevention referent for every *département*, prosecutors representing the judicial administration, the Directorate of Judicial Protection of Youth (DPJJ) under the Ministry of Justice appointing *laïcité* referents for every region, and representatives of correctional and probation services. Radicalisation referents for the monitoring units are also appointed by the employment services, departmental directorates on social cohesion (DDCS), the regional health agencies and the social security system (SG-CIPDR, 2021).

### Auxiliary institutions

Public and private social welfare organisations contribute to deradicalisation efforts by providing support and services to radicalised individuals and their families. Among these organisations are “Parents Listening, Support and Accompaniment Networks” (REAAP), “Local School Support Contracts” (CLAS), “Youth Listening Reception Service” (PAEJ), (*Maisons Des Adolescents* (“Houses of adolescents”), “Schools of Parents and Educators” (EPE), and the National Union of Family Associations (UNAF). Finally, the National Liaison Committee for Specialised Prevention Actors (CNLAPS) offers information and professional training in deradicalisation strategies for actors working on social reintegration of marginalised youth.

### Counter-Terrorism Action Plan (July 2018)

The Counter-Terrorism Action Plan (PACT) “responds to evolving threats, characterised by repeated attacks perpetrated by endogenous actors” and complements the February 2018 plan on deradicalisation. The PACT’s strategy includes four key elements: strengthening the coordination of intelligence services for a better understanding of the terrorist threat (“Know”), addressing the issue of individuals released from prison after serving sentences for terrorism-related offences and financing of terrorism (“Obstruct”), raising awareness of the threats among private actors, local communities and the general public (“Protect”), and creating the National Anti-Terrorist Prosecution Office (PNAT).

As in the case of the PNPR, the PACT targets exclusively the jihadist threat:

The diversity of the threat from violent radical Islamism has increased. The radicalisation of many individuals on our soil, the risk associated with ghosts or suspected terrorists detained and likely to be released in Kurdistan, Iraq and Turkey, constitute a major security issue that our country must face with determination, short, medium and long term.

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<sup>11</sup> On *communautarisme*, see above.

It is against this yardstick that the results of the actions of the action plan against radicalisation and terrorism should be assessed ('Plan d'action contre le terrorisme: Dossier de presse', 2018).

## “Fight against separatism” (2019-)

2019 marks a stark change in the French deradicalisation policies from targeting extremist actions to assailing Muslim religious practices and communities, vaguely described as “politicised” or “separatist”, that bear no immediate links to violence. The shift was explained by the claim that despite the already employed measures,

many areas beyond violent radicalisation continue to be impacted by withdrawal into communities and the rise of Islamism. In addition, in certain neighborhoods, this withdrawal has served as a breeding ground for the departures of young French people, who feed on hate speech against the Republic and who have turned into jihadism (Comité Interministériel de Prévention de la Délinquance et de la Radicalisation).

In a November 2019 speech, Christophe Castaner, then the French Minister of the Interior, made a striking statement:

Terrorism and radicalisation are often the tip of the iceberg. The time is no longer for modesty or pretense. Let's say it frankly, as you're seeing on the ground: radicalisation and terrorism are the most serious symptoms of a deeper evil that affects too many of our neighborhoods. [Namely,] Islamism and *communautarisme*.

Castaner made a point distinguishing Islam from “Islamism”, defining the latter as an “anti-democratic and anti-republican political project, which places the law of God – or that of those who hijack it for their benefit – above the laws of the Republic” and as a “*communautaire*, authoritarian, inegalitarian social counter-project” (Ministère de l'Intérieur, 2019). Yet, the government's general discourse, policies and legislative initiatives in respect of “separatism” suggest that this statement is mainly of rhetorical rather than substantive significance (See above, and in Sawyer and Zinigrad, 2021).

Emmanuel Macron's speech in February 2020, entitled “protecting freedoms by fighting against Islamist separatism” echoed Castaner's theme and confirmed the government's concern with religious practices (Macron, 2020b). Specifically, the President emphasised the need to “fight against foreign influence”, “better organise Muslim worship in France”, “fight with determination against any manifestation of Islamist separatism”, and “be able to bring the Republic back from where it resigned a little”. In October 2020, Macron presented a more elaborate portrayal of the anti-separatist strategy, which was now branded as “The Republic in Action”. The main premise of the new plan is “strengthening *laïcité* and reinforcing the principles of the Republic”, which breaks down in five components:

- (1) Creating “set of measures on public order and public sector impartiality which constitute strong, immediate responses to situations that have been identified and which are contrary to our principles”. As an example of these situations, Macron mentioned pressure from groups or communities to include “denominational menus” (i.e., lunch alternatives for pork) in public schools or designating separate swimming hours for men and women in public pools.



- (2) Restricting foreign funding of and extending the grounds for the dissolution of private associations that “carry the project of Islamist separatism” and “violate our laws and our principles”.<sup>12</sup> Macron specifically referred to organisations allegedly “offering sporting, cultural, artistic, linguistic or other activities, which have as their *raison d’être* support for the most vulnerable or food aid, while in fact deploying assumed strategies of indoctrination”.
- (3) Reinforcing the idea of the school and public education as “central to the notion of *laïcité* and are where we form consciences so that children become free, rational citizens able to choose their own destinies”. To this end, Macron announced that school instruction will be made compulsory for everyone from 3 years old, and home schooling will be strictly restricted.
- (4) “Forging a type of ‘Enlightenment Islam’ in France” so as to “help this religion to structure itself in our country so that it is a partner of the Republic on matters of shared concern”. This component was deciphered as “freeing Islam in France from foreign influences” by ending the training of French imams in foreign countries and increasing control over religious associations, obstructing the use of religious establishments for extremist purposes and finally, “training and promoting in France a generation of imams [and] intellectuals who uphold an Islam fully compatible with the Republic’s values”.
- (5) Increasing trust in state institutions by such means as fighting against discrimination in housing and employment so as to “get people to love the Republic again by demonstrating that it can enable everyone to build their own lives” (Macron, 2020a).

The main tenets of the “Republic in Action” plan were implemented in the “anti-separatism” act, passed by the French Parliament in August 2021 (see ‘2021: Prevention of acts of terrorism and intelligence’ above).

## Executive Institutional Structure

The main government body overseeing the execution of policies relating to prevention of terrorism is the National Coordination of Intelligence and the Fight against Terrorism (CNRLT). The CNRLT reports to the National Intelligence Council and advises the President in the field of intelligence. The operational unit of the CNRLT, responsible for threat analysis and counterterrorism strategy, is the National Counterterrorism Centre (CNCT). The CNCT coordinates the operation of the six main intelligence agencies:

- Defence Intelligence and Security Directorate (DRSD)
- Directorate-General for External Security (DGSE)
- Directorate-General for Internal Security (DGSI)
- Military Intelligence Directorate (DRM)
- National Directorate for Intelligence and Customs Investigations (DNRED)
- Intelligence processing and action against underground financial circuits (TRACFIN).

Other agencies responsible for the prevention of terrorism include:

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<sup>12</sup> Macron stated that the prior grounds for dissolution – terrorism, racism and anti-Semitism – are “very limited” and should also include an “attack on the dignity of the person or psychological or physical pressures”.

- Within the central directorate of the judicial police:
  - o Anti-terrorism sub-directorate (SDAT) (responsible for the prevention and repression of national and international terrorism, including its financial aspects)
  - o Regional directorate of the judicial police of Paris (DRPJ) (responsible for increasing efficiency in the fight against organised crime)
- Within the central public security directorate:
  - o Territorial intelligence services
- Under the authority of the director general of the gendarmerie:
  - o The sub-directorate of operational anticipation (SDAO) (contributes to the intelligence and information mission of public authorities, to the fight against terrorism and to the protection of citizens)
  - o The sub-directorate of the judicial police (SDPJ)
  - o Research sections (BR)
- Under the authority of the prefect of police:
  - o At the intelligence department:
    - The internal security sub-directorate
    - The territorial intelligence sub-directorate
  - o At the regional direction of the judicial police:
    - The sub-directorate of the central brigades
    - The sub-directorate of territorial services
- Under the employment authority of the Minister of Defence
  - o The research sections of the maritime gendarmerie, the air gendarmerie and the armament gendarmerie
- Under the authority of the Minister of Justice (director of the prison administration):
  - o The national prison intelligence service (SNRP)

The prevention of dissemination of online hate is handled by Central office for the fight against crime related to information and communication technologies (OCLCTIC). The office belongs to the police cybersecurity sub-directorate and one of its responsibilities is managing the PHAROS reporting system (*plate-forme d'harmonisation, de recoupement et d'orientation des signalements*: platform for receiving, processing and referring notifications of unlawful content from the general public). From January 2021, all judicial proceedings related to the complaints submitted to the PHAROS system are managed by a special division for the fight against online hatred at the Paris tribunal. (*L'académie du renseignement; Code de la défense, Article R\*1122-8-2; Direction du Renseignement et de la Sécurité de la Défense; Gendarmerie Nationale, 2018; Ministère de l'Intérieur, 2011; Moréas, 2020; Ministère de l'Intérieur; Ministère de la justice, 2021; Thierry, 2021*)

## Case Studies<sup>13</sup>

### Introduction

The main actors of deradicalisation in France are government bodies within the executive and judicial branches. This section presents an overview of the programmes and strategies employed by these actors. It analyses the general national plan for the prevention of radicalisation and the actors responsible for its implementation, educational efforts in public schools and the public sphere, administrative sanctions against individuals and organisations inciting violence or spreading “fake news” and rehabilitation plans in and outside prisons for individuals who have been prosecuted for terrorist activity or identified as undergoing a process of radicalisation. Given the focus on jihadist violence in the public and political discourses, it is hardly surprising that deradicalisation plans almost exclusively target “Islamist” individuals and networks.

### Schools (Emphasis on *laïcité* and securitisation of the educational system)

French public schools play a central role in the government’s strategy of deradicalisation. The current “policy for the prevention of violent radicalisation” implemented by the Ministry of National Education is part of the 2018 National Radicalisation Prevention Plan (PNPR) (see Counter-terrorism Action Plan (July 2018) above). The two main pillars of the policy are civic education and securitisation of the school, with a particular emphasis on the latter. The plan revolves around “4 axes: prevention, identification and reporting, monitoring of young people in the process of radicalisation and staff training” (*Politique de prévention de la radicalisation violente en milieu scolaire*, 2020).

The pedagogical aspect of preventing radicalisation consists of moral and civic education. The main components of this curriculum are the principle of *laïcité*, media and information education, the development of critical thinking and of a “feeling of belonging to a society” and a “nuanced and objective approach to the history of religious ideas and facts”.

Civics classes are supplemented by a variety of security mechanisms. These include extensive staff training to identify students at risk of radicalisation, creation of special inter-governmental bodies in charge of assessing the reports on students and monitoring “young people reported as being ‘in the process of radicalisation’ but not charged with ‘terrorist acts’”, instituting a “multi-category watch units” in schools consisting of school officials together with social services and medical professionals responsible for identifying situations that must be reported to government officials responsible for the prevention of radicalisation and instructions on supporting minors returning from combat zones in Syria and Iraq (*Ecole et radicalisation violente*, 2020; *Politique de prévention de la radicalisation violente en milieu scolaire*, 2020).

