

## France's State of Emergency and Long-term Solutions to Combating Extremism

Following the tragic terrorist attack in Nice, French President Francois Hollande announced that the national state of emergency originally put in place following November's terrorist attacks in Paris will be extended for an additional three months. While France grapples with the threat of terrorist violence and how best to protect itself from these threats, leaders must ensure that policies contained within the current state of emergency provisions – including provisions that permit extraordinary powers to investigate, arrest, and detain individuals – do not exacerbate existing tensions that can lead to further unrest. France's longer term security will hinge on counterterrorism measures that respect human rights.

The current state of emergency law is detailed below, as are concerns about its unintended consequences, observations that reflect Human Rights First's recent in-country research and subsequent report, "[Breaking the Cycle of Violence: Countering Antisemitism and Extremism in France.](#)" The report analyzes the nature and extent of antisemitism and extremism in France and presents recommendations for combating it by promoting tolerance and inclusiveness. Based on public information and interviews with a range of government officials, civil society representatives, and academic experts, the report examines this problem within broader and interrelated phenomena, including the ascendancy of the far-right party the National Front, mounting anti-immigrant and anti-Muslim sentiment, the spread of Islamic extremism, and the increasing alienation of many Muslims in France.

### About France's State of Emergency

France's state of emergency has already been extended several times this year. Though it was due to expire on July 26, in the wake of the Nice attack, President Hollande declared the state of emergency will be extended by another three months. Following that announcement, French Prime Minister Manuel

Valls confirmed that a bill will be submitted to parliament on July 19 to effectuate the extension.

The continuation of the state of emergency allows the French government to exercise extraordinary powers that would not otherwise be available, including:

- Night raids and warrantless searches;
- House arrests without judicial oversight;
- Temporary closure of meeting spaces, including mosques;
- Permanent dissolution of associations involved in breaches of public order; and,
- Prohibitions on public demonstrations that could disrupt public order.

It should be noted that even without the state of emergency, French soldiers can still be deployed on the streets of France—as they already are—through Operation Sentinelle. This ongoing operation, within the country's borders, allows for military protection of public spaces, landmarks, and religious institutions.

### Concerns Stemming from the State of Emergency

While the French government should take concrete steps to protect its citizens from the threat of terrorist violence, it should ensure that the current state of emergency does not unintentionally exacerbate the extremism behind recent attacks. Human Rights First's research in France has revealed that the current state of emergency undermines national security efforts in two key ways, including:

**The implementation of the state of emergency risks further stigmatizing or alienating the vulnerable communities that are most at risk of being subjected to discriminatory or over-broad policing tactics.**

Since early this year, rights groups in France have documented abusive and disproportionate activities

linked to the state of emergency procedures. In the current state of emergency, out of the 3,336 administrative raids only 563 judicial procedures were launched, and of those, only 5 were for terrorist plans, threats, or attacks, [according to government figures](#) released in February. While intended to advance national security, the state of emergency law has risked deepening the trauma and legitimate grievances of those most effected by the policy's broad reach, especially the nation's minority populations. France should strive to pursue counterterrorism objectives using methods that are targeted and proportionate and rooted in meaningful judicial oversight. In addition, peaceful public demonstrations that provide a non-violent and controlled opportunity to voice concerns should be tolerated to the greatest extent possible. Such gatherings and activities reflect the values of an open society that upholds freedom of expression and freedom of assembly.

**A state of emergency without a clear and definite end date runs roughshod over fundamental freedoms.**

As President Hollande stated in remarks during Bastille Day festivities, before the attack, “We can’t prolong the state of emergency forever. That would make no sense, it would mean that we were no longer a republic with laws which can apply in all circumstances.” It is important for France to limit its use of state of emergency laws and not lose sight of other more long-term approaches that can stem the threat of terrorism.

**Next Steps**

In keeping with its role as a part in the fight to end global terrorism and address threats posed by ISIS and other extremist groups, the United States has a role to play in helping France and other nations address existing threats. Over the decade and a half since 9/11, the United States has learned lessons, sometimes painfully, about the best ways to confront violent extremism without exacerbating existing tensions. In particular, the nation has restored its own approaches to those based in respect for human rights and the rule of law.

As France navigates national security questions similar to those faced by U.S. leaders, the two nations should work together to implement national security solutions that are effective and provide a strong foundation for the future. For example, a

rights respecting response to national tragedies and ongoing threats promotes social cohesion, fosters collaborative solutions, and upholds democratic values and the rule of law. The U.S. should follow its offer of support with a specific offer to make ready resources and support to ensure that the French government is adequately equipped with all it needs to respond to attacks and other incidents using rights-respecting techniques that build stronger and more inclusive communities and civil society groups.

**U.S. Leaders Should Encourage France to:**

- Support [civil society groups fighting discrimination](#) based on race, ethnicity, and religion.
- Hold an open, national conversation on the long term security needs of the country. The conversation should reflect inclusiveness and the protection of democratic values. Rather than creating an environment of fear and hatred, through an indefinite state of emergency targeting specific segments of society, France should create dialogue and inclusivity to breach the barriers between different racial, ethnic and religious communities in France. In the wake of these horrific attacks, France will be able to heal through the very democratic ideals it was celebrating on Bastille Day—liberty, equality and fraternity.

**American Officials Should:**

- Conduct intergovernmental exchanges on current strategies to prevent and respond to violent hate crime, including victimization surveys, studies of the factors driving radicalization, and data collection methodologies that are objective and avoid stigmatizing racial or religious populations.
- Develop public messaging that is sensitive to current forms of marginalization, avoids intensifying it, and welcomes diverse voices to join the conversation on how to combat hate violence.

**For More Information**

[REPORT – Breaking the Cycle of Violence: Countering Antisemitism and Extremism in France](#)

[REPORT – Scorecard on Hate Crime Response in the OSCE Region](#)