

# Macron's Authoritarian Turn?

## The Potential Impact of *'la loi relative à la sécurité globale'* on Civil Liberties in France

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(Julien Mattia - Anadolu Agency)

Over the course of the Macron presidency, France has seen what almost seems like a continuous wave of popular demonstrations. This policy outlook examines the contents and implications of *'la loi relative à la sécurité globale'*, the comprehensive security law that has sparked the most recent display of anti-government anger. The outlook analyses some of the most controversial components of the bill, including a clause that partially bans the filming of police officers, and positions them within a broader political shift in the country.

## Background

On November 24<sup>th</sup>, the French National Assembly voted to approve la proposition de loi relative à la sécurité globale (comprehensive security law). Within [hours](#), thousands across Paris and several other French cities took to the streets in a widespread display of opposition to the draft law. While similar scenes of civil unrest have become a familiar sight in France over the last few years, this new bill has garnered a particularly strong reaction from parties both inside and outside of the country due to the inclusion of several controversial articles. Namely, [Article 24](#) of the draft law criminalises “disseminating, by any means or medium whatsoever, with the aim of harming their physical or mental integrity, the image of the face or any other identifying element of an officer of the national police or member of the national gendarmerie when acting during a police operation.” The [21<sup>st</sup> and 22<sup>nd</sup> articles](#) of the proposed security legislation also expands the police and the gendarme’s access to live surveillance of the public and authorises the use of drones in public spaces.

Widespread public opposition to the draft law has stemmed from several concerns. Several human rights organisations and NGOs, including Reporters Without Borders, Amnesty International France, and the Human Rights League, have raised fears that Article 24 may limit press freedom and the rights of journalists in France. There is concern that the proposed policy could lead to legal restrictions on domestic and foreign journalists’ ability to work, particularly regarding reporting on the police and the gendarme. The French press has largely echoed these concerns. Notably, the editorial team of French paper Le Monde [published](#) a strong denouncement of the draft law, arguing that, “by fear of conviction, the media may refrain from broadcasting images of incidents with police officers.” Other publications have joined Le Monde in insisting that the vague language of Article 24 allows police to interpret legitimate journalism as a threat to their safety and target the press. Moreover, concerns that the law may set a worrying precedent for civil liberties prompted the Commission Nationale Consultative Des Droits de L’homme, the governmental [body](#) responsible for protecting human rights in France, to vocalise opposition to the government proposal. The EU Commission, in a rare act, also felt compelled to [‘remind’](#) the French government that it must pass its laws in compliance with EU law, while several UN special rapporteurs have gone so far as to deem Article 24 entirely [“incompatible”](#) with international law and human rights.

Within France, many who oppose the draft law consider it as the government’s public declaration that it will continue to prioritise police protection over accountability. This fear stems from a demonstrated lack of oversight within the national police force that already exists, particularly concerning matters of abuse of power and violence. [L’inspection générale de la Police Nationale](#) (IGPN), the body responsible for oversight of the national police, has regularly been questioned for both its independence and effi-



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cacy. The IGPN, [unlike](#) equivalent entities in many other EU-member states, is primarily made up of former police officers. The agency’s head is also both appointed by and held accountable to the Interior Minister. Thus, many argue that the IGPN has a structural predisposition to favour both the interests of the government and the national police force, potentially at the cost of the public. The IGPN has come under increased scrutiny in the last several years in the wake of the Gilets Jaunes protests. Since the start of the movement, IGPN investigations into hundreds of cases of potential police violence have been opened and [failed](#) to lead anywhere. And while the IGPN is now at the forefront of the public’s ire, the lack of accountability within the French national police force has been noted by several human rights organisations for over a decade. In 2009, Amnesty International published a comprehensive [report](#) that found the police were free to act in a state of complete “impunity”.

Within this context, the draft law – and Article 24 in particular – was presented to the French national legislature and met with widespread public outrage in the form of continuous and highly visible protests. In response to these demonstrations, French President Macron and members of La République en Marche (LREM) party promised that [changes](#) would be made to the draft law. Yet, as events continue to unfold, there is still ambiguity concerning the intentions of the President and LREM, particularly with regards to the language of the draft law and its impact on civil liberties.

As of December 12<sup>th</sup>, protests, and widespread arrests of citizens continue to be made. This policy outlook will examine Loi relative à la sécurité globale within the context of the current political climate in France and offer insight into President Macron and the LREM party’s upcoming agenda. It will pay particular attention to how Article 24 may threaten the civil liberties of citizens, especially historically targeted communities, including Muslims and minority populations. Finally, the policy outlook will offer some predictions of the protests and impact of the draft law on French society. It assesses the tense situation in France from a broad scope and offers insight into whether the fallout from Article 24 represents the tipping point in a political shift that has been going on inside Macron’s government for several years.

