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Social mobilisation, social unrest and police reaction in Council of Europe member States: is there a need for a new social contract?

Report[1]
Committee on Social Affairs, Health and Sustainable Development
Rapporteur: Mr Pierre-Alain FRIDEZ, Switzerland, Socialists, Democrats and Greens Group

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1. Reference to committee: Doc. 15803, Reference 4763 of 9 October 2023

A. Draft resolution[2]

1. The Parliamentary Assembly refers to its Resolution 2364 (2021) “Ethnic profiling in Europe: a matter of great concern”, its Resolution 2435 (2022) and Recommendation 2230 (2022) “Fighting and preventing excessive and unjustified use of force by law-enforcement officers”, its Resolution 2552 (2024) “Strengthening democracy through participatory and deliberative processes”, and its Resolution 2553 (2024) “Strengthening the youth perspective in the work of the Parliamentary Assembly”,

2. It also refers to Recommendation CM/Rec(2023)6 of the Committee of Ministers to member States on deliberative democracy and the New Democratic Pact for Europe – Building a resilient, inclusive and agile democracy, presented by the Secretary General of the Council of Europe at the 134th Session of the Committee of Ministers (Luxembourg, 13-14 May 2025).

3. The Assembly stresses that member States need to be innovative in their approaches, in order to restore meaning and vitality to the democratic fabric of society, by strengthening the role of Parliament and making participatory and deliberative democracy self-evident, and public debate a living force.

4. The feeling of having a say in essential decisions that affect them is a key component of people's trust in institutions and democracy, and a process of in-depth dialogue among differing political perspectives on social issues can lead to broad compromises that help reduce social tensions.

5. A democracy based on open public debate, which fully integrates the voices of young people and adopts horizontal governance models, provides a safeguard against overly top-down, managerial and procedural approaches to public decision making.

6. The Assembly observes that social mobilisation is an essential element of democratic vitality and a bulwark against political disengagement, often identified as one of the main causes of the democratic deficit in contemporary societies; it believes that a relationship built on respect and trust between institutions and young people is a clear indicator of a vibrant and responsive democracy.

7. The growing complexity and difficulty of the missions entrusted to the law-enforcement authorities, as well as the daily commitment of their officers to ensuring the protection of people and property, deserve recognition both from the authorities, and from society as a whole, of the responsibility borne by them.

8. The rapid evolution of the societal, technological and legal contexts necessitates a constant renewal of the professional skills of law-enforcement personnel, with a view to ensuring that their policies, guidelines and responses are effective, well-tailored to the situations met, and respectful of the expectations and rights of all groups in society.

9. The Assembly considers that placing dialogue and mediation at the heart of crowd control, developing strategies that do not pit law-enforcement authorities against demonstrators, and limiting the use of intermediate weapons to a strict minimum, provide a good framework to preserve the democratic nature of the right to protest and prevent the escalation of violence.

10. Law-enforcement authorities gain in legitimacy when they are centred around a preventive approach, based on knowledge of local realities and consideration of any potential biases which might influence the approach taken, going thus beyond purely quantitative indicators.

11. Law-enforcement practices such as identity checks perceived as discriminatory, combined with the scaling down of community policing mechanisms, may contribute to a loss of trust in institutions among young people from disadvantaged neighbourhoods, thereby hindering the scope to build relationships of trust.

12. In view of these elements, the Assembly calls on the member States of the Council of Europe which have not yet done so to:

12.1. draw inspiration from approaches based on a political culture of consensus, which promote inclusive debate in public policy making;

12.2. institutionalise forms of participatory democracy as a complement to traditional representative mechanisms, while ensuring that intermediary bodies play a central role,

12.3. adopt an approach to policing as a public service engaged in a continuously evolving relationship with the public, based on trust, accountability, and the ability to question itself;

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2. Draft resolution unanimously adopted by the committee on 16 May 2025.

12.4. place listening, respect, communication, and availability at the heart of law-enforcement authorities' activity and work to prevent delinquency at the root, through knowledge of local residents and issues;

12.5. develop or reinforce a community-based police presence aimed at fostering a relation of trust with local residents, particularly in disadvantaged neighbourhoods;

12.6. make long-term investments in the vocational training and equipment of law-enforcement officers, to enable them to carry out their duties in the best possible conditions, in order to maintain security and social cohesion;

12.7. include in law-enforcement officers' training mandatory modules on cognitive and discriminatory biases, crowd management, and the principles of procedural justice;

12.8. combat all forms of profiling including ethnic profiling during identity checks and implement an effective system for tracking and monitoring these checks in order to prevent any discriminatory practices, even if unintentional;

12.9. actively promote the right to protest in a democratic framework by prioritising de-escalation as the guiding principle in the management of demonstrations, rather than preventive arrests, obstruction strategies, and any inherently repressive approach, and by strengthening dialogue and mediation before, during, and after demonstrations;

12.10. reconsider the use of intermediate weapons in the context of maintaining order during demonstrations, reserving their use for specialised and properly trained units, and initiate a review of a possible total ban on the use of defence ball launchers in maintaining order.

B. Explanatory memorandum by Mr Pierre-Alain Fridez, rapporteur

1. Introduction

1. On 26 May 2023, the Committee on Social Affairs, Health and Sustainable Development tabled a motion for a resolution entitled "Social mobilisation, social unrest and police[3] reaction in Council of Europe member States: need for a new social contract?". The motion was referred to the committee for report and I was appointed rapporteur on 25 March 2024.

2. The motion for a resolution was prompted *inter alia* by the social mobilisation surrounding the planned pension reforms in France in 2023. This reform sparked social mobilisation on a scale rarely seen, with violence directed against demonstrators and law-enforcement officers alike. The reform, which was approved by the Constitutional Council, was pushed through by the French Government, invoking Article 49.3 of the Constitution.

3. In line with the motion for a resolution, I have thus taken as my starting point the social mobilisation in France. The French examples have indeed been striking in several respects: the recurrence and, sometimes, radicalisation of social unrest and the violence of the police response. I start from the premise that this dynamic reveals a feeling of disconnection between certain sections of the population and those in power, as well as structural difficulties in establishing dialogue in a less vertical way of operating. The issue in hand is to examine the conditions for a renewed social contract that motivates citizens to feel and act as full members of society.

4. The report also aims to explore other countries' experiences of social mobilisation, to demonstrate that the challenges facing France are not unique. In 2023, for example, Greece experienced a protest movement following the Tempi rail disaster, marked by clashes with the law-enforcement officers and criticism of the disproportionate use of force; in the Netherlands, in 2024, pro-Palestinian demonstrations in Amsterdam led to violence and arrests, sparking a public debate on the police response and the balance to be preserved in a State governed by the rule of law.[4] It was obvious from the outset, when preparing this report, that France does not have a monopoly on social mobilisation or on the use of force in the event of excesses – these are commonplace. On the other hand, it became clear over the course of documentary research, meetings, and hearings, that the report could usefully draw on protest management models, social dialogue frameworks, and democratic practices from various Council of Europe member States, insofar as these offer avenues for reflection and improvement. In my opinion, such mechanisms, whether they be strategies for dialogue and de-escalation in the handling of demonstrations or citizen participation and community policing practices, are likely to increase the legitimacy and authority of, and build trust in, institutions and prevent social polarisation. They presuppose a process of critical reflection on methods of State intervention, to which this report will attempt to contribute.

5. The traditional concept of liberal democracy is confronted in all member States with multiple challenges, and everywhere cohesion and pluralism are threatened by the loss of public trust in institutions and elected officials, by the polarisation of a large segment of the population, and by the questioning of institutional legitimacy. I hope that this report will contribute to the ongoing reflection on current social and political dynamics and on how best to address the lack of connection and erosion of trust between citizens and the authorities, particularly those responsible for maintaining public order.

6. The ultimate aim will be to identify ways of living together better that align with the New Democratic Pact for Europe announced by the Secretary General of the Council of Europe.

2. Working methods and scope of the report

7. This report does not purport to provide an exhaustive analysis of the underlying issues. The examples provided have been selected to illustrate my point and to convey certain messages.

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3. The term "police" is understood in this report in its functional sense, that is, as a mission, and not in its organisational sense referring to the various forces that carry it out.