Schools’ securitisation as an instrument of deradicalisation, especially when the line between education and surveillance remains unclear, is controversial. First, it erodes the role of the school as a pedagogical and autonomy-nurturing institution. Consider, for instance, cases of students who refused to observe a minute of silence or subscribe to the “I am Charlie”

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<sup>13</sup> This section has been published in (Sawyer and Zinigrad, 2021).



(*Je suis Charlie*) slogan after the Charlie Hebdo attacks in January 2015 and were reported to the police as potential cases of radicalisation (*Le Monde.fr*, 2015; Michalon-Brodeur *et al.*, 2018, p. 239). Second, an empirical study of reports submitted by schools' personnel to law enforcement has recently raised concerns about the stigmatisation of Islam implicit in the government's policy of deradicalisation. The study demonstrated a "tendency to conceptualise Muslim religiosity as potentially dangerous for minors [thus] reshaping the relationship forged between schools and religion, both in its historical foundations and in its daily practices" (Donnet, 2020). Finally, studies have also shown that more than reducing violence and radicalisation in schools, surveillance may drive students to conceal their internal conflicts and violent plans for fear of being classified as "dangerous" (Michalon-Brodeur *et al.*, 2018, p. 238).

## Prisons (Questionable and counterproductive initiatives)

### UPRA: Units of prevention of radicalisation

The first deradicalisation programmes for French prisons were swiftly developed after the 2015 Paris attacks. Prior to that, penitentiary authorities did not run any special deradicalisation programmes, assuming that the regular disciplinary sanctions are sufficient for the control and rehabilitation of all incarcerated persons (Robert, 2017). In March 2016, the government decided that radicalised individuals should be isolated and grouped in "units for radicalisation prevention" (*unités de prévention de la radicalisation*), specially created to this end in four prisons across the country. The units hosted "people imprisoned for acts of terrorism linked to violent radical Islamism as well as those identified in detention as radicalised, or in the process of radicalisation, and advocating the use of violent action" (Benbassa and Troendlé, 2017). The stated goal of these units was deradicalisation, which involved assessing the level of radicalisation and risk of engaging in violent actions or propagation of violence among other prisoners, and subsequent referral to a personalised "programme of care" that would provide "better treatment" (Benbassa and Troendlé, 2017; Conti, 2020).

The nature and functioning of the special units received severe criticism. The Controller-General in Places of Deprivation of Liberty disapproved of the urgent and underdeveloped planning in creating the units, and the disparities in the evaluation methods and care programmes across penitentiary institutions. More critically, the Controller-General questioned the judiciousness of bringing together radicalised individuals who may only benefit from the situation by creating new networks and concluded that given the overcrowded nature of prisons, further extension of the programme is not realistic (Contrôleur général des lieux de privation de liberté, 2016; Benbassa and Troendlé, 2017).

Ultimately, the programme was abruptly discontinued before any improvements could occur due to an assault of two correctional officers by a detainee in one of the special units. The new strategy prioritises security and safety in prisons and shifts the focus away from care and deradicalisation.

### QER: Districts of Evaluation of Radicalisation

The current approach to radicalisation in prisons focuses on the assessment of risk and securitisation. In February 2017, the deradicalisation units were replaced by six "Districts of Evaluation of Radicalisation" (*quartiers d'évaluation de la radicalisation*) that accommodate

around 120 detainees for four months. The primary purpose of the “districts” is not rehabilitation but determining whether the radicalised individuals may be assigned, depending on the risk they are considered to pose to others, to a regular or a high-security detention facility (Chantraine, Scheer and Depuiset, 2018; Conti, 2020; Observatoire International des Prisons, 2020). Under this model, the notion of deradicalisation is estimated to transform into yet another method of policing to the detriment of potential recovery and social reintegration:

Within the framework of the fight against radicalisation, detection appears to be aimed not at assisting the detainee but at providing information to intelligence services and helping the process of criminal judgement. Concerns about taqya (dissimulation) and thus the possibility of ‘missing’ a threat, mean that the imperative to ‘reduce the risks’ prevails and the work of professionals is torn between the security approach (oriented towards reducing risk) and the social approach, which aims to establish a relationship of trust with the detainee, to help social reintegration (Conti, 2020).

## Rehabilitation Programmes (Failures along with signs of success)

### CPIC

The “Centre for Prevention, Integration and Citizenship” (*Centre de prévention, d’insertion et de citoyenneté*, CPIC), colloquially known as the Pontoury deradicalisation centre, was opened by the government in September 2016, in the aftermath of the 2015 Paris attacks. The centre was legally defined as a public interest group, which are regulated by public law, and subject to the Inter-ministerial Committee for the Prevention of Crime and Radicalisation (CIPDR, see above).

The programme was destined for individuals in the process of radicalisation who are yet to engage in criminal terrorist activity – “people whose behaviour may lead to fear of the preparation or even the commission of violent acts inspired by jihadist ideology, while constituting the ‘bottom of the spectrum’ due to a weaker radicalisation than people being in the process of taking action” (Benbassa and Troendlé, 2017). The participation in the CPIC programme was voluntary and involved isolation from the family and social environment. It was meant to “constitute a medium-term between a totally open environment and prison” (Sénat, 2017).

Initially, the government hoped to extend the programme and open a CPIC in every French region by the end of 2017. Instead, the one operating CPIC lost all its participants by February 2017 and was shut down in July of the same year, mainly due to difficulties in convincing individuals with the right profile to sign up and stay in the programme. At its peak, the centre hosted only nine individuals in a facility that had a maximum capacity of 25 people, employed 27 people, and operated on a 2.5 million euros budget, and the last person left in the programme was expelled, having been convicted for violence and glorification of terrorism (Benbassa and Troendlé, 2017).

### RIVE

The RIVE programme (*Recherche et intervention sur les violences extrémistes*: “Research and intervention on extremist violence”) is the French government’s first attempt at a public-private partnership in deradicalisation of persons convicted in terrorism. The programme’s integrative approach was determined by law to provide “health, social, educational or

psychological care intended to allow [...] reintegration and the acquisition of values of citizenship [...] in a suitable reception establishment in which the convicted person is required to reside” (*Code de procédure pénale, Art. 138-18*).

The pilot ran for two years (October 2016-November 2018) and was operated by *APCARS* – a private association specialising in criminal offenders' social reintegration. The programme targeted individuals already convicted of terror-related crimes before or after serving their sentence. The participation did not require internment in a closed institution and included frequent and substantial encounters with social, religious, and psychological mentors.

The government contract with *APCARS* was not renewed despite overall positive reviews of its work. Instead, the RIVE model was reintroduced under a new name (*PAIRS*) and in partnership with a new private body. In the two years of its operation, the programme had 22 participants, none of whom has thus far relapsed into terrorism (Hecker, 2021).

### **PAIRS**

The Programmes of Individualised Support and Social Reaffiliation (*PAIRS*) have succeeded RIVE in 2018 and are executed by *Groupe SOS*, a voluntary association specialising in social entrepreneurship. The declared objective of *PAIRS* is “the disengagement” of persons convicted in terrorism (*terroristes islamistes, TIS*) and of ordinary detainees suspected of being radicalised (*détenus de droit commun susceptibles de radicalisation, DCSR*) “from violent radicalisation and prevent the risk of violence while encouraging social reintegration”. The programme accepts participants that attend it voluntarily or due to a court order. As of the end of September 2020, it has hosted 120 individuals – 92 *TISs* and 28 *DCSRs* – in its four centres (Paris, Marseille, Lyon and Lille), including those ranking “high” on the “radicalisation spectrum” (Hecker, 2021).

Each of the *PAIRS* centres is required to employ a multidisciplinary professional team of educators, social service assistants, professional integration counsellors, clinical psychologists, a temporary psychiatrist, and “specialists in contemporary Islam”. As disclosed by an official working for the Ministry of Justice, *PAIRS* accepts only participants whose radicalisation involves a religious dimension (Hecker, 2021).

To date, none of the participants has engaged in terrorism but one of them was reincarcerated for threats to commit a terror act and nine others were returned to prison due to other criminal activity, including sexual assault or drug dealing (Hecker, 2021). However, the high rate of success warrants caution “in light of the small sample size, the short time the program has been running, and the absence of a control group that could definitively attribute the lack of recidivism to the program’s intervention” (Hecker, 2021)

### **Mulhouse Programme**

The Mulhouse programme is an example of a regional reintegration project initiated by a local authority in Alsace. After the January 2015 attacks, an Attorney General in the Mulhouse region has defined “the fight against violent radicalisation as an objective of the regional criminal policy” and set up an experimental three-month care programme with the participation of judicial, municipal, and medical stakeholders. The project targets individuals that are already undergoing criminal proceedings for involvement in violent crimes. It is not restricted to a specific type of violence and concerns adherents to “jihadist violence, which represents most cases, and members of extreme right-wing groups” (Benbassa and Troendlé, 2017).

Participation in the programme is mandatory for those found suitable. It is offered as an alternative to prosecution or, in case of an already convicted offender, in conjunction with a suspended sentence (Benbassa and Troendlé, 2017).

The Mulhouse programme consists of three phases: 1) understanding the person's personal situation and causes for their radicalisation and building an adjusted care programme; 2) re-establishing their social ties 3) designing a plan for future educational or professional prospects and acquiring a critical view on their radicalisation. It is considered a success and has hosted eighteen participants as of 2017 (Benbassa and Troendlé, 2017).

## Conclusion

The legal framework of deradicalisation established by the French government in the course of the past decade makes up for an extensive range of constitutional, legislative and administrative mechanisms that attempt to understand, confront and curb the latest waves of political – especially jihadist – violence. The findings of this report indicate the main shortcomings of these mechanisms and contribute to the conversation about needed changes. On the constitutional level, most concerning is the ability of the French Constitutional Council to maintain its political independence from the current administration. The Council's case-law on deradicalization and counter-terrorist measures appears to be overtly deferential to the state's security reasoning, which risks undermining the proper constitutional balance of the state's public safety interests with fundamental rights.

The constitutional obligation to respect minority rights also mandates a repeal of the recent legislative changes that instruct government institutions to treat strict observance of religious (Muslim) laws as political, extremist, and dangerous opinions. Most recently, the 2021 "separatism" act places potentially illiberal religious practices in the same category with radicalised (or radicalising) behaviour that may lead to violent action and constructs religious views as politicised actions that pose a threat to the "Republican values." The act contributes to the marginalisation of Muslims in France, plays into the hands of the French far right, and ignores the claims widely established in empirical research that even the most extremist views rarely lead to extremist action. Policies of jihadist deradicalisation cannot be effective if the political, legislative and judicial milieus do not manifestly abandon this narrative and cease considering religious beliefs, their mobilisation for political ends and their utilisation to justify extremist violence as one and the same dangerous activity.

Radicalisation in French schools and prisons generates most concern in the French security apparatus and is the focus of the government's most ambitious plans of prevention and deradicalisation. The programmes currently in use in these institutions are however yet to be shown effective, and in some cases are outright counterproductive. Studies of the French public schools point to the need to eliminate procedures that trigger the state security apparatus in every case of potential radicalisation. Detection and engagement with signs of radicalisation in educational institutions should be entrusted in the hands of school officials rather than security agencies. The pedagogical, administrative, medical, or social welfare personnel in schools might require additional training to be able to address certain patterns of politically or religiously driven extremism but is also the only one qualified to confront what is essentially an educational challenge. The police and other agencies of the state security

apparatus should be called upon only in highly exceptional cases, equivalent to circumstances that trigger their participation in other types of crime-related activity in schools.