## Loi relative à la sécurité globale and Article 24

The security draft law was introduced to the French parliament on October 20<sup>th</sup> by Macron's LREM party. The proposed law contains similar language to a previous bill that had [failed](#) to pass this spring. However, in contrast to the previous bill, several key members of the government, including Interior Minister Gérard Darmanin, have shown explicit support for the draft law. Macron's government has publicly vocalised that one of the purposes of the security law, including the controversial Articles 21, 22, and 24, was to protect the national police force and gendarme. Members of LREM sold the party line that these clauses reflected necessary measures based on a real fear for the safety of police officers and their families. As one political [commentator](#) put it, the draft law aimed to «allay justifiable fears among the police that they are being filmed on duty, identified on social media and endangered in their private lives». However, public opposition to the draft law indicated that this official justification for the controversial clauses was inadequate, prompting Macron's party to publicly insist that the proposed bill neither threatens civil liberties nor reflects a general clampdown on protests against the government. [MPs](#) from the LREM party have been particularly eager to clarify that the bill would not “jeopardise in any way the rights of journalists or ordinary citizens to inform the public”, and only target individuals with a demonstrated malicious intent. Yet, opposition parties and institutions have continued to insist that the law's danger lies in both the vagueness of the language and the timing of the very public move to defend the national police.

Moreover, several characteristics of the draft law's legislative process offer insight into the political intent of Macron and the LREM. First, the proposed bill was shuttled through the legislative process at an increased speed. While the standard procedure usually includes a repeated exchange between the National Assembly and Senate during the shaping of the law, the Loi relative à la sécurité globale was fast-tracked with limited exchange between the houses of parliament, and then swiftly approved by the National Assembly. The hurried nature of the process to approve the law — which currently awaits the Senate's approval in January of 2021 — suggests that Macron and his government may be looking to use the law as a quick and public symbol of their stance on current events.

Second, the offences included in the controversial clauses include [notably high fines](#). For example, if the draft law passed in its current state, an individual found in violation of Article 24 could face up to one year in jail and 45,000 Euros in fines. The remarkably — if not symbolically — high nature of this punishment for a relatively minor offence exhibits what would appear as Macron's party's intent to

draw attention to and punish those found in opposition to the police at a time where public sentiment against law enforcement is a defining political stance.

On December 4<sup>th</sup>, in response to mass protests against the draft law, President Macron gave an unusually lengthy and open [interview](#) with Brut, a digital news portal that caters to a younger French audience, in which he answered questions on a variety of pressing political topics. This interview, when considered alongside the security draft law and the President's recent policies, showcases Macron and his party attempting to balance a fine line between shifting their policies further to the right of the political spectrum while trying to avoid international criticism for ‘illiberal’ policies. Macron and the LREM's increasingly conservative shift on key social issues, including immigration, religious pluralism, and police brutality, stems from the President's presumed intention to run for re-election in 2022. In the previous presidential race, Macron faced fierce competition with the leader of the far-right National Rally party, Marine Le Pen. The close nature of this race, paired with the considerable challenges the President has faced while in office, may be motivating Macron's efforts to appeal to a different political demographic.

President Macron — who has made a particular show of involvement in global affairs since he assumed office— also risks criticism from the international community over the language and intent of the draft law, particularly Article 24. Thus, in the [interview](#) with Brut, Macron commented that “We're not Hungary, Turkey or some such. I can't let it be said we're reducing liberties in our country.” Macron's specific mention of liberties reflects the aforementioned criticism from citizens, press, and human rights organisations concerning Article 24. The quotation also exhibits the balance he appears to be trying to strike between winning over former Le Pen voters while not drawing the same criticisms that she faced in regards to her policies, particularly on the international stage. Other examples of this apparent attempt at a balanced approach to policymaking include Macron's willingness to identify both racism in France and the presence of police abuse while emphasising that both issues are rooted in the acts of individuals instead of the structure the national police force or the gendarme.

Yet, the tens of thousands of protesters that have taken to the street — resulting [thus](#) far in the arrest of 95 people and injury of 67 police officers — showcase that Macron's strategy may be failing. It was reported that these protests also included a noticeable presence from the Gilets Jaunes movement — a national movement that saw millions of people take to the street last year that remains a poignant point of contention for Macron's government. The public reaction to the draft law has sent a strong message that Macron's attempt to advance ‘balanced’ right-leaning political messaging failed to achieve its goal. Macron and the LREM are clearly aware of this reality. Public reaction continues to be so strong, despite Macron's rare interview, that





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several members of the party have promised to rewrite the law during the amendment phase of the ratification process. Christophe Castaner, head of the LREM, [stated](#) that the amendments would “balance” fundamental freedoms and the protection of the police and that this balance had been the [intended](#) goal of the law from the beginning.