4. *Radio France International (RFI)*, "Deux ans après la collision ferroviaire, la Grèce en colère proteste massivement et dans la violence", 25 February 2025. *Le Monde*, "Les violences à Amsterdam contre des supporteurs du Maccabi Tel-Aviv révèlent le désarroi politique des Pays-Bas", 19 November 2024.

8. This choice primarily concerns the social movements studied. The term "social movements" generally refers to "a set of concerted collective actions aimed at changing or defending the social order".[5] With this in mind, I analysed five different types of social mobilisation over a six-year period in France. The first, in chronological order and in terms of scale, is the "Gilets jaunes" (yellow vest) movement: having begun in 2018 as a protest initially focused on fuel tax increases, it quickly broadened to include concerns about economic inequalities and the feeling of decline among the working and middle classes. I then looked at the high school and student protests that emerged in 2018 in reaction to reforms to the baccalaureate and access to higher education. I also cited the example of the 2023 protests around the mega-basin of Sainte-Soline, a reservoir designed to store water for agriculture. The fourth example is the situation that prompted the motion for a resolution: the 2023 pension reform, as embodied in the law of 14 April 2023 amending the financing of the social security system ("pension law"), which sparked widespread massive protests throughout the country. Lastly, although not strictly speaking a social movement, I examined the urban riots that broke out in the summer of 2023 following the death of a young man during a roadside check.

9. Secondly, the choice concerns the stakeholders interviewed all of whom are "insiders", legitimate and essential in a State governed by the rule of law. I was authorised by the Committee on Social Affairs, Health and Sustainable Development to carry out a fact-finding visit to Paris. On 20 and 21 January 2025, I met with representatives of the strategy and inspection departments of the police and gendarmerie at the Ministry of the Interior, the Defender of Rights, representatives of the National Consultative Commission on Human Rights (Commission nationale consultative des droits de l'homme (CNCDH)) and the Human Rights League (LDH), Mr Sébastian Roché, sociologist and research director at the National Centre for Scientific Research (CNRS), specialist in security, policing and institutional trust, members of the French Democratic Confederation of Labour (Confédération française démocratique du travail (CFDT)). On 6 May 2025, I met with members of the French Parliament and representatives of police trade unions UNSA (National Union of Autonomous Trade Unions)-Police and Alliance Police Nationale. I wish to take this opportunity to thank all those with whom I spoke, and their colleagues who made these high-level exchanges possible (a list can be found in the Appendix).

10. I also heard first-hand accounts from young people who confronted law-enforcement officers and who came to give their testimony. On 7 March 2025,[6] the Committee on Social Affairs, Health and Sustainable Development held a hearing in Paris with an activist from the association Action Climat Justice (Paris) who was injured by a shot fired during environmental protests in 2023; representatives of the association Ghett'Up, which works to promote equality, citizenship and social justice and to empower young people from disadvantaged neighbourhoods; and representatives of Droits dans les yeux, an association run by and for young people to help them know and understand their rights. Mr David Dufresne, a journalist, writer and documentary filmmaker specialising in police violence and social movements, was also heard.

11. Thirdly, the choice was guided by my desire to understand the root causes of the unrest. The fact-finding visit gave me an opportunity to talk to senior gendarmerie and police officials as well as police unions about their vision of law enforcement and expectations. These interlocutors emphasised in particular that clashes between law-enforcement officers and protesters are rare, and that the vast majority of demonstrations take place in an orderly and peaceful manner, a message to which I was highly receptive and which I wish to transmit as an element to be kept in mind.

12. The report is structured around the three pillars of the social contract. After looking at the place of law enforcement in a democracy (symptoms of structural divides), the report turns to measures that reinforce social control while at the same time exacerbating marginalisation (the root causes of divides) before, lastly, exploring institutional practices that have the potential to build citizens' confidence and prevent polarisation (ways to heal divides).

3. Mobilisation and repression: symptoms of structural breakdown of the social contract

13. This chapter addresses several visible and specific manifestations of the breakdown of the social contract in France. Protests and other forms of dissent are symptoms of frustration, expressed through immediate and visible responses to issues felt by parts of the population. The discussions that I held with representatives of law enforcement, police unions, the executive and members of parliament showed that some recent social movements have been marked by the emergence of organised "rioter groups" whose intention is to provoke violence against institutions, as well as by a weakening of the structure of protests – or even the absence of any clearly identified organisers.[7]

5. E. Neveu, "Sociology of social movements", 2015.
6. AS/Soc (2025) PV02add.

14. The way in which the State deals with such "unrest", using strong, sometimes violent means to restore order, is another tangible manifestation of this breakdown. This is not the first time that the Parliamentary Assembly and other Council of Europe bodies express concern about this issue and relay the recommendations made by civil society.[8] Only recently, in a judgment handed down on 27 February 2025, the European Court of Human Rights ruled against France, holding that it had violated the right to life through serious mistakes that led to the death of Rémi Fraisse, an environmental activist killed by a grenade in 2014.[9] Among the issues of concern already raised, I would like to highlight two where I hope my proposals will meet with broad support both in France and beyond.

3.1. Choices around actions

15. One observation must be made: since the third national mobilisation of the "Gilets jaunes" on 1 December 2018, which numbered around 136 000 demonstrators according to the Ministry of the Interior and was marked by violent clashes with law enforcement officers, we have witnessed a change in the public order doctrine. Historically based on keeping demonstrators at a distance, avoiding direct contact and using strictly proportionate and exceptional force, this doctrine has long been a model for the democratic management of crowds, in a context where public support for republican institutions remained solid. In recent years, however, it has tended to be replaced by a more rapid and offensive intervention approach, based on the principles of "mobility, responsiveness and firmness".[10] This evolution has been accompanied by an extension of police practices, initially reserved for situations of urban violence, to all law-enforcement operations.[11]

16. I chose to examine one characteristic aspect of this shift, namely the increasing use of intermediate-force weapons (non-lethal),[12] in particular defence ball launchers (LBDs),[13] which use a "projectile designed to collapse or disperse on impact and limit the risk of penetration into a living body" aimed at "deterring or neutralising a violent and/or dangerous person" prior to the use of individual weapons.[14] "In the early 1990s, these less lethal intermediate weapons, i.e. weapons that are not supposed to kill, began to appear. Gradually, these tools spread from specialised units to the BAC [Anti-Crime Brigade], in response to rioting in the suburbs. Their use was then extended to community police officers in 2000, after which they became widely available in law enforcement units."[15]

17. Although "less lethal", the fact remains that LBDs present all the features of weapons of war and their use in demonstrations causes serious, sometimes irreversible, mutilating and even fatal injuries[16]. The "Gilets jaunes" movement saw a sharp rise in the use of such weapons, particularly by non-specialist law-enforcement units. During the period covering the "Gilets jaunes" movement, according to the National Police Inspectorate General (IGPN), 13 460 LBD rounds were fired by police officers, 15% of which were fired by

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7. French National Assembly, "Rapport relatif à l'état des lieux, la déontologie, les pratiques et les doctrines de maintien de l'ordre", n° 3786, 20 January 2021.

8. Council of Europe Commissioner for Human Rights, "Memorandum on maintaining public order and freedom of assembly in the context of the "yellow vest" movement in France", 26 February 2019, CommDH(2019)8, and statement entitled "Demonstrations in France: freedom of expression and assembly must be protected against all forms of violence" of 24 March 2023. Assembly Resolution 2435 (2022) and Recommendation 2230 (2022) "Fighting and preventing excessive and unjustified use of force by law-enforcement officers", Assembly Resolution 2512 (2023) "The honouring of membership obligations to the Council of Europe by France".

9. European Court of Human Rights, *Fraisse and Others v. France*, application No. 47626/21, 27 February 2025. See also: *Boukrourou and Others v. France*, application No. 30059/15, 16 November 2017 (violation of Article 2 in view of the procedural obligation to conduct an effective investigation), *Chebab v. France*, application No. 542/13, 23 May 2019 (violation of Article 3 due to inhumane or degrading treatment).

10. Defender of Rights, Study, "Désescalade de la violence et gestion des foules protestataires. Quelle(s) articulation(s) en France et en Europe aujourd'hui?", 29 November 2021.

