

03

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2017
▲ Lvl. 2

State
replied

France

Alert created on: 06 May 2015

France Legalises Mass Surveillance of its Citizens

SOURCE OF THREAT ▶ State

CATEGORY ⓘ ▶ Other acts having chilling effects on media freedom

PARTNER: Article 19, EFJ/IFJ

On 5 May 2015, the French National Assembly voted on the surveillance bill which gives the Prime Minister the power to massively monitor the French population without judicial control. The bill, adopted under an accelerated procedure, was met with opposition from a number of civil and professional organizations (the journalists' unions SNJ and SNJ-CGT, the European Federation of Journalists, the Human Rights League, Amnesty International, two Unions of Magistrates, the Union of Lawyers, the Defender of Rights, the National Commission for Computing and Liberties ...). The text legalizes the practice by the intelligence services, of a particularly broad and intrusive surveillance on the privacy of citizens, with no real counter-power, and for purposes unrelated to terrorism. This law definitively compromises the protection of journalists' sources and it is an obvious deterrent to whistleblowers.

UPDATES

05 Oct 2015: On 3 October 2015, the Law on Surveillance entered into force, after the Official Journal published the Presidential decree, appointing the members of the National Commission for the Intelligence Techniques. On the same day, 180 journalists of the legal press association announced that they were appealing to the European Court of Human Rights, arguing that the law has wide implications for civil liberties and asking the Court to strike down the sweeping powers the law gives to intelligence agencies.

➔ **Article published on RFI English: 'Journalists take new French spy law to European rights court'**

22 May 2015: Journalists respond to the French Authorities on the Draft Law on Intelligence

[➔ Article on EFJ Website \(in French\)](#)

ADDITIONAL INFORMATION ▼

- [➔ Article in The New York Times: "Lawmakers in France Move to Vastly Expand Surveillance"](#)
- [➔ EFJ Statement \(in French\)](#)

STATE REPLIES ▼



12 May 2015 | Reply by the French authorities

- [➔ Text of reply \(translated from French\)](#)

FOLLOW-UPS ▼



03 Aug 2017 | The European Court of Human Rights decided to communicate to the French Government several applications lodged by journalists and lawyers which concern the French Intelligence Act of 24 July 2015. On 27 April and 4 July 2017, the Court put questions to the parties under Articles 8 (right to respect for private life and correspondence), 10 (freedom of expression) and 13 (right to an effective remedy) of the Convention.

- [➔ ECHR questions to the parties - Application of the Association confraternelle de la presse judiciaire and other 11 applications v. France \(in French\)](#)
- [➔ ECHR questions to the parties- Application Follorou v. France and Johannes v. France](#)



20 May 2015 | The Commissioner for Human Rights addressed the French Senate on surveillance bill

- [➔ Letter to the members of the French Senate Commission \(in French\)](#)



06 May 2015 | Press Release from OSCE Representative on Freedom of the Media

- [➔ OSCE Representative: French draft law on surveillance threat to journalists' right to protection of sources](#)



13 Apr 2015 | Statement by Commissioner of Human Rights

➔ Nils Muižnieks: “French Draft law seriously infringes human rights”

RELEVANT COE INSTRUMENTS



29 Feb 2016 | Factsheet on Mass Surveillance

➔ Overview of the ECHR case law and other relevant Council of Europe resources related to Mass Surveillance

DISCLAIMER

This section presents a non-exhaustive selection of CoE instruments and ECHR case-law. This information is not a legal assessment of the alert and should not be treated or used as such.