Deradicalisation policies in the French penitentiary system must account for the perceptions of alienation and discriminations prevalent among individuals suspect to have undergone or in a process of undergoing jihadist radicalisation. Another criticism of the treatment radicalised persons receive in prisons is the fixation on their isolation from other inmates and lack of concern for their rehabilitation and social reintegration. Their separation from other prisoners is shown to be motivated by political rather than professional considerations, and to risk contributing to further radicalisation of “suspects” by fostering their sentiments of alienation and injustice. The success of the French Mulhouse programme targeting non-incarcerated individuals, which does not differentiate among participants based on the nature of their criminal activity, suggests that the same policy may have advantages also within prisons.

Programmes of deradicalisation and social reintegration of released offenders, such as RIVE and PAIRS indicate that multidisciplinary care plans may be effective in the rehabilitation of radicalised individuals. Yet, due to the relatively short duration of the programmes and lack of comparative analysis with other deradicalisation platforms worldwide, the available data on their success is inconclusive. Further empirical studies are necessary to establish decisive conclusions.

Finally, the public and policymakers must take the critiques of deradicalisation seriously and adjust our current approaches. First, deradicalisation must be understood as a process which is opposed to an ever-increasing employment of state-sanctioned force against “radicalised” populations. Instead, deradicalisation programs must be understood as means to pursue a multifaceted and holistic portrayal of the causes and circumstances in which violent acts take place. Coming to terms with the perpetrators’ process of radicalisation and isolating its motives, deradicalisation must seek to reduce and in some cases prevent violence at the earlier stages of its planning as well as the grievances that instigate it. Most importantly, educational efforts cannot involve surveillance and stigmatisation. Securitisation mechanisms currently employed in French public schools, such as “watch units” responsible for reporting children suspected in radicalisation to law enforcement agencies, are unacceptable and reminiscent of darker precedents of “re-education”.

But efficacy and managerial enhancements are not enough. Deradicalisation has to aim for more than mere decline in politically or ideologically driven violence. Its first commitment must be the preservation of democratic institutions and traditions. Seeking to prevent radicalisation at early stages risks doing so “too early” by designating as potentially dangerous any behaviour that does not fit the socio-cultural mainstream and reaching too far into one’s privacy and beliefs. Incremental expansion of the definition of radicalisation leads to ever-tightening surveillance and increasing limitation of personal liberties. In the short term it may look less draconian than the use of interrogations, administrative arrests or deportation but over time it normalizes vast oppression. Deradicalisation policies must therefore guarantee that attempts to protect France from physical extremist threats and preserve its values of liberty, equality and fraternity stop short from growing into an existential threat to the democratic foundations that protect these very values and these very people.



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## Annex I: Overview of the Legal Framework on Radicalisation & Deradicalisation

Title (original and English) and number	Date	Type of provision	Object/summary of legal issues related to radicalisation	Link/PDF
Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République (act reinforcing respect of the principles of the Republic)	24.08.2021	Primary legislation		<a href="https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778">https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778</a>
Loi n° 2021-998 du 30 juillet 2021 relative à la prévention d'actes de terrorisme et au renseignement (act on the prevention of acts of terrorism and intelligence)	30.07.2021	Primary legislation		<a href="https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043876100">https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043876100</a>
Loi n° 2021-646 du 25 mai 2021 pour une sécurité globale préservant les libertés (act for a comprehensive security preserving freedoms)	25.05.2021	Primary legislation		<a href="https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043530276">https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043530276</a>
Loi n° 2020-1023 du 10 août 2020 instaurant des mesures de sûreté à l'encontre des auteurs d'infractions terroristes à l'issue de leur peine (act establishing security measures against perpetrators of terrorist offenses at the end of their sentence)	10.08.2020	Primary legislation		<a href="https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042225084/">https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042225084/</a>
Loi n° 2020-766 du 24 juin 2020 visant à lutter contre les contenus haineux sur internet (« loi Avia ») (act aimed at fighting hate content on the Internet, aka the Avia act)	24.05.2020	Primary legislation		<a href="https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042031970">https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042031970</a>
Loi n° 2018-1202 du 22 décembre 2018 relative à la lutte contre la manipulation de l'information (act relating to the fight against the manipulation of information)	22.12.2018	Primary legislation		<a href="https://www.legifrance.gouv.fr/oda/id/JORFTEXT000037847559/">https://www.legifrance.gouv.fr/oda/id/JORFTEXT000037847559/</a>

Loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme (act strengthening internal security and the fight against terrorism)	30.10.2017	Primary legislation		<a href="https://www.legifrance.gouv.fr/orf/id/JORFTEXT000035932811/">https://www.legifrance.gouv.fr/orf/id/JORFTEXT000035932811/</a>
Loi n° 2015-1501 du 20 novembre 2015 prorogeant l'application de la loi n° 55-385 du 3 avril 1955 relative à l'état d'urgence et renforçant l'efficacité de ses dispositions (act extending the application of the act on the state of emergency and strengthening the effectiveness of its provisions)	20.11.2015	Primary legislation	Confirmation of declaration of a state of emergency	<a href="https://www.legifrance.gouv.fr/oda/id/JORFTEXT000031500831/">https://www.legifrance.gouv.fr/oda/id/JORFTEXT000031500831/</a>
Décret n° 2015-1475 du 14 novembre 2015 portant application de la loi n° 55-385 du 3 avril 1955	14.11.2015	Executive order	Declaration of a state of emergency	<a href="https://www.legifrance.gouv.fr/oda/id/JORFTEXT000031473404/">https://www.legifrance.gouv.fr/oda/id/JORFTEXT000031473404/</a>
Loi n° 2015-912 du 24 juillet 2015 relative au renseignement (act on intelligence)	24.07.2015	Primary legislation		<a href="https://www.legifrance.gouv.fr/oda/id/JORFTEXT000030931899/">https://www.legifrance.gouv.fr/oda/id/JORFTEXT000030931899/</a>
Loi n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public (act prohibiting concealment of the face in public space)	11.10.2010	Primary legislation	The French "Burqa ban"	<a href="https://www.legifrance.gouv.fr/oda/id/JORFTEXT000022911670/">https://www.legifrance.gouv.fr/oda/id/JORFTEXT000022911670/</a>
Loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique (act for confidence in the digital economy)	21.06.2004	Primary legislation		<a href="https://www.legifrance.gouv.fr/oda/id/JORFTEXT000000801164/">https://www.legifrance.gouv.fr/oda/id/JORFTEXT000000801164/</a>
Circulaire du 18 mai 2004 relative à la mise en oeuvre de la loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics	15.03.2004	Circular	Equality and neutrality in public services	<a href="https://www.legifrance.gouv.fr/orf/id/JORFTEXT000000252465/">https://www.legifrance.gouv.fr/orf/id/JORFTEXT000000252465/</a>

Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics (act regulating, in application of the principle of secularism, the wearing of signs or clothing demonstrating a religious affiliation in public schools, colleges and high schools)	15.03.2004	Primary legislation	Equality and neutrality in public services	<a href="https://www.legifrance.gouv.fr/orf/id/JORFTEXT000000417977/">https://www.legifrance.gouv.fr/orf/id/JORFTEXT000000417977/</a>
Loi n° 90-615 du 13 juillet 1990 tendant à réprimer tout acte raciste, antisémite ou xénophobe (« loi Gayssot ») (act to suppress any racist, anti-Semitic or xenophobic act)	13.08.1990	Primary legislation	Prohibition of racist actions and speech	<a href="https://www.legifrance.gouv.fr/oda/id/JORFTEXT000000532990/">https://www.legifrance.gouv.fr/oda/id/JORFTEXT000000532990/</a>
Loi du 10 janvier 1936 sur les groupes de combat et milices privées [ <b>no longer in force</b> ]	10.01.1936	Primary legislation	Banning of violent associations	<a href="https://www.legifrance.gouv.fr/oda/id/JORFTEXT000000325214/">https://www.legifrance.gouv.fr/oda/id/JORFTEXT000000325214/</a>
Loi du 9 décembre 1905 concernant la séparation des Eglises et de l'Etat (act concerning the separation of Church and State)	9.12.1905	Primary legislation	Separation of Church and State	<a href="https://www.legifrance.gouv.fr/oda/id/JORFTEXT000000508749/">https://www.legifrance.gouv.fr/oda/id/JORFTEXT000000508749/</a>
Loi du 29 juillet 1881 sur la liberté de la presse (act on the freedom of the press)	29.07.1881	Primary legislation	Freedom of the press	<a href="https://www.legifrance.gouv.fr/oda/id/LEGISCTA000006117648">https://www.legifrance.gouv.fr/oda/id/LEGISCTA000006117648</a>
Code de la défense (defence code), Article R*1122-8-2	-	Primary legislation	National counterterrorism center	<a href="https://www.legifrance.gouv.fr/oda/article_lc/LEGIARTI000034940211/2021-06-17">https://www.legifrance.gouv.fr/oda/article_lc/LEGIARTI000034940211/2021-06-17</a>
Code de la sécurité intérieure, Art. L212-1	-	Primary legislation	Dissolution of associations that pose a threat to public safety	<a href="https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000025505191/">https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000025505191/</a>
Code de procédure pénale (criminal procedure code), Art. 138-18	-	Primary legislation	Judicial control after release from prison	<a href="https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000042193456/">https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000042193456/</a>

Code électoral (election code), Article L97	-	Primary legislation	Spread of “fake news”	<a href="https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006353232/">https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006353232/</a>
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## National case law

Case number	Date	Name of the court	Object/summary of legal issues related to radicalisation	Link/PDF
Décision n° 2021-822 DC du 30 juillet 2021	30.07.2021	Conseil constitutionnel	Approving softened reform on monitoring persons convicted of terrorism after their release from prison; combatting terrorism is a legitimate government purpose	<a href="https://www.conseil-constitutionnel.fr/decision/2021/2021822DC.htm">https://www.conseil-constitutionnel.fr/decision/2021/2021822DC.htm</a>
Decision no. 2020-805 DC of 7 August 2020	7.08.2020	Conseil constitutionnel	Striking down reform on monitoring persons convicted of terrorism after their release from prison	<a href="https://www.conseil-constitutionnel.fr/en/decision/2020/2020805DC.htm">https://www.conseil-constitutionnel.fr/en/decision/2020/2020805DC.htm</a>
Décision n° 2020-801 DC du 18 juin 2020	18.06.2020	Conseil constitutionnel	Striking down most of <i>loi Avia</i>	<a href="https://www.conseil-constitutionnel.fr/decision/2020/2020801DC.htm">https://www.conseil-constitutionnel.fr/decision/2020/2020801DC.htm</a>
Decision no. 2018-706 QPC of 18 May 2018	18.05.2018	Conseil constitutionnel	Approval of reform outlawing the “apology for terrorism”	<a href="https://www.conseil-constitutionnel.fr/en/decision/2018/2018706QPC.htm">https://www.conseil-constitutionnel.fr/en/decision/2018/2018706QPC.htm</a>
Decision no. 2017-682 QPC of December 15, 2017	15.12.2017	Conseil constitutionnel	Striking down an offense that aimed to “repress behaviour likely to lead to radicalisation” by criminalising the “habitual consultation of terrorist websites”	<a href="https://www.conseil-constitutionnel.fr/en/decision/2017/2017682QPC.htm">https://www.conseil-constitutionnel.fr/en/decision/2017/2017682QPC.htm</a>
Decision no. 2015-713 DC of July 23, 2015	23.07.2015	Conseil constitutionnel	Approval of security and surveillance measures	<a href="https://www.conseil-constitutionnel.fr/en/decision/2015/2015713DC.htm">https://www.conseil-constitutionnel.fr/en/decision/2015/2015713DC.htm</a>