11. "Rapport relatif à l'état des lieux, la déontologie, les pratiques et les doctrines de maintien de l'ordre", op. cit.

12. According to the United Nations "Guidance on Less-Lethal Weapons in Law Enforcement", published in 2020 by the Office of the United Nations High Commissioner for Human Rights, non-lethal weapons are defined as weapons designed to minimise the risk of death or serious injury.

13. O. Fillieule et F. Jobard, "Politiques du désordre, la police des manifestations en France", 2020, p. 208 and seq..

14. Ministry of the Interior, Official Gazette of the Ministry of the Interior, No. 2014-10: Instruction of 2 September 2014, Délégation à l'information et à la communication du ministère de l'Intérieur, 2 September 2014.

15. Interview with S. Roche, *France Inter*, 25 January 2019.

16. In a police operation on 23 February 2019, David Dufresne counted one death and 350 serious injuries. Among the casualties were 50 journalists, 37 minors or high school pupils, 13 passers-by and 13 medics. He counted 198 head injuries, 21 cases of people being blinded and 5 cases of severed hands (S. Roche, "LBD ou le chaos?", *Revue Esprit*, 2019/4).

members of the CRS (Republican Security Corps) and 85% by urban police officers. The National Gendarmerie Inspectorate (IGGN) estimated the number of rounds fired at around 1 000.[17] In 2023, the IGPN put the number of LBD rounds fired at 21 989.[18]

18. Equipping law-enforcement officers, in particular urban police forces, with LBDs and authorising their use in crowd control are political decisions. The differences between European countries serve to illustrate this point. Only France, Poland and Greece allow the unrestricted use of LBDs. In Spain, all regions use them except Catalonia, but they are reserved for the gendarmerie. Ireland, the Scandinavian countries, the Netherlands and Austria do not use LBDs. Elsewhere, for example in the United Kingdom, they may be used, but not in policing demonstrations.[19] In Switzerland, the Bern cantonal police use them in violent demonstrations, while in the Vaud gendarmerie, only the Rapid Action and Deterrence Unit uses them, and then only occasionally in prisons or to subdue dangerous individuals.[20] In Germany, police officers are not equipped with grenades, including tear gas grenades. The weapon of choice is water cannons. LBDs are banned in all but two of the sixteen Länder and are reserved for special units. Police unions themselves are opposed to the use of weapons of this kind.[21]

19. "If we get rid of LBDs, there will be deaths from bullets. I'd rather cause a guy to lose an eye than put a live bullet in him".[22] This argument, put forward by some unions, is not borne out by any credible studies.[23] There are plenty of reports and proposals that can feed into the debate and challenge such assumptions. Since 2018, the Defender of Rights has been calling for LBDs to be withdrawn from the list of equipment issued to police officers carrying out law-enforcement operations.[24] In 2021, the French National Assembly recommended banning the use of the LBD during crowd movements, with certain exceptions.[25]. In 2019, the Council of Europe Commissioner for Human Rights had taken up the baton.[26] In 2024, the United Nations Human Rights Committee recommended that France "reconsider […] whether the law enforcement authorities should be authorized to use intermediate weapons, in particular explosive grenades and handheld projectile launchers, to maintain order during demonstrations".[27] As a matter of fact, almost all of the civil society representatives and experts met during the fact-finding visit are of the same view: aside from the issue of training in the handling of LBDs, which remains grossly inadequate for the non-specialised forces that are the main users,[28] it is questionable whether such weapons should be used at all in law enforcement operations: "arbitrary and dangerous, their use in policing demonstrations is counterproductive." This is due to their technical characteristics – LBDs are an imprecise weapon, whose outcome when used in crowd control is highly unpredictable.

3.2. Choices around words

20. I have taken note of the reflection initiated by several Council of Europe member States on de-escalation (GODIAC project), which places dialogue and avoiding indiscriminate use of force at the heart of law enforcement. The explanation for these choices lies not in the fact that the countries in question do not experience violence during demonstrations of course, but rather in their evolving conception of the relationship between law-enforcement authorities and the public and the role of the police in a democracy.[29]

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17. Senate report No. 345 on the bill to ban the use of LBDs, 20 February 2019, p. 16.
18. According to a senior IGPN official met during the fact-finding visit on 21 January 2025.
19. "Le vrai du faux", *France info*, 21 March 2019, "Non, les lanceurs de balle de défense ne sont pas utilisés qu'en France".
20. "Une arme suisse et ses blessures dans le viseur des 'gilets jaunes'", *RTS*, 10 February 2019.
21. F. Jobard, "L'art du désordre toléré. La police des manifestations en Allemagne fédérale", *Revue Savoir/Agir*, n° 55, March 2021.
22. *France Inter*, 17 January 2019, "Utilisation de LBD, policiers et gendarmes dénoncent un mauvais procès".
23. Institut Rousseau, "Mettre fin à l'orientation répressive de la politique de sécurité pour renouer la confiance entre les forces de l'ordre et la population", 17 October 2024.
24. Defender of Rights, Report, "Law enforcement with due regard for professional rules of conduct", 10 January 2018. See also: "LDH, Usage des armes: Note d'analyse et propositions", 2023.
25. Rapport relatif à l'état des lieux, la déontologie, les pratiques et les doctrines de maintien de l'ordre, n° 3786, op. cit.
26. CommDH(2019)8, op. cit.
27. "Concluding observations on the sixth periodic report of France" on the International Covenant on Civil and Political Rights, adopted on 4 November 2024 (CCPR/C/FRA/CO/6).
28. Defender of Rights, "Report on three means of intermediate force, Taser X26 stun gun, Flash-Ball superpro, Less Lethal Launcher 40x46", 2013. O. Fillieule et F. Jobard, "Politiques du désordre, la police des manifestations en France", 2020, p. 199 and seq.
29. During the 2011 riots in London, triggered by the death of Mark Duggan caused by a police shot, police officials decided not to use LBDs. Similarly, faced with major violence during the G8 summit in Rostock (Germany) in 2007, the CDU and the majority German police union opposed the reintroduction of LBDs.

Within the framework of this project, the police are viewed as a partner promoting a relationship of trust with the public, with the aim of safeguarding the democratic right to demonstrate and reducing the overall level of violence. The model that emerges highlights four concepts: knowledge of protest groups, facilitating the smooth running of demonstrations to enable them to achieve their legitimate goals, communication at all stages of the demonstration and differentiation so that anyone causing trouble can be dealt with individually.[30]

21. It must be noted that, despite the presidential announcements before the Assembly[31] and a revision of the national law enforcement plan in 2020 which in particular allowed the withdrawal of explosive grenades from the arsenal,[32] the practices observed in France over the last few years do not seem to be based on a strategy of de-escalation, but rather tend to raise tensions upstream by often anticipating demonstrations as a place of conflict rather than as a legitimate space for democratic expression.

22. The handling of the protests against the mega-basin in Sainte-Soline in March 2023, with the aim at preventing access to the site is a case in point. Instead of adopting a communication approach aimed at ensuring that the demonstrations remained peaceful, as per the best practice recommended by the Council of Europe and the United Nations,[33] long before the protests started, a government minister branded the environmental activists as "eco-terrorists" and predicted scenes reminiscent of a war zone. Such rhetoric, which has been observed in other European countries, has been criticised by Michel Forst, United Nations Special Rapporteur on Environmental Defenders under the Aarhus Convention.[34] Describing the sequence of events in Sainte-Soline, a report by France's Observatories of Public Freedoms and Police Practices notes that "even before the protesters arrived at the site (...), pairs of armed gendarmes wearing motorcycle helmets and mounted on 20 quads came into contact with the processions. (...), the decision had clearly been taken to use force against the processions (...) in the absence of any hostile acts on their part, and without any warning." The report also notes the indiscriminate use of 5 015 tear gas grenades, 89 stingball grenades, 40 explosive devices and 81 LBD rounds fired at 30 000 demonstrators over a period of two hours, in what is described as an "exceptionally intense display of excessive use of force".[35]

23. Of course, there are violent groups within these demonstrations who seek to clash with the police at all costs. However, the authorities themselves observe that these actions are carried out by a tiny minority[36] and that they could be managed more effectively if the police adopted a more collaborative approach with the organisers and participants. The French National Assembly's commission of Inquiry into the violence surrounding the spring 2023 protests clearly supports this approach. Among the measures to strengthen the arsenal of law enforcement, it recommends improving communication with protesters, increasing co-operation with organisers and providing in-depth training in crowd control for non-specialised units.[37]

24. New approaches to crowd psychology have emerged which suggest policing strategies based on an interactionist model that, rather than pitting the police against protesters, includes the police in the assessment process. Such approaches help the police to perceive their actions from the standpoint of the demonstrators, providing keys to preventing the escalation of violence. It was on this basis and drawing on

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30. GODIAC – Good practice for dialogue and communication as strategic principles for policing political manifestations in Europe. From 2010 to 2013, the Swedish police spearheaded this project with Austria, Germany, Cyprus, Hungary, Romania, the United Kingdom, Denmark, Spain, the Netherlands, Portugal, and the Slovak Republic (Defender of Rights, Study. "Désescalade de la violence et gestion des foules protestataires. Quelle(s) articulation(s) en France et en Europe aujourd'hui?", op. cit.