Prime Minister Jean Castex [attempted](#) to quell dissent by announcing the formation of an independent committee to review the bill, despite the fact it had already passed through the National Assembly. This remark prompted further backlash from members of parliament, including the President of the National Assembly, Richard Ferrand. MPs expressed anger at Prime Minister Castex for what they viewed as an attempt to challenge the government’s separation of powers by inappropriately influencing the content of a bill that was in the hands of parliament, and Castex was forced to withdraw his remarks. However, the intent of lawmakers concerning the future of the draft law, particularly Article 24, remains unclear. This uncertainty leaves a dangerous gap, particularly as the clauses in question within the draft law directly impact civil liberties. Macron and the LREM are attempting to push through the law, while also rewriting the bill during a late stage in the ratification process, to secure, what they believe, will be a political victory for the future elections. However, both the process and potential outcome of this security law with respect to the freedom of the press, individual rights, and police accountability, remain at the core of both governmental and public opposition.

## The Case of Michel Zecler

Public opposition to Article 24 has been grounded in and exacerbated by the context of domestic affairs in France during the Macron presidency, including but not limited to the Gilet Jaunes, Black Lives Matter, and anti-Islamophobia movements. Many opponents to the draft law, however, have drawn direct evidence from a video released on November 26<sup>th</sup> — two days after the Loi relative à la sécurité globale was passed in the National Assembly — that showed police officers beating up and arresting Michel Zecler, a young black man. Before the video’s release, the police who arrested Zecler, a well-known music producer, [accused](#) him of not wearing a face mask, smelling of marijuana, inflicting violence against the officers, and resisting arrest. These claims were supported by the prosecution. On November 26<sup>th</sup>, footage of the officers beating Zecler that came from the victim’s security system was posted on social media by an [online news site](#). This video, which sparked public outrage and led to the eventual release of Zecler from prison, falls under the category of footage that may be deemed illegal under Article 24 of the security draft law.

The timing of this case has forced both Macron and proponents of the draft law to bolster their argument that the bill was necessary to protect at-risk police officers while the public’s attention was focused on a case that painted the police in a fiercely negative light. The inopportune timing

of Zecler's case has added yet another obstacle as Macron attempts to craft his re-election strategy. As of today, Macron and the LREM's response to this challenge appears to lack conviction and clarity. The President gave interviews simultaneously condemning the actions of the police officers who attacked Zecler while insisting the national police did not suffer from structural issues with violence. Yet, at its core, Article 24 seems to be intended to protect those Macron himself condemned, leaving further ambiguity in the LREM's policy. Furthermore, mass protests and input of international human rights organisations have brought global attention closer to this tough political balancing act. The Zecler case shows that opposition to the security law extends beyond political in-fighting and electoral politics, to reflect a widespread feeling of concern for the precedent Article 24 and the security law would set for civil liberties in France. The red flag raised by international human rights organisations in response to the draft law, paired with the release of the Zecler video, provides a greater challenge to the government than can likely be solved with a single in-depth interview or promise of reform.

At the same time, there is a lack of clarity in government policy that persists. Paris police chief Didier Lallement has [responded](#) to recent events by insisting that he could count on the national police's "sense of honour and ethics", and expressed concern for their safety. Lallement is also currently facing a legal complaint after police ["allegedly targeted journalists during an operation to dismantle a refugee camp"](#) that made headlines in France earlier this month. These remarks stand in noticeable contrast to Macron's insistence that the government will prioritise punishing the officers who attacked Zecler in the upcoming weeks. Nevertheless, the dominant tone of the President and his party remains unclear and malleable, a reality that may be intended to reflect flexibility in the President's efforts to shape his policy for re-election, but may also result in a party and leadership that is left responding to crises, instead of anticipating them.

## Conclusion

The controversies surrounding Article 24 of the Loi relative à la sécurité globale and the attack on Michel Zecler are mired in President Macron's ongoing efforts to redefine his policies in anticipation of the 2022 presidential elections. Some of these efforts not mentioned within the purview of this outlook include the forceful clearing of migrant camps in Paris and the passing of a controversial draft law on 'Islamist separatism'. Yet, Article 24 and the draft security law symbolise a particularly pressing moment for the Macron administration, namely in that they represent a valid concern that Macron's fight for re-election could open the door to policies that threaten civil liberties under the guise of 'security' or 'police protection'. While Macron may believe that his actions will result in victory for him and his party, others are concerned about how far he may be willing to go for that win.

At a time when violence against minority communities is at the forefront of minds and media, a public debate over limiting civil freedoms and throwing further support behind a national police force that lacks structural accountability mechanisms is a dangerous political gamble. As Macron tries to juggle other crises, while winning over former opponent Marine Le Pen's voter base, he needs to make sure that civil rights are not sacrificed under the broad brush of police-protection. With harsh fines and vague legal language, Article 24 risks doing exactly that. As protests continue, the draft security law continues to be edited and debated over. As the officers who assaulted Zecler await punishment, the French political and international human rights communities will be watching Macron's actions closely for insight into if and how his government will prioritise the rights of its citizens over his re-election.



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