Decision no. 2010-613 DC of 7 October 2010	07.10.2010	Conseil constitutionnel	Constitutionality of the “burqa ban”	<a href="https://www.conseil-constitutionnel.fr/en/decision/2010/2010613DC.htm">https://www.conseil-constitutionnel.fr/en/decision/2010/2010613DC.htm</a>
Decision no. 2005-532 DC of January 19, 2006	19.01.2006	Conseil constitutionnel	Approval of security and surveillance measures	<a href="https://www.conseil-constitutionnel.fr/en/decision/2006/2005532DC.htm">https://www.conseil-constitutionnel.fr/en/decision/2006/2005532DC.htm</a>
Décision n° 2003-467 DC du 13 mars 2003	13.03.2003	Conseil constitutionnel	Approval of security and surveillance measures	<a href="https://www.conseil-constitutionnel.fr/decision/2003/2003467DC.htm">https://www.conseil-constitutionnel.fr/decision/2003/2003467DC.htm</a>

### Other relevant issues

	Constitutional provisions	Statutory law (statues, rules, regulations etc.)	Important case law	Comments/ issues relevant to radicalisation
<b>Fundamental civil and social rights</b>	<ul style="list-style-type: none"> <li>• Declaration of the Rights of Man and of the Citizen (1789), Arts 2, 17, 6</li> <li>• Preamble to the French Constitution of 1946 (§§5-7, 11, 13)</li> <li>• 2004 Charter for the Environment</li> </ul>		<ul style="list-style-type: none"> <li>• Décision n° 83-165 DC du 20 janvier 1984 (<i>Conseil constitutionnel</i>)</li> <li>• Décision n° 77-87 DC du 23 novembre 1977 (<i>Conseil constitutionnel</i>)</li> <li>• Décision n° 76-70 DC du 2 décembre 1976 (<i>Conseil constitutionnel</i>)</li> <li>• Décision n° 71-44 DC du 16 juillet 1971 (<i>Conseil constitutionnel</i>)</li> </ul>	

<p><b>Freedom of religion and belief</b></p>	<ul style="list-style-type: none"> <li>• French Constitution of 4 October 1958, Art 1</li> <li>• Declaration of the Rights of Man and of the Citizen (1789), Art 10</li> </ul>	<ul style="list-style-type: none"> <li>• Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République</li> <li>• Loi du 9 décembre 1905 concernant la séparation des Eglises et de l'Etat</li> <li>• Loi n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public</li> <li>• Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics</li> <li>• Circulaire du 18 mai 2004 relative à la mise en oeuvre de la loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics</li> </ul>	<ul style="list-style-type: none"> <li>• S.A.S. v. France (GC), application no. 43835/11, judgment, 1 July 2014 (<i>ECtHR</i>)</li> <li>• Décision n° 2012-297 QPC du 21 février 2013 (<i>Conseil constitutionnel</i>)</li> <li>• Decision no. 2010-613 DC of 7 October 2010 (<i>Conseil constitutionnel</i>)</li> <li>• Dogru v. France, Application no. 27058/05, judgment, 4 March 2009 (<i>ECtHR</i>)</li> <li>• Cour de cassation, civile, Chambre sociale, 19 mars 2013, 12-11.690</li> </ul>	
<p><b>Freedom of expression</b></p>	<ul style="list-style-type: none"> <li>• Declaration of the Rights of Man and of the Citizen (1789), Art 11</li> </ul>	<ul style="list-style-type: none"> <li>• Loi n° 2020-766 du 24 juin 2020 visant à lutter contre les contenus haineux sur internet</li> <li>• Loi n° 2018-1202 du 22 décembre 2018 relative à la lutte contre la manipulation de l'information</li> </ul>	<ul style="list-style-type: none"> <li>• Décision n° 2020-801 DC du 18 juin 2020 (<i>Conseil constitutionnel</i>)</li> <li>• TGI Paris, 17 mai 2019, n° 19/53935 (<i>Tribunal judiciaire de Paris</i>)</li> <li>•</li> </ul>	

		<ul style="list-style-type: none"> <li>• Loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique</li> <li>• Loi n° 90-615 du 13 juillet 1990 tendant à réprimer tout acte raciste, antisémite ou xénophobe</li> <li>• Loi du 29 juillet 1881 sur la liberté de la presse</li> </ul>		
<b>Church and state relations</b>		<ul style="list-style-type: none"> <li>• Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République</li> <li>• Loi du 9 décembre 1905 concernant la séparation des Eglises et de l'Etat</li> </ul>		
<b>Surveillance laws</b>		<ul style="list-style-type: none"> <li>• Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République</li> <li>• Loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique</li> </ul>		
<b>Sub-national division of government and indivisibility of the French Republic</b>	<ul style="list-style-type: none"> <li>• French Constitution of 4 October 1958, Arts 72, 72-1, 73, 75-1, 76-77</li> <li>• Organic Law No. 99-209 of March 19, 1999 Relating to New Caledonia (as Amended to December 31, 2009)</li> </ul>	<ul style="list-style-type: none"> <li>• Code général des collectivités territoriales, Arts. L1112-15 - L1112-23</li> <li>• Loi n° 2004-809 du 13 août 2004 relative aux libertés et responsabilités locales, Art. 122</li> <li>• L'Accord de Nouméa (5 mai 1998)</li> </ul>	<ul style="list-style-type: none"> <li>• Decision no. 2001-454 DC of 17 January 2002 (<i>Conseil constitutionnel</i>)</li> <li>• Decision no. 99-412 DC of 15 June 1999 (<i>Conseil constitutionnel</i>)</li> <li>• Décision n° 91-290 DC du 9 mai 1991 (<i>Conseil constitutionnel</i>)</li> </ul>	

<b>Constitutional structure</b>	<ul style="list-style-type: none"> <li>French Constitution of 4 October 1958, Art 34</li> </ul>		<ul style="list-style-type: none"> <li>Decision no. 2013-669 DC of May 17, 2013 (<i>Conseil constitutionnel</i>)</li> </ul>	
<b>Equality</b>	<ul style="list-style-type: none"> <li>French Constitution of 4 October 1958, Art 1</li> </ul>			
<b>Arbitrary detention</b>	<ul style="list-style-type: none"> <li>French Constitution of 4 October 1958, Art 66</li> </ul>			

## Annex II: List of Institutions Dealing with Radicalisation & Counter-radicalisation

<b>Authority</b> (English and original name)	<b>Tier of government</b>	<b>Type of organisation</b>	<b>Area of competence in the field of radicalisation &amp; deradicalisation</b>	<b>Link</b>
National Coordination of Intelligence and the Fight against Terrorism ( <i>Coordination nationale du renseignement et de la lutte contre le terrorisme (CNRLT)</i> )	National	Intelligence and counter-terrorism	Execution of policies relating to prevention of terrorism	<a href="https://www.elysee.fr/cnrlt">https://www.elysee.fr/cnrlt</a>
National Counterterrorism Centre ( <i>Centre national du contre-terrorisme (CNCT)</i> )	National	Counter-terrorism	threat analysis and counterterrorism strategy	<a href="https://www.elysee.fr/cnrlt">https://www.elysee.fr/cnrlt</a>
Inter-ministerial Committee for the Prevention of Crime and Radicalisation ( <i>Comité Interministériel de Prévention de la Délinquance et de la Radicalisation (CIPDR)</i> )	National	Inter-ministerial Committee	Detection and prevention of radicalisation	<a href="https://www.cipdr.gouv.fr/">https://www.cipdr.gouv.fr/</a>
Departmental assessment units ( <i>Groupes d'évaluation départemental (GED)</i> )	National	Internal security (prefecture)	Assessing and monitoring radicalisation in the community	<a href="https://www.dgsi.interieur.gouv.fr/la-dgsi-en-clair/decouvrir-la-dgsi/nos-missions/lutte-contre-terrorisme-et-extremismes-violents-1">https://www.dgsi.interieur.gouv.fr/la-dgsi-en-clair/decouvrir-la-dgsi/nos-missions/lutte-contre-terrorisme-et-extremismes-violents-1</a>
Radicalization prevention and family support units ( <i>Cellules de prévention de la radicalisation et d'accompagnement des familles (CPRAF)</i> )	National	Internal security (prefecture)	Support and assistance to radicalised individuals and their families	<a href="https://www.cipdr.gouv.fr/le-cipdr/reseau-national-les-partenaires-de-terrain/">https://www.cipdr.gouv.fr/le-cipdr/reseau-national-les-partenaires-de-terrain/</a>
Departmental units for the fight against Islamism and community withdrawal ( <i>Cellules départementales</i> )	National	Internal security (prefecture)	Jihadist radicalisation	<a href="https://www.cipdr.gouv.fr/islamisme-et-separatisme-clir/">https://www.cipdr.gouv.fr/islamisme-et-separatisme-clir/</a>

<i>de lutte contre l'islamisme et le repli communautaire (CLIR))</i>				
Defence Intelligence and Security Directorate ( <i>Direction du Renseignement et de la Sécurité de la Défense (DRSD)</i> )	National	Intelligence	Intelligence	<a href="https://www.drds.defense.gouv.fr/">https://www.drds.defense.gouv.fr/</a>
Directorate-General for External Security ( <i>Direction générale de la sécurité extérieure (DGSE)</i> )	National	Intelligence	Intelligence	<a href="https://www.dgse.gouv.fr/en">https://www.dgse.gouv.fr/en</a>
Directorate-General for Internal Security ( <i>Direction générale de la sécurité intérieure (DGSi)</i> )	National	Intelligence	Intelligence	<a href="https://www.interieur.gouv.fr/Le-ministere/DGSi">https://www.interieur.gouv.fr/Le-ministere/DGSi</a>
Military Intelligence Directorate ( <i>Direction du renseignement militaire (DRM)</i> )	National	Intelligence	Intelligence	<a href="https://www.defense.gouv.fr/drm">https://www.defense.gouv.fr/drm</a>
National Directorate for Intelligence and Customs Investigations ( <i>Direction Nationale du Renseignement et des Enquêtes Douanières (DNRED)</i> )	National	Intelligence	Intelligence	<a href="https://www.douane.gouv.fr/fiche/la-direction-nationale-du-renseignement-et-des-enquetes-douanieres">https://www.douane.gouv.fr/fiche/la-direction-nationale-du-renseignement-et-des-enquetes-douanieres</a>
Intelligence processing and action against underground financial circuits ( <i>Traitement du renseignement et action contre les circuits financiers clandestins (TRACFIN)</i> )	National	Intelligence	Intelligence	<a href="https://www.economie.gouv.fr/tracfin">https://www.economie.gouv.fr/tracfin</a>
Anti-terrorism sub-directorate ( <i>Sous-direction anti-terroriste (SDAT)</i> )	National	Police	Prevention and repression of national and international terrorism, including its financial aspects	<a href="https://www.dgsi.interieur.gouv.fr/la-dgsi-en-clair/decouvrir-la-dgsi/nos-missions/police-judiciaire-specialisee/services-judiciaires">https://www.dgsi.interieur.gouv.fr/la-dgsi-en-clair/decouvrir-la-dgsi/nos-missions/police-judiciaire-specialisee/services-judiciaires</a>