31. Speech by President Emmanuel Macron to the Assembly, 1 October 2019.

32. National law enforcement plan – December 2021 version (www.legifrance.gouv.fr/circulaire).

33. Joint Guidelines on Freedom of Peaceful Assembly adopted in 2015, Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) and European Commission for Democracy through Law (Venice Commission). Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, Human Rights Council, 4 February 2016, A/HRC/31/66. M. O'Boyle and J-C. Vullierme, "A brief introduction to policing public gatherings – A guide for practitioners", Council of Europe, 2021.

34. United Nations Special Rapporteur on Environmental Human Rights Defenders under the Aarhus Convention, the position paper "State repression of environmental protest and civil disobedience: a major threat to human rights and democracy", published in February 2024, mentions Austria, France, Germany, Spain, Sweden and the United Kingdom.

35. Final report and summary, Sainte-Soline, 24-26 March 2023, "Empêcher l'accès à la bassine quel qu'en soit le coût humain". The environmental activist interviewed by the Commission on Social Affairs, Health and Sustainable Development witnessed a similar lack of restraint in La Rochelle in 2023.

36. French National Assembly, Written Question No. 8734: "Use of police forces during demonstrations" (question published in the Official Journal on 29 May 2018 and response published in the Official Journal on 6 November 2018).

37. French National Assembly Commission of Inquiry into the structure, financing, resources and methods of action of the small groups responsible for violence during the demonstrations and gatherings that took place between 16 March and 3 May 2023, as well as into the conduct of these demonstrations, 7 November 2023.

experiments conducted in several European countries that the aforementioned GODIAC model was developed.[38] The Belgian reference framework is one of the most successful iterations of this model in Europe today. From the 2000s, Belgium decided to abandon the concept of maintaining order in favour of "negotiated management of public space". In concrete terms, recognising the inherently conflictual nature of relations between social groups, the Belgian authorities advocated a role for the police in accompanying demonstrations from a risk management perspective. The function of the police is to act as a third-party mediator and, for each public order event, to strike a balance between the individual and collective demands and interests of all stakeholders. This transformation owes much to the Belgian police's open-minded attitude to social science research.[39]

4. Relations with young people from disadvantaged neighbourhoods: roots of a breakdown of the social contract

25. This chapter focuses on young people from "disadvantaged neighbourhoods" (meaning neighbourhoods that face significant social disadvantage). Following the approach chosen for this report, I decided to start from the situation in France to explore the interaction between the police and these groups and how they perceive each other. I am well aware that disillusionment with school, the spatial confinement of young people in "peripheral" areas, the failure of public services in disadvantaged neighbourhoods, and the role of social media in shaping perceptions are major background factors in the feeling of powerlessness and the use of violence as a means of expression in such neighbourhoods,[40] even if these factors cannot be examined within the compass of this report.

26. This issue has found its way onto the political agenda of many member States.[41] In France, I observed a gap between strong reformist pressure and structural inertia.[42] Here too, I consider that the relationship of trust between authorities and the public is a key element for building on avenues for improvement that I deem both realistic and acceptable. Indeed, these avenues – considered in a comparative perspective with other member States – emerge from surveys conducted among law enforcement officers themselves and resonated in my discussions with representatives of the Ministry of the Interior and police unions

4.1. Choices around actions[43]

27. In 2018, France was the scene of student protests in response to reforms to the baccalaureate and access to higher education, which were criticised in particular for the inequalities of opportunity and discrimination they could generate.[44] These fears led to demonstrations, school blockades, acts of violence and clashes with the police. On 6 December 2018, in Mantes-la-Jolie (Yvelines), around 150 young people, mainly secondary school pupils aged between 12 and 21, were arrested following violence during a blockade of secondary schools. A police officer filmed the scene showing rows of students kneeling with their hands on their heads, as helmeted, armed police officers looked on. The police officer can be heard saying, "Now there's a class that knows how to behave," a phrase that has come to be seen as emblematic of the events. The images, which went viral, shocked both the public and politicians across the board.[45] While social networks most likely played a role in amplifying the situation while ignoring the overall context, for many young people living in disadvantaged neighbourhoods, the arrests were the epitome of unfair, excessive and humiliating treatment and marked a turning point. "I was a high school student in Mantes-la-Jolie in 2018. That episode shaped us." "What happened that day changed my life. After that, I was committed."[46] The IGPN's

38. "Désescalade de la violence et gestion des foules protestataires. Quelle(s) articulation(s) en France et en Europe aujourd'hui?", op.cit.
39. "Gestion des foules: des pratiques en constante mutation" (www.police.be).
40. CNCDH, "Avis sur Violences urbaines, périphéries et accès aux droits", 19 December 2024.
41. T. R Tyler, Y. J Huo, "Trust in the law: encouraging public cooperation with the police and courts", New York, Russell Sage Foundation, 2022; M. Hough, J. Jackson, B. Bradford, "La légitimité de la police: conclusions de l'Enquête Sociale Européenne", Cahiers de la sécurité et de la justice, 2014, 27-28, p. 154-170.
42. J. de Maillard, M. Rowe, K. Verfaillie, "Police Stops in Europe: A Citadel Under Siege, But Still Standing", in *The Politicization of Police Stops in Europe – Public Issues and Police Reform, Palgrave's Critical Policing Studies*, 2024, p. 1 et seq.
43. Among the extensive literature on this subject: J. de Maillard, C. Gayet, S. Roché, M. Zagrodzki, "Les relations entre la population et les forces de l'ordre. Un état des lieux en France", in Observatoire national de la politique de la ville, Bien vivre dans les quartiers prioritaires. 2020. W. Bourdon et V. Brengarth, "Violences policières, le devoir de réagir", 2022.
44. *France culture*, LSD, documentary series, "Mantes-la-Jolie, des lycéens à genoux", 8 October 2019.
45. *France info*, 7 December 2018, "Des lycéens à genoux, mains sur la tête: ce que l'on sait de l'interpellation collective de 151 adolescents à Mantes-la-Jolie, dans les Yvelines".
46. Comments gathered at hearings on 7 March 2025, AS/Soc (2025) PV02add.

administrative investigation into the officers involved in the arrests was closed in 2019, while the judicial inquiry launched in response to a civil complaint led to the case being dismissed in April 2025. The findings were more or less the same: the law enforcement practices used pursued a legitimate aim and were necessary and proportionate.

