



UNE CITOYENNETÉ RÉPRIMÉE

100

CAS DE RESTRICTION
DES LIBERTÉS ASSOCIATIVES

12

PISTES POUR
MIEUX LES PROTÉGER

2020

In 2018, the anti-union repressive tactics of the Gennevilliers Mayor and elected officials finally defeated the ACORN citizens' alliance in that city. After months of deprivation of communal public rooms, banishment, intimidation of individuals, discrimination in accessing City services public defamation, SLAPP lawsuits, an organizer went into depression and the leaders decided to put the organization on hold. Along with discourses on local democracy and citizen participation, these practices show the reality of local power and its tendency to repress dissident voices.

Following this defeat, Alliance Citoyenne (ACORN France) began researching repression of community associations. The goal is to better understand the phenomenon and to show the reality of union busting tactics by public authorities, similar to union busting in the companies. The research was carried by Alinsky Institute, the ACORN France research and training center, and chaired by researcher Julien Talpin and a team of nationally known social sciences researchers.

The analysis of 100 cases of community organizations sanctioned after collective actions critical of the public authorities shows the various forms of repressed citizenship. By documenting situations ranging from cut-sanctioning of subsidies, public disqualification, SLAPP suits or police harassment, this report describes what appears to be an attempt by the authorities to obstruct the opposition. Cases of public authorities maneuvering to weaken community groups are similar to union busting campaigns in private companies.

The research suggests ways for public authorities to accept disagreements to recognize that critical collective words are indispensable to democratic functioning and, as such, deserve to be supported and protected.

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In March 2019 a coalition of associations met to form an Observatory of Associative Freedoms. Supported by a team of social science researchers, it aims to systematically document infringements of associative freedoms in contemporary France. A survey lasting several months, through dozens of interviews, the collection of archives and internal documents and press reviews, has brought to light 100 cases of associations, de jure or de facto, whose activities have been repressed, restricted or even obstructed by the public authorities.

These 100 experiences cover a wide range of fields: from environmental protection to the fight against discrimination, from sport to culture, from housing rights to solidarity. They are also associations working in all areas: in city centers and working-class neighborhoods, suburbs and rural areas. The forms of collective citizenship repressed include critical speeches, petitions, the organization of public demonstrations and even non-violent forms of civil disobedience. The institutions involved can be found at all territorial levels: the central state and its decentralized services, local authorities and para-public bodies. In view of the diversity of the cases collected, this census reveals a systemic phenomenon that still lacks institutional recognition. Although it was accentuated during the period of the state of health emergency, this phenomenon

structures the ordinary functioning of democracy in France, contributing to the mistrust of citizens and an overly solitary practice of decision-making.

The obstacles to freedom of association mentioned here are not of a legal nature. Freedom of association is indeed recognized and protected by the law of 1901, and anyone who wishes to do so can relatively easily form an association. However, carrying out an associative project requires means and symbolic recognition, without which the right of association remains a vain promise, a freedom on paper. This report shows that freedom of association and, even more so, within it, the democratic freedoms of associations, those that make it possible to challenge institutions, defend the rights of a minority and nourish public debate, are frequently the target of institutional repression.

We distinguish four types of restrictions on freedom of association, even though many of the cases we have identified are affected by several of these restrictions simultaneously:

- Discursive barriers and disqualifications take the form of disqualification of associative actors, a reputational attack, or even the banning of areas of consultation.
- Material obstacles are related to cuts in subsidies, sanctions and difficulties in gaining access to premises for meetings.
- Legal obstacles include all complaints, fines and lawsuits brought against association activists and administrative obstacles such as refusals to grant approval.
- Police obstructions concern forms of physical repression of collective action, but also searches and arrests.

On the basis of this observation, we formulate a certain number of proposals. Firstly, better institutional recognition of activities for the defense of rights and intervention in public debate (recommendation 1). Second, the establishment of protective remedies for associations that are victims of abusive repression likely to discourage citizen involvement (recommendations 2 to 6). Finally, proposals to encourage the exercise of collective citizenship by organizing a system of public aid inspired by the financing of electoral campaigns or press activities, two other activities essential to democracy which, through a recognition of general interest, would give the right to a tax reduction (recommendations 7 to 10).