Regional directorate of the judicial police of Paris ( <i>Direction régionale de la police judiciaire de la préfecture de police de Paris (DRPJ Paris)</i> )	National	Judiciary	Responsible for increasing efficiency in the fight against organised crime	<a href="https://www.prefecturedepolice.interieur.gouv.fr/presentation/les-directions-et-services/directions-de-police-active/la-direction-regionale-de-la-police-judiciaire">https://www.prefecturedepolice.interieur.gouv.fr/presentation/les-directions-et-services/directions-de-police-active/la-direction-regionale-de-la-police-judiciaire</a>
Sub-directorate of operational anticipation ( <i>Sous-direction de l'anticipation opérationnelle (SDAO)</i> )	National	Intelligence	Intelligence and information mission of public authorities, to the fight against terrorism and to the protection of citizens	<a href="https://www.elysee.fr/en/national-intelligence-and-counter-terrorism-coordination">https://www.elysee.fr/en/national-intelligence-and-counter-terrorism-coordination</a>
National prison intelligence service ( <i>Service national du renseignement pénitentiaire (SNRP)</i> )	National	Intelligence, Ministry of Justice	Intelligence in prisons	<a href="https://www.justice.gouv.fr/le-ministere-de-la-justice-10017/direction-de-ladministration-penitentiaire-10025/">https://www.justice.gouv.fr/le-ministere-de-la-justice-10017/direction-de-ladministration-penitentiaire-10025/</a>
Central office for the fight against crime related to information and communication technologies ( <i>Office central de lutte contre la criminalité liée aux technologies de l'information et de la communication (OCLCTIC)</i> )	National	Police	Prevention of dissemination of online hate	<a href="https://www.police-nationale.interieur.gouv.fr/Actualites/L-actu-police/Plateforme-Signalement-sur-Internet/Decouvrez-l-OCLCTIC">https://www.police-nationale.interieur.gouv.fr/Actualites/L-actu-police/Plateforme-Signalement-sur-Internet/Decouvrez-l-OCLCTIC</a>
Observatory of online hate ( <i>Observatoire de la haine en ligne</i> )	National	Regulatory	Analysing and quantifying the phenomenon of online hate	<a href="https://www.csa.fr/Informer/Toutes-les-actualites/Actualites/Observatoire-de-la-haine-en-ligne-analyser-pour-mieux-lutter">https://www.csa.fr/Informer/Toutes-les-actualites/Actualites/Observatoire-de-la-haine-en-ligne-analyser-pour-mieux-lutter</a>



## Annex III: Best Practices/Interventions/Programmes

### National level

Institution(s)	Aim	Source	Evidence of effectiveness / literature
Centre for Prevention, Integration and Citizenship” ( <i>Centre de prévention, d’insertion et de citoyenneté, (CPIC)</i> ),	Prevention of radicalisation of persons who are yet to engage in criminal terrorist activity	Hecker M, ‘Once a Jihadist, Always a Jihadist? A Deradicalization Program Seen from the Inside’ (2021).	Hecker M, ‘Once a Jihadist, Always a Jihadist? A Deradicalization Program Seen from the Inside’ (2021).
Research and intervention on extremist violence ( <i>Recherche et intervention sur les violences extrémistes: (RIVE)</i> )	Reintegration of persons already convicted of terror-related crimes before or after serving their sentence	Hecker M, ‘Once a Jihadist, Always a Jihadist? A Deradicalization Program Seen from the Inside’ (2021).	Hecker M, ‘Once a Jihadist, Always a Jihadist? A Deradicalization Program Seen from the Inside’ (2021).
Programmes of Individualised Support and Social Reaffiliation ( <i>Programmes d’accompagnement individualisé et de réaffiliation sociale (PAIRS)</i> )	Disengagement” of persons convicted in terrorism and of ordinary detainees suspected of being radicalised from violent radicalisation and prevent the risk of violence while encouraging social reintegration	Hecker M, ‘Once a Jihadist, Always a Jihadist? A Deradicalization Program Seen from the Inside’ (2021).	Hecker M, ‘Once a Jihadist, Always a Jihadist? A Deradicalization Program Seen from the Inside’ (2021).

### Sub-national/Regional level

Institution(s)	Aim	Source	Evidence of effectiveness / literature
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<p>“Mulhouse programme”</p>	<p>Social reintegration of persons undergoing criminal proceedings for involvement in violent crimes</p>	<p>Benbassa E and Troendlé C, ‘Rapport Final de La Mission d’information Sur Le Désendoctrinement, Le Désembrigadement et La Réinsertion Des Djihadistes En France et En Europe, N° 633’ (12 July 2017).</p>	<p>Benbassa E and Troendlé C, ‘Rapport Final de La Mission d’information Sur Le Désendoctrinement, Le Désembrigadement et La Réinsertion Des Djihadistes En France et En Europe, N° 633’ (12 July 2017).</p>
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## Annex IV: Policy Recommendations

- Further empirical studies on the process of social reintegration of released offenders in programmes like RIVE and PAIRS
- The classification of a person as radicalised or in risk to be radicalised should not be translated into differentiated treatment in prison or after their release. Relatedly, deradicalisation programmes should avoid separating between violent extremists and criminal offenders. Their separation in French prisons was shown to be counterproductive and in fact contribute to the radicalisation of suspects by fostering sentiments of alienation and injustice. The success of the Mulhouse programme, which welcomes all persons undergoing criminal procedures and does not have special deradicalisation schemes for political or religious extremists, supports this policy.
- Eradication of security mechanisms in schools. Signs of radicalisation should be detected and treated by school officials like any other concerning or dangerous patterns of behaviour. The pedagogical, administrative, and other qualified staff in schools might require additional training in addressing politically or religiously driven extremism but they must be the only ones involved in deradicalisation efforts in schools. The police and other agencies of the state security apparatus should be called upon only in exceptional cases, equivalent to circumstances that trigger their participation in other types of crime-related activity in schools.
- Clear distinctions must be established by law between strict observance of religious rules, and extremist opinions. The 2021 legislative reform recently passed by the French Parliament creates a dangerous fusion between behaviour that may not but is
- 
- police and the state security apparatus must not be involved in
- deradicalisation French prisons to deradicalise deradicalisation policies in French prisons and success
- The independence of the constitutional Council in balancing the security needs of the state with fundamental rights is crucial to the guaranty of the rule of law and respect of constitutional freedoms.

# Annex V: “Prevent to Protect”: National Plan for the Prevention of Radicalisation (February 2018)

Translated by the authors (S.W.S, R.Z.)

## 1. Guard the minds against radicalisation

### 1.1. Investing in the school

#### 1.1.1. Defending the values of the Republican School

**Measure 1:** Develop support mechanisms for *laïcité* at the national and academic levels, adapting them to local needs. Strengthen training in republican values for teachers and all staff in the educational community.

**Measure 2:** Develop more particularly in sensitive neighbourhoods the “homework” and “Wednesday” [short school day] plans to better support students in their learning, including in media education, during school and extracurricular time.

#### 1.1.2. Improve detection in all schools

**Measure 3:** Distribute in all schools the guide drawn up by the Ministry of National Education for the attention of school heads in order to improve detection even more in institutions under the Ministry of National Education. On the basis of training kits designed and made available by the General Secretariat of the Interministerial Committee for the Prevention of Crime and Radicalisation (SG-CIPDR), train police officers and gendarmes already carrying out prevention and proximity missions with schools to improve actions to prevent radicalisation and the detection of tilt indicators.

**Measure 4:** Distribute the guide and the training courses developed by the Ministry of National Education in maritime, agricultural and military high schools and in apprenticeship training centres (in conjunction with the regions), in order to facilitate the detection and support of the young people being reported. In agricultural education, extend the training provided to management staff, teaching and educational teams, and promote the use of existing tools both internally and externally.

#### 1.1.3. Work in a network in the control of schooling in non-contract educational establishments and of instruction in the family

**Measure 5:** Develop the legal regime governing the opening of private educational establishments not under contract (*hors contrat*) by unifying the three current declarative regimes and improving their efficiency.

**Measure 6:** At the national level, specialise teams of academic inspectors and distribute at the regional level a guide to good practices on the controls of private educational establishments not under contract (*hors contrat*).

**Measure 7:** At the *département* level, set up limited training for the radicalisation prevention unit and support for families (CPRAF), to coordinate checks on private establishments not under contract (*hors contrat*) and on home instruction situations in cases of suspected radicalisation.

Measure 8: In the event of a radicalisation report and under the guidance of the prefect, improve the fluidity of the transmission of information with the mayor and the academic inspectorate. The objective is to ensure the exhaustive nature of the census of children subject to compulsory education and to speed up the implementation of compulsory checks on education in the family. The academic services must ensure that the monitoring of the minor's situation is carried out under the best possible conditions.

#### 1.1.4. Strengthen students' defences

**Measure 9:** Protect students against the risk of radicalization in the digital space and conspiracy theories by systematizing media and information education (EMI), while developing their thinking criticism and the culture of debate.

**Measure 10:** Continue educational training for staff, develop the resources and tools available ([www.eduscol.education.fr](http://www.eduscol.education.fr), [www.reseau-canope.fr](http://www.reseau-canope.fr), [www.cleml.fr](http://www.cleml.fr))

### 1.2. Involve Internet Actors in the Protection of Citizens

#### 1.2.1. Improve the removal of content

**Measure 11:** Effectively curb the dissemination of terrorist propaganda on the internet by supporting the Digital Ambassador in his mission, responsible for conducting direct dialogue with the major digital platforms with the objective of priority is to put in place automatic identification and removal tools so that content can be withdrawn less than an hour after being put online.

**Measure 12:** In the absence of voluntary cooperation from social platforms and networks by May 2018, support a European legislative initiative based on a Commission impact study.

**Measure 13:** Using the IRMa (Internet Referral Management application) system, finalise the construction of a European database of illegal content by Europol.

#### 1.2.2. Fight against algorithmic confinement

**Measure 14:** Support applied research work on algorithmic confinement processes. Contribute to the development of tools to move away from exposure to content likely to encourage radical drift and effectively promote counter-discourse.

### 1.3. Develop the Counter Speech

#### 1.3.1. Mobilize, above all, the actors of civil society in the counter-speech

**Measure 15:** Continue cooperation with Internet actors and support, in particular within the framework of the European Union Forum on the Internet, the efforts of civil society organisations involved in counter-discourse.

**Measure 16:** Develop the training offer and EU support for French-speaking counter-discourse actors within the framework of the European Network for Radicalisation Awareness (RAN) and the International Organisation of the Francophonie (OIF).