28. The urban violence that took place from 27 June to 7 July 2023 following the death of Nahel Merzouk – a young man shot dead by a police officer at a traffic stop in Nanterre – also left a lasting impression because of its scale and intensity. 750 towns across France were affected, 50 000 rioters took to the streets, the majority of them young people, and 45 000 law enforcement officers were deployed. Tragically, two people died and around a thousand were injured, mostly law enforcement officers. There was also extensive damage to property. The report produced by the parliamentary commission of inquiry into the riots[47] notes "the violent outburst of anger at institutions and representatives of public authority" fuelled "by a feeling of social exclusion, based on a disconnect, which is endured or nurtured, between the rioters and the rest of the population" not to mention the impact of group dynamics and the role of social media. The report concludes with recommendations focused on strengthening security and penalties for demonstrators. One discovery made during the discussions with the CNCDH and the Defender of Rights was that no steps have been taken in the wake of these protests to address the root causes of the violence. The only structural response has been a bill aimed at restoring the authority of the justice system over juvenile offenders and their parents. Driven by the feeling that "some of our teenagers are slowly sliding into a form of isolation, individualism, and in some cases worse: a form of unbridled, shameless, lawless violence", it aims in particular to encourage parents to take greater responsibility.[48]

29. Underlying these tensions between young people in disadvantaged neighbourhoods and the law-enforcement officers, identity checks are the most visible "sore point".[49] "The first time I was stopped, I was ten years old. The last time was three days ago.""Compared with the population as a whole, all other things being equal, young men who are perceived as Arab/North African or Black are 20 times more likely to be stopped than others".[50]

30. Although governed by the Code of Criminal Procedure, which requires that there be objective grounds for suspicion, statistics and field surveys confirm that identity checks disproportionately affect young Black and Arab men, or those perceived as such, living in disadvantaged neighbourhoods, something many observers interpret as ethnic profiling.[51] On 9 April 2025, the Defender of Rights published the results of a field investigation in the Paris region and stated that they demonstrate that there is an institutional policy within the national police force aimed at removing from Parisian public spaces categories of people defined by the police as "undesirable" on the basis of their age, gender, ethnic and racial profiling, and economic precariousness.[52]

31. Repeated checks, perceived as discriminatory and humiliating, as well as multiple fines/verbalisations, fuel resentment towards law-enforcement officers, who in turn have to contend with a growing number of incidents involving verbal abuse and defiance. In 2023, the Conseil d'État acknowledged that discriminatory checks were not "isolated cases", but did not consider them to be "systemic and widespread",[53] while a 2024 report by France's Court of Auditors described the practice as taking place on a massive scale with little oversight and "unclear objectives": 47 million checks were carried out in 2021, 94% of which did not result in any arrests.[54] Our Assembly and the European Commission against Racism and Intolerance (ECRI) have

47. Investigation conducted by the Senate Committee on Constitutional Law, Legislation, Universal Suffrage, Rules and General Administration, "Emeutes de juin 2023, Comprendre, évaluer, agir", Senate, information report no. 521 (2023-2024), 2024.
48. The bill was passed by the Senate on 26 March 2025 ("Dossier législatif – Aménager le code de la justice pénale des mineurs et la responsabilité parentale" – Sénat).
49. C. Lazerges, "Pour une politique criminelle de lutte contre les contrôles d'identité discriminatoires", Revue de science criminelle et de droit pénal comparé, janvier-mars 2017, p. 173.
50. Defender of Rights, "Enquête – Inégalités d'accès aux droits et discriminations en France": Tome 1 (2017) et tome 2 (2020), La Documentation française. Every year, the Defender of Rights issues decisions on complaints of ethical misconduct related to discriminatory identity checks (see most recently the 2024 activity report, p. 83).
51. F. Jobard (Open Society Justice Initiative), "Mesurer les discriminations selon l'apparence: une analyse des contrôles d'identité à Paris", dans Population, 2012. Human Rights Watch, "Ils nous parlent comme à des chiens: Les contrôles de police abusifs en France", 2020. "France: Mettre fin aux contrôles d'identité discriminatoires nécessite des réformes profondes". Observatoire des inégalités, "Des contrôles de police très inégaux selon la couleur de la peau", 2021. Amnesty International, "Contrôles au faciès en France: le combat continue", December 2024.
52. Défenseure des droits, "Eclairages, Fines, evictions, checks: the police's management of "undesirables" in the Paris region", April 2025.
53. Conseil d'État, Decision No. 454836, Amnesty International France and Others, 11 October 2023.
54. Cour des comptes, "Les contrôles d'identité: Une pratique généralisée aux finalités à préciser", 6 December 2023.

been condemning such practices for years.[55] In 2024, addressing the United Nations Human Rights Committee, which was concerned about allegations of profiling by the law-enforcement officers,[56] French representatives stated that "there can be no ethnic profiling within our Republic".[57]

4.2. Choices around words

32. "My first experience with the police was when I was 15. I was slapped. I didn't file a complaint because I didn't know my rights. We are seen as a nuisance, as enemies. We don't even know how to communicate with the police to clarify what they want if there is a misunderstanding".[58] From the perspective of the young people interviewed, the sense of misunderstanding runs deep: first and foremost, they seek to understand what attitude they should adopt when faced with a negative interaction with the police, such as yet another identity check. From the law enforcement perspective, beyond the fact that identity checks objectively serve to combat crime, there is a similarly deep sense of incomprehension regarding the decline in "respect for the institution" they represent. This disconnect can be attributed, in part, to insufficient training, which those concerned are the first to acknowledge: young recruits sent to the front line in disadvantaged neighbourhoods are not made aware of the effects of cognitive and discriminatory biases, are often unaware of the specific traits of the areas they patrol and can quickly find themselves in a confrontational situation and exposed to tensions (insults and verbal abuse).[59]

33. This asymmetry of views is not unique to France. In almost all European countries, critical incidents, knowledge produced by non-governmental organisations and efforts by independent human rights bodies have helped to raise awareness and make police checks a topic of public debate. These initiatives have led to reforms in legislation and policing policies to varying degrees, depending on the pressure exerted by civil society on political players.[60]

34. Receipts containing information on the context of the identity check, the legal basis, the specific reasons for the check and its outcome are one common reform when it comes to analysing models of practice and identifying bias. In the United Kingdom, the process of reflection began in 1981 after the Brixton riots, when the widespread use of stop and search among young Black men was identified as one of the immediate causes of the unrest. The first legislative move was to require the police to record their stops and make the data available to those stopped. In 2014, another round of reforms led to a review of the legislation governing reasonable suspicion, the scrapping of individual targets for officers in relation to identity checks, a review of stop and search training and the introduction of training on unconscious racial bias.[61] In England, between 2008-2009 and 2018-2019, the number of recorded stop-and-searches fell sixfold (from around 1 500 000 to fewer than 300 000). The British approach inspired the Strategies for Effective Police Stop and Search (STEPSS) project, launched in 2007 for 22 months in eight locations across Spain, Hungary and Bulgaria to combat ethnic profiling during identity checks by introducing, among other things, the requirement to fill out a stop form.[62]

35. In France, the Defender of Rights, the CNCDH and non-governmental organisations, followed by the Court of Cassation,[63] have succeeded in bringing the issue of identity checks to the attention of policy makers. These campaigns have yielded results, with the deployment of body-cams within the police force, the

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55. Assembly, report entitled "The honouring of membership obligations to the Council of Europe by France", Doc. 15833, 25 September 2023, paragraph 132. ECRI, report on France (sixth monitoring cycle), 2022, paragraph 113.
56. Human Rights Committee, CCPR/C/FRA/CO/6 op. cit., paragraphs 12 and 13.
57. Minutes of the meeting held on 23 October 2024 between the expert members of the Committee and the French delegation.
58. Comments gathered at hearings on 7 March 2025, AS/Soc (2025) PV02add, corroborated by testimonies collected by the CNCDH, "Avis sur les rapports entre police et population: rétablir la confiance entre la police et la population", 11 February 2021.
59. Defender of Rights, Study "Déontologie et relations police-population: les attitudes des gendarmes et des policiers", February 2024.
60. "Police Stops in Europe: A Citadel Under Siege, But Still Standing", op. cit. "Les contrôles policiers en Europe: des contestations récurrentes, des réformes limitées", *Revue Futuribles* n° 459 (March-April 2024).
61. Home Office, Guidance, "User guide to police powers and procedures" (updated on 27 February 2025).
62. Open Society Justice Initiative, "The Recording of Police Stops and Toolkit for the Analysis of Police Identifications", 2020.
63. On 9 November 2016, France's Court of Cassation found the French State guilty of "gross negligence" in three cases of discriminatory identity checks (judgments Nos. 15-24.212, 15-25.210 and 15-25.873). However, the Court of Cassation considered that the allegations of discrimination made by the applicants were not sufficiently substantiated and that, in the absence of proof of the discriminatory nature of the identity checks, the State could not be held liable. An application is pending before the European Court of Human Rights under Article 14 (discrimination) in conjunction with Article 8 of the Convention (private life) (Seydi and others v. France, application No. 35844/17, communicated on 6 October 2021).