**Measure 17:** Encourage republican counter-discourse on several registers (including humorous, artistic and religious) carried by various stakeholders (intellectuals, sportsmen and Internet activists) to various audiences, in particular young people and women.

1.3.2. Pursue a targeted institutional counter-discourse

**Measure 18:** Pursue the development of a targeted institutional counter-discourse, to encourage the reporting of radicalised young people (toll-free number: 0 800 005 696) and illicit content (pharos: <https://www.internetsignalement.gouv.fr>), support parenting support, fight against conspiracy, promote our external military action as part of the fight against terrorist groups and the stabilisation of conflict zones.

**2. Complete the detection/prevention network**

2.1. In the Administrations

**Measure 19:** Concerning public officials exercising missions of national sovereignty, support the ministries in the implementation of the administrative inquiries provided for by article L.114-1 of the code of internal security amended by the law strengthening internal security and the fight against terrorism of October 30, 2017, and the follow-up to be given to them.

**Measure 20:** With regard to other public officials, and more particularly those whose activity puts them in regular contact with minors, initiate a reflection by the Ministry of Action and Public Accounts, in conjunction with the ministries concerned, in particular the Ministry of National Education and the Ministry of Justice, to mobilise and supplement the legal instruments allowing the dismissal of his functions of a public official in contact with audiences over whom he is likely to have an influence, and whose behaviour undermines the obligations of neutrality, respect for the principle of *laïcité*, or even involves risks of engagement in a process of radicalisation. Its conclusions will be submitted before the end of the first quarter of 2018.

2.2. In Territorial Authorities

**Measure 21:** Depending on the local situation, encourage local authorities to appoint referents (elected officials and/or coordinators of local or inter-municipal security and crime prevention councils – CLSPD/CISPD – in order to strengthen and secure the exchange of information with the CPRAFs and improve the systems for detecting, reporting and taking care of radicalised people.

**Measure 22:** Develop a national training framework towards elected officials, intended to be rolled out at the territorial level with a view to intensifying training actions for local officials, in conjunction with the National Center for the Territorial Public Service (CNFPT), the National Council for the training of local elected officials and approved organisations.

2.3. In Sport

**Measure 23:** Develop a common culture of vigilance in the sports field in conjunction with the “radicalisation” referents at the Ministry of Sports. Raise awareness among technical executives of sports federations but also those who organise non-instituted physical and sports activities (bodybuilding, fitness, paintball, air soft, etc.). In addition, sensitise municipal sports directors (national association network of sports facilities and service directors –

ANDIISS – with a view to developing reports within the framework of existing systems with prefects.

**Measure 24:** Integrate prevention of radicalisation to the interfederal training of sports educators and trainers of trainers.

**Measure 25:** Under the local coordination of the department prefect, develop administrative control actions and orient them towards the disciplines and areas affected by radicalisation. As soon as the national radicalisation prevention plan is announced, an interministerial circular (Ministry of the Interior/Ministry of Sports) will be sent to the prefects (decentralised sports services) to remind them of the applicable administrative measures and encourage them to plan controls on “at-risk” territories and disciplines.

**Measure 26:** Identify in each national sports federation a “responsible for citizenship”, in the broad sense, as an intermediary with the decentralised authorities and a point of contact for the internal security forces. Assign a liaison officer (gendarmerie or police) to the Minister of Sports.

#### 2.4. In Private Companies

**Measure 27:** Increase, in conjunction with the State, the awareness of companies, professional federations and consular networks, with the creation of a specific teaching kit, in order to standardise the training offer on the identification of risky situations, the procedures for reporting to the public authorities, and the conditions for their handling in the operation of the company.

**Measure 28:** At the local level, organise the reporting of radicalisation situations with a view to their assessment within the framework of departmental assessment groups (GED) and possible support within the CPRAF.

**Measure 29:** Strengthen the coordination between the prefectures and the regional directorates of enterprises, competition, labour and employment (DIRECCTE) on the subject of radicalisation, by systematising the appointment of a referent for the prevention of radicalisation in the DIRECCTEs and by stepping up the mobilization of the DIRECCTEs to support care within the CPRAFs.

**Measure 30:** Raise the awareness of the social partners gathered within the National Commission for Collective Bargaining (CNNC), on an annual basis, so as to advance in the prevention of radicalisation in the workplace by associating trade unions and employers' organisations, which would join as necessary, the State services responsible for the prevention of radicalisation (SG-CIPDR and Ministry of the Interior).

#### 2.5. In Higher Education and Research

**Measure 31:** Develop the awareness of personnel in higher education and research structures about the phenomenon of radicalisation. Provide them with tools and training to facilitate the detection and reporting of radicalisation situations.



**Measure 32:** Encourage the systematisation of “radicalisation” referents in higher education establishments, as well as the participation of university presidents and school directors in CPRAFs.

### **3. Understand and anticipate the evolution of radicalisation**

#### 3.1. Anticipate the Reconfigurations of the Jihadist Threat and Their Impact on Our Territory, Including in the Overseas Departments and Authorities

**Measure 33:** Establish a network associating the cells of foresight of the Ministries of Europe and Foreign Affairs of the main European countries and neighbouring overseas territories concerned, in order to share prospective analyses and assessments of the phenomenon of radicalisation.

**Measure 34:** Taking into account territorial dynamics, including overseas, define priority research axes on radicalisation issues within the framework of the Scientific Council on Radicalisation Processes (COSPRAD), by increasing the number of platforms for exchanges between researchers, public decision-makers and professionals (educators, sports world, social workers, mental health professionals, religious leaders, etc.).

#### 3.2. Develop Applied Research on Changes in the Radicalisation Process

**Measure 35:** Allow researchers and scientists specialising in the prevention of radicalisation to have access to certain information extracted from the FSPRT. A secure authorisation procedure and conditions respecting the rights of individuals and the confidentiality of data and operational information will be established for this purpose.

**Measure 36:** Mobilise all the options for the financing of doctorates for the benefit of the prevention of radicalisation, within local authorities and companies. Strengthen support for teams in putting together their applications for European funds (H2020) on understanding radicalisation.

**Measure 37:** Organise research and clinical meetings in psychology and psychiatry on radicalisation and promote the dissemination of good practices.

### **4. Professionalise local actors and evaluate practices**

#### 4.1. Encourage the Involvement of Health, Social Work and Women's Law Professionals

##### 4.1.1. Mobilisation of mental health professionals

**Measure 38:** Strengthen the relationship between regional health agencies. health (ARS) and the prefectures on the link between mental health and prevention of radicalisation, via framework agreements specifying the role of each. Encourage the generalisation of good practices in the territories, in particular those relating to the support provided by mental health professionals. In the prefectural unit and depending on the needs expressed, promote the presence of health and/or mental health professionals alongside the ARS referents.

**Measure 39:** Update the existing provisions relating to access and retention of sensitive data contained in the application for the management of persons subject to psychiatric care without consent (HOPSY).

##### 4.1.2. Strengthening the mobilisation of large associative social work networks

**Measure 40:** Under the aegis of SG-CIPDR, produce a common guide to benchmark professional practices in the prevention of radicalisation for the benefit of large associative social work networks.

#### 4.1.3 Mobilisation of the women's rights network

Measure 41: Associate the territorial teams with women's rights and equality, and their associative network, in the device for preventing radicalisation and monitoring radicalised people.

### 4.2. Strengthen the Follow-up of Actors Involved in Measures to Prevent Radicalisation

#### 4.2.1. Develop and structure the training of actors

**Measure 42:** Include in the training "Values of the Republic and *Laïcité*" of the General Commission for Territorial Equality, a specific module on the prevention of radicalisation.

**Measure 43:** Establish a mapping of training offers by categorising them (targets, duration, costs, topics covered) and draw up specifications for training organizations on the prevention of radicalisation (SGCIPDR).

#### 4.2.2. Increase the monitoring and control of care providers

**Measure 44:** Define in a specification, the criteria relating to the systems of care for individuals and support for families.

**Measure 45:** Set up a committee of funders to monitor actions supported to prevent radicalisation and share evaluations of the actions implemented.

### 4.3. Develop the Involvement of Territorial Authorities in Treatment

**Measure 46:** Develop cooperation actions between local authorities and State services in the care of people showing signs of radicalisation, as well as in the support for their families. Rely on the district sub-prefects and prefect delegates depending on the situation, in conjunction with the CPRAFs as well as local social operators, in particular family allowance funds and local missions.

**Measure 47:** Strengthen the action of *départements* councils in monitoring children of families returning from areas of operations of terrorist groups in connection with the CPRAF at the local level and the SG-CIPDR at the national level.

**Measure 48:** Generalise radicalisation prevention plans within the framework of city contracts and ensure their articulation with territorial crime prevention strategies as well as the adaptation of departmental plans and local security contracts or territorial strategies for prevention of radicalisation.

### 4.4. Develop the Evaluation Through the Feedback from International Experience and the Mobilization of Scientific Expertise

#### 4.4.1. Mobilise scientific expertise

**Measure 49:** Mobilise action research expertise in the evaluation of the prevention of radicalisation to capitalise on local experiences and list good practices.

#### 4.4.2. Share feedback from international experience

**Measure 50:** Develop exchanges with our foreign partners on the implementation of their national plans to prevent radicalisation, by particularly assessing the effectiveness of prevention and disengagement measures our European and Indian Ocean partners.

**Measure 51:** Set up a European resource centre on the prevention of radicalisation, based on existing structures.

## **5. Adapt disengagement**

### **5.1. The Reintegration of Minors Returning from Areas of Operation of Terrorist Groups**

**Measure 52:** Coordinate the establishment of interdisciplinary training to strengthen the professionalisation of actors in the care of these minors, under the aegis of the SG-CIPDR in connection with all the public service schools.

**Measure 53:** In conjunction with local prosecutors, centralise information at the Paris prosecutor's office on minors returning from the area of operations of terrorist groups, in order to facilitate the taking into account of the situation of parents in court, and to instruct them in need regular assessments of the situation of minors to provide the means for long-term monitoring.

**Measure 54:** Ensure, locally, within the framework of the CPRAF, the coordination of all the actors concerned, including the Ministries of National Education and Health. Develop long-term social and medico-psychological monitoring of children returning from areas of operations of terrorist groups by mobilising the mapping of available child psychiatric resources that can be mobilised under the control of the children's judge.

### **5.2. Monitoring Radicalised Detained Groups**

**Measure 55:** Develop evaluation capacities for radicalised detainees:

- by the creation of four new radicalisation assessment quarters (QER), one of which will be reserved for the assessment of detainees.
- for women prisoners, by strengthening multidisciplinary evaluation by support pairs.
- for minors, by reinforcing, under the supervision of the judge, the multidisciplinary evaluation by judicial measures of educational investigation (MJIE) or by the evaluation carried out within the framework of the continuous intervention of the educational services of the PJJ [judicial protection of youth] in detention.

**Measure 56:** Design and distribute neighbourhoods for the care of radicalised persons (QPR) on the territory to accommodate, after their assessment, radicalised adult prisoners and proselytes requiring appropriate and separate care from ordinary detention. Adapt the specific detention regime for terrorist and radicalised detainees by providing at the end of 2018 at least 450 places under tight management (isolation quarters (QI), QER, QPR and specific quarters).