widespread use of identification numbers[64], and the introduction of a complaints mechanism for reporting inappropriate behaviour by law enforcement officers. This is not enough, however. Not only is the decision to switch on the camera left to the officer's discretion, but also complaints are filed with inspection services staffed by police officers or gendarmes, there is nothing to ensure that officers actually wear their ID badges and display them clearly, and the traceability of checks and their follow-up remain inadequate.[65] Our Assembly, the ECRI and the United Nations Human Rights Committee have called for the introduction of an effective traceability and monitoring system to highlight discrimination, ensure that the police are accountable for their actions and build trust in them.[66] Despite presidential campaign promises and pressure from the courts, these reforms have not been adopted: in 2025, the French authorities are unable to provide information on the number of identity checks carried out, the locations and times of these checks and the populations affected. As for training, this consists of a few hours of theory, with participants being issued with a copy of the code of conduct in which the word "citizen" appears for the first time on page 10 and the word "dialogue" is absent.[67]

36. Another area for possible progress warrants close attention, in the light of a fast-growing line of inquiry in Anglo-Saxon countries around the concept of "procedural justice". This is based on the premise that the legitimacy of law-enforcement authorities stems more from their operational methods – such as listening, respectful conduct, communication, and availability – focused on crime prevention through knowledge of local communities and challenges, than from measurable outcomes of police interventions.[68]

37. What particularly interests me as rapporteur is that, although the concept is not widely recognised in France, the reflection on procedural justice is at the root of public policies aimed at better integrating the police into the social fabric – such as the community policing model of the "guardian of the peace," which is, for its part, widely supported in France.[69] Since the phasing-out of this model of policing since 2003 is seen as having contributed to the deterioration in relations between the police and the public, it is reasonable to suppose that reintroducing community policing alongside special police units would help to bring the police closer to the community in neighbourhoods where this is needed. Experiments conducted in various member States have shown that with its local roots, visible presence and the development of local partnerships, community policing helps to prevent tensions and better meet local expectations in terms of security and dialogue.[70]

5. Disconnections in the democratic process: consolidating the social contract

38. "Democracy is not about consensus but dissensus."[71] Free elections, separation of powers, and a multiparty system are essential components of democracy, but they alone do not guarantee a truly vibrant democratic life. This chapter aims to explore how certain dynamics of a somewhat top-down model of democratic governance can foster a sense of disconnection between the top of the State and society. Two particularly significant factors emerge. First, a tendency to no longer view protest as a legitimate contribution to democratic pluralism, but as a disruption to public order – an outlook that can encourage the rise of alternative, sometimes violent, forms of dissent.[72] Second, a high degree of power centralisation. While this model offers certain advantages – such as a clear embodiment of the State, the ability to project a long-term vision, and to arbitrate between conflicting interests – it also reveals limitations, particularly regarding the space granted to checks and balances, public debate, and social dialogue. On the basis of these findings, I

64. New National Law Enforcement Plan cited above.
65. M. Boutros, *Contrôles au faciès* in France: From Denial to Recognition to Inaction, dans *The Politicization of Police Stops in Europe – Public Issues and Police Reform, Palgrave's Critical Policing Studies*, op. cit., p. 123 and seq.
66. Assembly, Resolution 2364 (2021) "Ethnic profiling in Europe: a matter of great concern".
67. Code of Ethics of the National Police and the National Gendarmerie (2014).
68. R. Lévi, "La police française à la lumière de la théorie de la justice procédurale", *Déviance et société*, 2016, 40-2, p. 139-164.
69. Senate information report, " Un nouveau pacte de solidarité pour les quartiers", 30 October 2006; CNCDH, "Avis sur les rapports entre police et population: rétablir la confiance entre la police et la population", 11 February 2021, "Avis relatif aux rapports entre police et population", 19 October 2023, and "Avis sur Violences urbaines, périphéries et accès aux droits", 19 December 2024; Institut Rousseau, "Mettre fin à l'orientation répressive de la politique de sécurité pour renouer la confiance entre les forces de l'ordre et la population", 17 October 2024.
70. Örebro University, School of Humanities, Education and Social Sciences, "Mutual trust – Community policing as a trust-building method in a Swedish police context", 2020. Centre suisse de compétence pour les droits humains, "Des pratiques policières conformes aux droits humains", 2022.
71. M. Chemillier-Gendreau, "Régression de la démocratie et déchainement de la violence", 2019.
72. Following the thinking of P. Rosanvallon, *Les institutions invisibles*. Une histoire de la légitimité démocratique, 2024.

sought to explore more horizontal models of governance which, far from undermining representative democracy, complement it by opening up more inclusive and pluralistic spaces for deliberation – thereby helping to improve relations between citizens and institutions through strengthened democratic dialogue.

5.1. Choices around actions

39. Demonstrations are particularly important in France: they are not only a means of political expression, but also a veritable social ritual, deeply rooted in the relationship between citizens and the State.[73] On a number of occasions, the streets have been able to influence government decisions and help broaden the public debate. However, while the capacity for spontaneous mobilisation remains strong, it appears that since 2016,[74] the integration of this expression into a fully inclusive democratic process has tended to be eroded in favour of an increase in social conflict.

40. The "Gilets jaunes" movement, which began on 17 November 2018 in response to the increase in the carbon tax on fuel, was one of the most striking mobilisations. On its first day, around 287 000 people mobilised in the country across more than 2 000 blockade points. The weekly protests ("acts"), held every Saturday, continued uninterrupted for 60 weeks.[75] They brought together individuals from "invisible France" who "live on the periphery due to lack of means to live in metropolitan centres, unwilling to move to nearby suburbs",[76] and dependent on cars for work. The government's initial response came on 10 December 2018 in the form of a €10 billion social package. Seen as an attempt to buy social peace without addressing the root causes, it had the opposite effect. The above-mentioned security response, combined with preventive and punitive judicial treatment of protests – 10 000 arrests and 3 100 convictions[77] – also reinforced resentment. The movement maintained high popular support and lasted a total of 17 months, until early 2020.

41. I was struck not so much by the lack of a party or union structure as by the "Gilets jaunes" refusal to be represented and, above all, to engage in dialogue with the authorities, as if they had settled from the outset into a state of mistrust and the conviction that appointing a representative and negotiating were a sure path to defeat, and that the only way out was to establish a power struggle with the government. The absence of a programme is also characteristic, even if, in the end, observers agree on seeing unifying watchwords in the demand to "live with dignity from one's work" and for a "more horizontal society".

42. In a completely different vein, the social movement against pension reform in 2023 was equally emblematic. Initially, the systemic reform proposal from 2019 had been the subject of extensive dialogue with trade unions. The CFDT, with whom I met, did not oppose the principle of reform, while clearly setting red lines – especially regarding the retirement age. After being put on hold during the pandemic, the project returned in 2023 as a parametric reform aiming to reduce public expenditure by raising the retirement age from 62 to 64. Unlike in 2019, this new version was drawn up without meaningful negotiations with trade unions, who unanimously rejected it – including the CFDT. Public opinion strongly supported this rejection: there were fourteen days of mobilisation over six months, involving around 12 million demonstrators.[78] On 16 March 2023, the government decided to use Article 49.3 of the Constitution to pass the law through the French National Assembly without a vote. On 14 April 2023, the Constitutional Council validated most of the reform, including the use of Article 49.3, and the law was promulgated. This action, recognised as legally valid internally,[79] was seen as a denial of democracy and led to a radicalisation of the mobilisation, outside the trade union framework, and an outburst of violence[80] that resulted in numerous injuries, mainly among the law-enforcement officers but also among the demonstrators.[81]

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73. In 1986, a bill to introduce greater selectivity at university entrance was withdrawn after weeks of student protests, particularly following the death of Malik Oussekine. In 1995, massive protests led to the withdrawal of the Juppé pension plan. In 2006, student and trade union demonstrations forced the government to back down on the first job contract.
74. The Labour Law proposed measures to make economic layoffs easier and to give company-level agreements precedence over industry-wide agreements, particularly regarding working hours.
75. P. Blavier, "Les Gilets jaunes: un moment populiste?", *Esprit*, février 2019.
76. M. Gauchet, "Macron, les leçons d'un échec – Comprendre le malheur français II", 2021.
77. French National Assembly, "Information report on policing in France" (no. 2252, December 2019).
78. IFOP, "Le regard des Français sur la réforme des retraites", March 2023.
79. The Venice Commission, asked by the Chair of the Assembly's Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), has issued an Interim Opinion on Article 49.3 of the Constitution, adopted at the 135th plenary session, Venice, 9-10 June 2023 (CDL-AD(2023)024).
80. *Le Monde*, Violences policières: "S'il y avait sur le terrain des agents plus expérimentés, il y aurait probablement moins de problèmes», interview with the former head of the public liberties protection section of the Paris public prosecutor's office, 25 April 2025.