**Measure 57:** Develop programs to prevent violent radicalisation in all establishments likely to accommodate detainees prosecuted for acts of Islamist terrorism. Strengthen the identification and management of psychological

disorders in radicalised detainees by support pairs (psychologists and educators), in line with the national detainee health strategy.

#### 5.3. Individualized Care Centres for Radicalised or on the Path of Radicalisation Placed Under Justice

**Measure 58:** Create three new individualised care centres for people who are radicalised or in the process of radicalisation, placed under the supervision of justice, from the system tested in Ile de France, Lille, Lyon and Marseille, piloted by the Ministry of Justice, to implement efficient individualised educational, psychological and social care, with a religious referent.

#### 5.4. Strengthened Support and Follow-up in Support of These Centres and on Dismissal

**Measure 59:** For this multidisciplinary support, mobilise all the actors concerned at the local level, in particular for the professional integration dimension, under the joint coordination of the *département* prefects and public prosecutors, in conjunction with the security services. For those undergoing criminal processes not followed in such centres, and for prisoners at the end of their sentence, anticipate the end of the judicial follow-up and mobilise these local actors to facilitate their reintegration. For juvenile prisoners, ensure the continuity of the educational intervention and prepare for the release as part of an individualised and containing project.

#### 5.5. Feedbacks and Sharing of Experience

**Measure 60:** Organise feedback and sharing of experiences between the services of the Ministry of Justice and the SG-CIPDR with regard to the support of the various underhand audiences of justice in the programs of prevention of radicalisation.

## Annex VI: Action plan against terrorism (July 2018)

Translated by the authors (S.W.S, R.Z.)

### 1. Know: better identify and understand the terrorist threat and its developments

*Intelligence is a fundamental component in the fight against terrorism. Intelligence efforts will be more effective the better they are coordinated. This is the mission of the National Intelligence and Counterterrorism Coordinator (CNRLT), both within the French intelligence community, and on the international scene, bilaterally with partner countries, and within the European Union. For its part, the General Directorate of Internal Security sees its role as operational leader consolidated.*

**Action 1:** *Strengthen the operational management of the fight against terrorism by the General Directorate of Internal Security (DGSI).*

In line with the strategic coordination mission entrusted to the national coordinator of intelligence and the fight against terrorism (CNRLT) since June 2017, the DGSI will ensure the operational coordination of intelligence, judicial investigations under the authority of magistrates, and strategies of national and international cooperation of the Ministry of the Interior in counterterrorism matters. The mission letter sent by the Minister of the Interior to the Director General of Internal Security sets the Government's expectations in terms of the fight against terrorism, and the operational coordination prerogatives of the DGSI in a logic of continuum between international and endogenous threats.

**Action 2:** *Set up a unit to profile the perpetrators of terrorist attacks and identify the factors leading to them.*

This inter-service unit will conduct a study on the characteristics common to the perpetrators of attacks or attempted attacks in order to identify objective criteria of dangerousness in radicalised individuals and to shed light on the processes underlying the tipping of one or more individuals into terrorism. This action will be based on an inventory of publications already produced in France by researchers or by private or public bodies and on work carried out in other European countries.

**Action 3:** *Structure the prison intelligence service with national competence.*

The integration of prison intelligence (PR) as a service of the national intelligence community reflects the major stake represented by the monitoring of persons undergoing criminal procedures (PPSMJ) in the context of the fight against terrorism, both serving secure and open sentence. Constantly growing and recognised by its peers, the PR has reached a level in its development which calls for new measures, particularly organisational measures. The long-term development of penitentiary intelligence also involves the creation of a specific professional stream offering all the officers of the service an adequate career and statutory development and by a budgetary effort: 108 posts will be created between 2018 and 2020 in within the framework of the programming law.

**Action 4:** *Prepare for the evolution of security technologies and the adaptation of their legal framework.*

The ever-accelerating proliferation of innovation in digital technologies and their uses affects the methods of exercising internal security as well as all public action. In this context, it is imperative that the State constantly adapts its posture, to detect new risks, weaknesses, terrorist threats or criminal uses linked to technological change, but also, conversely, to seize technological opportunities to strengthen its own resources of action and protection of the population and to anticipate appropriate legal adaptations. A mission of analysis and proposals on changes linked to digital transformation in the field of internal security is entrusted to the ministerial coordinator for artificial intelligence.

**Action 5:** *Strengthen and systematise experience feedback (RETEX) and the continuous improvement process.*

The CNRLT was tasked with designing and implementing an experience feedback method which brings together all the services concerned – intervening services, intelligence services and investigative services – and which no longer relates only to successful attacks, but also to incidents, foiled or failed actions. These systematic feedbacks are conducted by the CNRLT.

## **2. Obstruct: preventing and preventing acting out**

*Relying on a better knowledge of the threat, prevention of taking action also relies on anticipating releases from prison and on international initiatives against the financing of terrorism and for conflict resolution.*

**Action 6:** *Create a permanent unit to monitor prisoners leaving prison.*

Almost 10% of Islamist terrorist detainees (TIS) 2 and more than a third of common law detainees susceptible to radicalisation (DCSR) 3, whether they are convicted or sentenced, are released by the end of 2019, and more than 80% of the 143 TIS already sentenced will be sentenced by 2022. These individuals have various profiles for which the security challenges posed are multiple: proselytism, short-term threat represented by impulsive profiles, medium and long-term threat relating to planned attacks or even attempted redeployment to jihad zones abroad. A system of anticipation and taking into account by the services of the exits of these individuals is necessary to prevent possible acts of a terrorist nature. A permanent unit will be created within UCLAT with prison intelligence officers.

**Action 7:** *Strengthen judicial control.*

Compliance with the obligations and prohibitions imposed on persons indicted for acts of terrorism and placed under judicial supervision or under house arrest under electronic surveillance (ASS) is of major importance. Failure to comply with this type of control requires a systematic judicial response. A working group bringing together representatives of the courts, the Ministry of Justice and the Ministry of the Interior is responsible for identifying and proposing ways to improve the channels for disseminating and exchanging information, with a modernisation of existing tracking files. These recommendations will be the subject of an interministerial instruction in September. It will also be necessary to identify the conditions for a more frequent use of house arrest under mobile electronic surveillance (ARSEM).

**Action 8:** *Strengthen the enforcement of anti-terrorist sentences.*

There are currently two anti-terrorism enforcement judges (JAPAT) in Paris. A specific service will be created headed by a first vice-president, made up of three specialised magistrates. This will make it possible to position this service in a logic of clearer coordination with the entire anti-terrorist criminal chain.

#### FIGHT AGAINST THE FINANCING OF TERRORISM

##### *At the national level*

**Action 9:** *Consolidate the mechanism for freezing assets for anti-terrorism purposes.*

Our system for designating and monitoring natural or legal persons linked to terrorism likely to be the subject of national, European or international anti-terrorist asset freezing measures has been improved. This has resulted in a significant increase in the number of people sanctioned: 189 asset freezes are currently in force.

**Action 10:** *Continue the policy of suspending social benefits.*

In conjunction with the Ministry of Solidarity and Health, the Ministry of the Interior (DGSI) reports to social security organizations information relating to the confirmed departure of individuals from French territory for a conflict zone in order to join terrorist groups. Social security bodies are able to suspend the payment of benefits to these people. The particular monitoring carried out by social security organisations of individuals reported by the DGSI provides the latter with an additional source of information on the possible return to the national territory of individuals who have left for a jihad zone.

##### *At the international level*

**Action 11:** *Follow up on the commitments made in the various competent forums,*

in particular during the international conference on the fight against the financing of terrorism “No Money for Terror” on April 25 and 26, 2018, which brought together Paris more than 70 states and 15 international and regional organizations. France is mobilizing its partners to encourage the implementation of the Paris commitments and keep the fight against terrorist financing at the heart of the priorities of international forums: the UN, the Council of Europe, the G7, the G20 and the FATF.

**Action 12:** *Make the fight against terrorism a priority for the French presidency of the G7.*

France will assume the presidency of the G7 in 2019. This opportunity must be seized to ensure that the G7 maintains a high level of ambition in the fight against terrorism and to mobilise our partners on the priorities linked to this issue, in particular the fight against the financing of terrorism following on from the international conference on the fight against the financing of terrorism “No Money for Terror” which was held in Paris on April 25 and 26, 2018.

#### PUTTING DIPLOMATIC ACTION AT THE SERVICE OF THE CONFLICT RESOLUTION AND CAPACITY BUILDING IN VULNERABLE STATES

**Action 13:** *Contribute to the reform of the security sector, training and equipping the security forces of the most vulnerable states.*



The actions carried out must allow partner states to restore their authority in areas where they are currently no longer able to ensure their presence. The support provided by France thus aims to strengthen the territorial network, to develop the intervention capacity of States in complex situations, as well as to develop advanced know-how in matters of intelligence and investigation both on the Internet and in the area of financial flows. Our support is based on the principle that intelligence missions, investigations, arrests and judicial follow-up must comply with the rules and practices of the rule of law. Our action also aims to ensure that the defendants receive a fair criminal trial following the judicial investigation.

### **3. Protect: strengthen risk reduction policies**

*The national security strategy primarily aims to protect the French population, national territory and interests, including abroad, against all risks and threats. A better knowledge of the terrorist threat and its evolutions makes it possible to adapt the risk reduction policies coordinated by the public authorities in conjunction with private operators, communities and the population.*

**Action 14:** *Develop a common culture of safety within society.*

The objective is to increase the level of vigilance of all actors in society, whether public or private, and to involve them more in acquiring the right reactions, in order to contribute directly to the fight against terrorism and the resilience of the Nation. This requires combining and coordinating the efforts of the public authorities and private operators, in particular through the national security dialogue with the country's active forces and representatives of the directors of security and safety in the private sector. The distribution of good practice guides intended for managers of schools, shopping centres and museums illustrates this action. A new dissemination campaign is planned for the start of the school year.

**Action 15:** *Optimise the contribution of the armed forces and operational reserves to the protection of the national territory in the face of the terrorist threat.*

As part of "Sentinel", the employment of the armed forces in field missions will be optimised in view of the evolution of the threat and their complementarity with the internal security forces. This adaptation, which is permanent in nature, is also accompanied by a strengthening of the employability of operational reserves and the capacity to mobilise them.

**Action 16:** *Strengthen the protection of sensitive sites and the development of security technologies.*

The common point of sensitive sites, which include points of vital importance as well as Seveso-classified industrial installations, and vulnerable places such as establishments open to the general public, is that they constitute targets of interest for terrorists. This is why their vulnerability should be reduced by implementing risk reduction policies. This requires combining and coordinating the efforts of public authorities and operators and calling on security technologies adapted to needs, in order to increase the capacities of human resources. The Security Industries Sector Committee (CoFIS) will provide innovative options on this point.

**Action 17:** *Facilitate compensation for victims of terrorism.*

It is foreseen in the programming bill for justice, the creation of a judge specifically dedicated to the compensation of victims of acts of terrorism (JIVAT). This judge will be attached to the Paris First Instance Court and will have national jurisdiction. This will make it possible to unify the case law on the recognition of the quality of victim of terrorism and the various rights attached to it, and to streamline their compensation process. Magistrates dealing with legal proceedings opened for acts of terrorism will thus be able to concentrate exclusively on criminal investigations. In addition to the creation of JIVAT, various measures will strengthen the guarantees provided for in the amicable phase of expertise before the FGTI: constitution of a national list of experts specializing in the assessment of bodily injury, mission-type of expertise, reinforcement of the adversarial aspect in the procedure conducted by the FGTI.