43. I analyse this sequence as revealing of a power system marked by a weakening of intermediary bodies, where the State is seen to act as a management body rather than as the expression of shared sovereignty.[82] In this context, the demonstration becomes much more than a simple protest tool: it asserts itself as "a mode of collective enunciation that aims to make visible a social voice relegated to the periphery of the decision-making system" [83] in the face of "legal democratism", understood as a democracy centred on respect for procedures without always guaranteeing effective citizen participation or real consideration of social demands.[84] The danger of governing against the visible forms of expression of the people – in the name of the people themselves – is well known: a democracy that is no longer nourished by public debate, but operates in isolation, within its own procedural logic.[85]

44. The "Gilets jaunes" movement and the mobilisation against pension reform both reflect the same deterioration in the relationship between the governed and those who govern, reinforcing the perception of a power structure which is deaf to the demands expressed in the public arena. This erosion of confidence is confirmed by the CEVIPOF Barometer of Political Confidence published in January 2023: only 26% of French people place their trust in the French National Assembly, 23% in the government and 20% in political parties.[86]

5.2. Choices around words

45. Beyond distrust in institutions, it is representative democracy itself that seems shaken. While this is not unique to France, some member States have managed to maintain stronger bonds of trust between the governed and the governing. For instance, 54% of Danes express trust in their government – one of the highest rates in the European Union.[87] This high level of trust, which can be found in all the Scandinavian countries, can be explained by the political culture specific to these States: decisions are the fruit of in-depth dialogue among different political perspectives, leading to broad compromises, which reduces social tensions and reinforces the feeling of democratic inclusion.[88] The Organisation for Economic Co-operation and Development (OECD)'s 2024 survey on the determinants of trust in public institutions confirms that the sense of having a say in government decisions is a central driver of trust – more so than socio-economic or demographic factors.[89]

46. Switzerland offers a political, social and institutional context that is unique in Europe. With its long tradition of direct democracy, Switzerland calls on its citizens to vote four times a year on an average of ten issues: new laws on immigration, retirement age or social benefits, for example. In addition to these votes, the citizens have other instruments at its disposal to influence the legislative process: the mandatory referendum is automatic for all constitutional amendments approved by parliament; the optional referendum, with 50 000 signatures collected in 100 days, makes it possible to demand that any bill approved by parliament be submitted to a national vote; and the popular initiative allows citizens to propose an amendment to the Federal Constitution by collecting 100 000 signatures in 18 months.[90] These institutionalised mechanisms contribute to a relatively calm social climate and a high degree of legitimacy for public decisions.

47. While the political, constitutional, and social realities of Denmark and Switzerland cannot be directly transposed to other national contexts, they show that trust in institutions and social peace can be increased by institutionalising forms of participatory democracy to complement traditional representative mechanisms – as recommended by the Assembly and the Committee of Ministers of the Council of Europe.[91]

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81. 1 518 people were injured among law-enforcement officers (gendarmes and police officers combined) and 546 demonstrators were injured, including 19 in an absolute emergency, between 19 January and 3 May 2023 (Investigative report no. 1824, submitted to the National Assembly on 7 November 2023 and drawn up by the Commission of Inquiry into the structure, funding, resources and methods of action of the small groups responsible for violence during the demonstrations and gatherings that took place between 16 March and 3 May 2023).
82. See on this subject the political thinking of Mr Gauchet, *Le Nœud démocratique. Aux origines de la crise néolibérale* (The Democratic Knot: At the Origins of the Neoliberal Crisis), 2024.
83. P. Rosanvallon, *La légitimité démocratique. Impartialité, réflexivité, proximité*, 2008.
84. M. Delmas-Marty, "Droit international et démocratie", Diogène, 2007/4 (n° 220).
85. *Le Monde*, A. Ogien, "L'accusation de déni de démocratie, symptôme d'une souveraineté populaire devenue introuvable", 23 October 2024.
86. CEVIPOF political confidence barometer, conducted by the Centre for Political Research at Sciences Po.
87. Eurobarometer 2024.
88. C. Green-Pedersen et I.B. Hjermitslev, "A compromising mindset? How citizens evaluate the trade-offs in coalition politics", European Journal of Politic Research, 1 November 2023.
89. OECD survey on the determinants of trust in public institutions – results 2024. "Building trust in a complex context", 10 July 2024.
90. Official website of the Swiss Confederation, Federal Department of Foreign Affairs (eda.admin.ch).

48. From this perspective, intermediary bodies also play a central role; strengthening them means "guaranteeing citizens permanent spaces for expression and deliberation".[92] In this respect, Germany offers an instructive example because, despite major challenges such as the Hartz IV reforms designed to guarantee the financing of the pension system, it has solid democratic shock absorbers that limit the effects of mistrust. This is due to the political culture of consensus: the federal parliamentary system, combined with proportional representation, encourages the formation of government coalitions, forcing negotiations and the integration of differences in the construction of public policies. In addition, trade unions and employers' organisations are essential partners and are involved in major social policy decisions thanks to a co-determination mechanism, which has the effect of channelling social conflict upstream.[93] The unions, strengthened by their legitimacy, favour smaller but more strategic mobilisations. As a result, demonstrations are quickly listened to by institutions, because they are part of an ecosystem in which the collective voice has already been integrated.[94]

49. A growing interest in deliberative and participatory democracy practices has emerged across Europe. I am convinced that the link between parliament and these mechanisms represents an important lever for responding to the crisis of democratic representativeness. The citizens' assemblies in Ireland are often cited as an example of "an exceptional laboratory for deliberative democracy".[95] In France, in response to the "Gilets jaunes" protests, the government launched a Grand National Debate in 2019. Alongside public complaints registers *(cahiers de doléances)* opened in 16 000 town halls and meetings involving nearly 500 000 participants, an online platform collected responses from 400 000 citizens on ecological transition, taxation and public spending, democracy and citizenship, and public services. This was followed by the Citizens' Convention on Climate, comprising 150 citizens drawn by lot. Their 146 proposals to reduce greenhouse gas emissions in France were submitted to the President in 2020; most were partially adopted, while 28 were rejected.[96] To date, although they have been available to researchers and to everyone since 30 April 2025, the 19 899 *cahiers de doléances* containing 217 910 individual contributions have not (yet) been used politically.[97]

50. I have analysed the criticisms levelled at these initiatives, in particular the sociological representativeness of the respondents to the Grand Debate, the absence of an official national summary of the complaints registers, and the feeling of frustration generated by the perception that the Citizens' Convention on Climate had had little impact on policy.[98] I can understand these criticisms.