**Action 18:** *Consolidate administrative security investigations.*

In a context of a high terrorist threat, linked in large part to the phenomenon of violent radicalization, administrative security investigations, carried out in particular on the basis of Articles L. 114-1 and L. 114-2 of the Internal Security Code, participate in securing access to sensitive places or functions. Three areas of effort must be pursued: broaden the scope of administrative inquiries to include sensitive functions carried out within the framework of activities of vital importance, draw the consequences on the employment relationship from a notice of incompatibility and optimise the procedures of investigation in order to increase their efficiency. In addition, the administrative investigations carried out by the Ministry of the Armed Forces in application of Article L. 114-1 will be handled by the SNEAS, whose rise it will support. In this context, the Ministry of the Armed Forces will benefit from access to the ACCReD platform. This work will be carried out in parallel with the implementation of measure 19 of the national plan for the prevention of radicalisation, which aims to define an interministerial doctrine on administrative inquiries relating to radicalized public officials exercising missions of sovereignty or falling within the scope of security or defence.

**Action 19:** *Anticipate the response to emerging threats – nuclear, radiological, biological, chemical, explosives and drones.*

It is necessary to anticipate the possible malicious use of biological agents or toxic substances. To be more effective, measures to restrict general public access to explosives precursors and to combat the diversion and theft of explosives will be strengthened. With regard to the development of civilian drones, it is also necessary to reduce the risk of malicious use of drones of the commercial range by the gradual deployment of active neutralisation devices.

**Action 20:** *Strengthen the protection of French communities and influence abroad.*

France is represented abroad by the third diplomatic and consular network in the world (around 500 sites), the first cultural network (nearly 500 sites of French institutes, around 40 research institutes and more than 400 Alliances Françaises) and the first school network (500 schools of various statutes), to which are added the sites belonging to other ministries or administrative entities (French Development Agency, Research Institute for Development, Business France, etc.). The Ministry for Europe and Foreign Affairs, as part of its mission to protect the French all over the world, takes into account in its investment priorities and in its local organisation, the increase in the

level of the terrorist threat. aimed directly at French interests or more broadly at places frequented by tourists or Westerners.

**Action 21:** *Support the stabilisation of crisis areas and countries most affected by radicalisation phenomena.*

In line with its emergency action, France will step up its action in countries in crisis and/or emerging from crisis to support the transition processes and lay the foundations for reconstruction and development. This support for the process of ending the crisis must support more particularly the countries affected by the phenomenon of radicalization, in particular in the Middle East, in North Africa and in the Lake Chad Basin, in order to actively fight against terrorism.

#### **4. Punish the perpetrators of terrorist offenses**

**Action 22:** *Create a national anti-terrorism prosecutor's office (PNAT).*

The creation of a national anti-terrorism prosecutor's office in the organic bill accompanying the justice programming bill will strengthen public action in the fight against terrorism. Anti-terrorism activity has in fact taken a preponderant part in the activity of the public prosecutor of Paris and it appears essential to allow a prosecutor to devote himself full time to the fight against terrorism. This mission requires, in fact, continuous exchanges in order to properly articulate an administrative response and a judicial response. It requires a strong and embodied presence.

It also seems necessary in this very specific area for a prosecutor to bring the accusation of the investigation to the Court of Assize, whereas currently it is the prosecutor's office of the Paris Court of Appeal which holds the seat of the public prosecutor at the Court of Assize. The proposed solution overcomes this difficulty since the PNAT will also manage criminal terrorist cases before the special assize court, which gives full coherence to public action.

The PNAT will be competent for the terrorist offenses mentioned in article 706-16 of the Code of Criminal Procedure but also for border offenses and crimes against humanity and war crimes and offenses, which concern the same areas (Syria and Iraq in particular), the same interlocutors (DGSI, DGSE, DRM, DRSD and staff of the armed forces) and require unique investigative techniques requiring mastery of international cooperation mechanisms.

This device will ensure a real network with the territorial prosecution.

**Action 23:** *Deepen the training of magistrates in the fight against terrorism.*

Starting in November 2018, the National School for the Judiciary will host a new training cycle, the "In-depth counterterrorism course" which will include various training modules, spread over one year. This in-depth program is intended to instil a real culture of the fight against terrorism and to provide the most effective tools to those involved in this fight. This training is intended for anti-terrorist magistrates from the seat as well as from the prosecution but will also be open to members of institutions working in the field of anti-terrorism, including in particular the staff of the prison administration and the ministries of the interior and the armed forces. This training will also include an international dimension with exchanges between European anti-terrorist judges.

#### **5. Europe that protects**

*The European Union is an area of freedom and prosperity. It is also an area of solidarity and security that must be further strengthened in the face of the terrorist threat. It is more than ever necessary to optimize the synergy between the European countries, the institutions and the agencies of the Union. France is playing a leading role in this direction.*

**Action 24:** *Promote the creation of a European Intelligence Academy.*

This academy, announced by the President of the Republic at the Sorbonne in September 2017, will be set up within a European intergovernmental framework. It will provide thematic sessions bringing together intelligence practitioners around topics of common interest in a dynamic of feedback or experience sharing as well as dedicated training, in the form of awareness sessions bringing together a public outside the intelligence world (senior national and European officials, business leaders, etc.). The goal is to hold a first awareness session in the first quarter of 2019.

**Action 25:** *Strengthen the border control capacities of the European Union.*

The strengthening of border control capacities in the European Union is based on new databases and information systems such as PNR (Passenger Name Record), ETIAS (European Travel Information and Authorization System) or even SES (Entry-exit system) that France wishes to extend to beneficiaries of the free movement of persons (RUE - Nationals of the European Union - and long-stay permits). It is also articulated with reinforced systems such as SIS II (Schengen Information System), VIS (Visa information system) or EURODAC (Database for the comparison of fingerprints of asylum seekers) as well as with future more secure identity documents. Interoperability thus creates synergies between these systems according to the hit/no hit principle under the aegis of the EU-LISA agency (European Information Systems Agency). Ultimately, this set will strengthen the control and registration capacity at the external borders in order to better guarantee the security of European citizens within the area of free movement.

**Action 26:** *Fight against the financing of terrorism.*

Following the attacks of 13 November 2015, the Commission unveiled in February 2016 an action plan dedicated to the fight against the financing of terrorism, which is partially implemented. The project consists of the revision of the 4th anti-money laundering directive, measures on the confiscation of criminal assets and two proposals: one for a regulation relating to the recognition of orders to freeze and confiscate these assets, and one for a directive on the exchange of information between financial intelligence units and law enforcement authorities. In addition, a proposal for a so-called "Cash Control" regulation relating to the control of cash entering or leaving the Union and a proposal for a regulation relating to the import of cultural goods as well as the study of the implementation a possible European system (TFTS) are being examined to supplement the existing agreement with the United States on the Terrorist Finance Tracking Program. France has been a pilot in the field since the international conference in Paris in April 2018 "No Money for Terror".

**Action 27:** *Fight against trafficking in firearms and explosives.*

The use of small arms and light weapons by terrorists in the Paris attacks highlighted the importance of regulating the legal arms market. A new directive on the acquisition

and possession of firearms entered into force in May 2018. It aims to tighten the rules for the acquisition and possession of certain categories of particularly lethal weapons, in particular semi-automatic, by more strictly regulating exemptions for certain categories of people (sports shooters, collectors, etc). The work for its transposition into French law must be completed by 14 September 2018 at the latest. The publication of the decree of 29 June 2018 constitutes a stage of this transposition. Three other decrees must be adopted. In addition, the revision of implementing regulation 2015/2403 relating to common standards for the neutralization of weapons should lead to adoption in October 2018.

**Action 28:** *Strengthen the removal of illegal content of a terrorist nature.*

The fight against illegal content on the Internet is one of the great contemporary challenges. Important actions have already been launched at European level. Partnership frameworks have been put in place with the major Internet players to improve the identification, removal, and delisting of this content. This cooperative approach produces results, but also reaches its limits. The work of the Internet Forum shows in particular that the progress observed varies from one platform to another, that few of them include in their general conditions of use warnings about the content promoting the terrorism, and that they do not take into account the small archiving platforms on which there is an influx of terrorist content. France is committed with other European partners such as Germany and the United Kingdom in favour of the launch of a legislative initiative imposing obligations on Internet players with regard to the removal of illegal content of a terrorist nature in first. The European Commission has issued a recommendation to this effect.

**Action 29:** *Strengthen the European civil protection system.*

The emergence of a European civil protection force is an objective supported by France. As a first step, the reform of the European Civil Protection Mechanism provides for a new European intervention capacity, the RescEU, which would intervene as a last resort. The question of increased pooling also arises during the next multiannual financial framework (MFF) 2021-2027. In this regard, France emphasises the consistency of bringing together all the resources dedicated to civil protection within the same mission "Guaranteeing the security of Europeans". In accordance with French wishes, civil protection benefits from a tool dedicated to crisis management, within the framework of the post 2020 MFF.

**Action 30:** *Improve the protection of victims of terrorism within the European Union.*

Solidarity, assistance and compensation for victims of terrorism and their families are an integral part of the response to terrorism at national and European level. The European Union has already put in place a legal framework to support and protect victims across Europe. The Victims' Rights Directive provides a set of enforceable rights for all victims of crime, including rights to protection, support and assistance which take into account the individual needs of each victim. The directive of 15 March 2017 on the fight against terrorism provides for measures that more specifically meet the needs of victims of terrorism. Building on the existing EU legal framework, the aim is to promote effective cooperation between the authorities and entities responsible for the protection of victims of terrorism in order to facilitate the rapid exchange of

information, assistance in the event of a terrorist attack and a harmonized compensation scheme.

**Action 31:** *Make European industry a player in the security of the Union.*

The evolution of threats and risks but also ever stronger international competition necessitates relaunching an initiative in order to structure European industry, on the one hand, around a few major flagship projects for the protection of European citizens, and on the other hand, by preserving European autonomy over critical security and cybersecurity technologies. The objective will ultimately be to launch several capacity acquisition programs on four priorities with the dual challenge of strengthening the security of the Union and offering the opportunity to European manufacturers to develop a domestic market at the scale of the European Union:

- securing the borders of the Schengen Area;
- digital transformation and interoperability of security forces;
- protection of critical transport and energy infrastructure;
- securing the smart city.

**Action 32:** *Promote the central European register hosted by Eurojust in matters of terrorism.*

France is proposing the creation of a European anti-terrorism register (or European order office). This proposal, which excludes the attribution of operational powers to Eurojust, aims to centralize judicial information in terrorism matters, in particular on the identity of convicted persons as well as that of suspects in ongoing investigations. Eurojust would be given a new, more proactive mission at the service of the judicial authorities of the Member States, by carrying out analyses at Union level and by informing them of any links between their investigations and those underway in other cases. other Member States. This register could thus constitute a first step in improving the European judicial response to terrorism. It will thus make it possible to assess the role that a European public prosecutor's office may have in the long term in this area.