51. Nonetheless, what interests me from the perspective of this report lies elsewhere: "These registers allowed people who were previously disengaged to participate, gave a voice to those who rarely spoke out, and brought visibility to life stories that were seldom told."[99] Both the *cahiers de doléances* and the "Gilets jaunes" demands highlighted a desire for a more horizontal society, with strong calls for proportional representation – a theme that has recently resurfaced as a response to the crisis of institutional legitimacy.[100] Furthermore, lessons have been learned, as shown by more recent initiatives: representative citizen selection, clearly defined mandates, bottom-up approaches, and real political implementation. At the local level, the Grenoble-Alpes Metropolitan Citizens' Convention on Climate (2021–2022) produced 219 proposals largely adopted by the metropolitan council, with oversight entrusted to a dedicated committee.[101] At the national

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91. Assembly, Resolution 2552 (2024) "Strengthening democracy through participatory and deliberative processes". Recommendation CM/Rec(2023)6 of the Committee of Ministers to member States on deliberative democracy. See also: A. Williamson and J. Barrat, Mapping deliberative democracy in Council Europe Member States, Council of Europe, 2022.
92. Speech of T. Beaudet, président du Conseil économique, social et environnemental, 14 janvier 2025.
93. *Le Monde*, "Coalitions européennes: en Allemagne, la culture du compromis", 25 June 2022, "Les leçons de la culture du compromis en Allemagne: On ne peut pas gouverner en coalition si l'on n'accepte pas le principe du donnant-donnant", 9 July 2024. *Le Monde*, Tribune de P. Wirtz, "Le système allemand de codétermination a été le fruit d'un important mouvement de mobilisation sociale", 8 September 2023.
94. *Le Monde*, "L'Allemagne frappée par une 'mégagrève' dans les transports", 27 March 2023, "Il est symptomatique qu'il n'existe pas en Allemagne d'équivalent de l'article 49.3", 2 July 2023.
95. D. Lowe, "Les pratiques parlementaires en matière de consultation publique de la société civile et des citoyens", Union européenne et Conseil de l'Europe, avril 2024.
96. Platform for monitoring the Citizens' Convention on Climate, www.ecologie.gouv.fr/suivi-convention-citoyenne-climat.
97. *France culture*, "Comment les cahiers de doléances parlent plus qu'on ne le croit: équité, compétence politique, déclassement", 30 September 2024.
98. The Conversation, "Démocratie participative: une enquête inédite livre les enseignements du grand débat national", 11 September 2023. *Le Monde*, "Trois ans après la loi Climat, aucune mesure structurante", August 2024.
99. *Franceinfo*, "'Tout ça a fini en queue de poisson': que contiennent les milliers de cahiers de doléances que François Bayrou veut rouvrir?", 6 February 2025.
100. *Le Monde*, "François Bayrou lancera 'une consultation' à la fin du mois pour l'instauration de la proportionnelle aux législatives", 20 April 2025.

level, the Citizens' Convention on the End of Life (2022–2023), bringing together 184 participants, made recommendations on active assistance in dying which have been incorporated into the parliamentary and legislative debates.[102]

6. Conclusion

52. In conclusion, I wish to link the aims of this report with the initiative launched by Alain Berset, Secretary General of the Council of Europe, for a New Democratic Pact for Europe. Presenting this initiative at the 134th Session of the Committee of Ministers (Luxembourg, 13-14 May 2025), the Secretary General noted that today's threats to democracy did not arise overnight: they reflect disappointed expectations, broken promises, and a widening gap between governments and the people. This New Pact seeks to recognise honestly where things should have been done better, and where action is still possible.[103]

53. With this in mind, I would like to first stress the importance of rethinking policing strategies in the face of social mobilisation. Public force, which is necessary to guarantee human and civil rights, must remain an instrument at the service of all.[104] Policing practices used in democratic societies must evolve in order to preserve the balance between guaranteeing fundamental freedoms and the necessary protection of public order. Calming violence, restoring confidence, restoring demonstrations' power of protest and democratic legitimacy: these are all objectives that call for de-escalation, dialogue and proportionality wherever possible.

54. Such an endeavour is also a matter of rebuilding a lasting bond of trust between institutions and citizens, including young people in disadvantaged neighbourhoods who are disengaged from democratic processes. This means recognising tensions without denying them, opening up a frank and trustful dialogue, refraining from stigmatising certain categories of the population as dangerous or "undesirable" because of their age, gender, ethnic original race or economic precariousness, and re-establishing a relationship based on proximity, listening and mutual respect.

55. Finally, we need to continually innovate. Innovation is needed to breathe new life and flesh into the democratic bond, to make citizen participation self-evident and societal debate a living force. For a democracy that stops renewing itself withers away: it cuts itself off from reality, from the voices in the squares, the roundabouts, the assemblies and the streets. Far from opposing representation and participation, we need to weave them together, rediscovering in collective deliberation, in the vitality of intermediary bodies, in the commitment of citizens, the very source of democratic resilience.

56. As legal scholar Monique Chemillier-Gendreau reminds us, "Democracy is a horizon".[105] This report aligns itself with that horizon, affirming that it is never too late to rebuild a social contract that lives up to the democratic aspirations of our societies.

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101. *The Conversation*, "Comment rendre les Conventions citoyennes pour le climat encore plus démocratiques?", 21 March 2023. Grenoble en commun, "Convention Citoyenne Métropolitaine pour le Climat: Grenoble soutient et s'engage!", 30 January 2023.
102. Economic, Social and Environmental Council (ESEC), "Report of the Citizens' Convention on the End of Life", April 2023. "Citizens' Convention on the End of Life: the ESEC, in partnership with Make.org, proposes to the general public and parliamentarians to better engage with citizens' debates through artificial intelligence", 27 April 2024. Opinion No. 1 of the Democracy, Ethics and Solidarity Collective, "End of life: the challenges of a law in favour of programmed death", April 2025.
103. "Roadmap for the New Democratic Pact for Europe – Building a resilient, inclusive and agile democracy", SG/Inf(2025)14, 29 April 2025.
104. Article 12 of the 1789 Declaration of the Rights of Man and of the Citizen.
105. David Dufresne's documentary: *Un pays qui se tient sage,* 2020.

Appendix - List of people met during fact-finding visits

Representatives of the Ministry of the Interior

Mr Patrick Lapouze, Prefect, Acting Deputy Director of Legal and Institutional Affairs (SDAJI)

Ms Alexandra Authier, Commissaire Divisionnaire, Strategy and Institutional Relations Advisor, SDAJI

Ms Valérie Rakotovao, Legal Adviser, SDAJI

Ms Estelle Davet, Controller General, Head of the Police Mission Unit at the Office of the Directorate General of the National Police (DGPN)

Ms Lucie Tisserand, Assistant to the Legal Advisor at the Office of the DGPN.

Mr Sébastien Abadie, Commissaire Divisionnaire, Deputy Director of Public Order and Mobility at the National Public Security Directorate (DNSP)

Mr Olivier Bagousse, Deputy Director of Missions at the Central Directorate of Republican Security Companies (DCCRS)

Mr Thomas de Ricolfis, Controller General, Deputy Director of Administrative and Judicial Investigations (SDEAJ), General Inspectorate of the National Police (IGPN)

General Olivier Capelle, Director of Operations and Employment (DOE), Directorate General of the National Gendarmerie (DGGN)

Mr Jean-Michel Gentil, Head of the National Gendarmerie Inspectorate (IGGN)

Colonel Gérard Cligny, Head of Office, IGGN

Human rights institutions

Ms Claire Hedon, Human Rights Defender

Ms Magali Lafourcade, Secretary General of the National Consultative Commission on Human Rights (CNCDH)

Mr Simon Foreman, Rapporteur for opinions on relations between the police and the public (CNCDH)

Mr Thomas Dumortier, Legal Adviser (CNCDH)

Non-governmental organisations

Ms Nathalie Tehio, President of the Ligue des Droits de l'Homme (Human Rights League)

Mr Pierre-Antoine Cazau, bureau national, Ligue des Droits de l'Homme

Trade unions

National Union of Autonomous Trade Unions (UNSA) Police

Mr Thierry Clair, Secretary General

Mr Marc Hocquard, Deputy Secretary General

Alliance Police Nationale

Mr Patrice Ribeiro, Special Adviser to the Secretary-General

Mr Eric Henry, Special Adviser to the Secretary-General

French Democratic Confederation of Labour

Ms Lydie Nicol, National Secretary

Ms Jocelyne Cabanal, National Secretary

Ms Emilie Ouchet, political assistant

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Expert

Mr Sebastian Roché

Members of Parliament

Mr Bertrand Bouyx (France, ALDE), Member of the Assemblée nationale, President of the French Delegation to the Parliamentary Assembly

Mr Claude Kern (France, ALDE), Senator

Mr Alain Milon, (France, EPP/CD), Senator

with the participation of Mr Xavier Moal, Principal Administrator, Secretariat of the French Delegation to the Parliamentary Assembly