

Statement on the “Rule of Law” (D-2026-1)

Plenary Session of January 29, 2026

Unanimously adopted

1. The French National Consultative Commission on Human Rights (CNCDH), committed to fulfilling its mandate as a national institution for the protection and promotion of human rights and, in particular, its mission to educate on the values and principles underpinning human rights, has always emphasized the fundamental importance of the rule of law in a fully democratic society that ensures the protection and respect of all human rights for every individual.
2. The CNCDH sought to highlight the multifaceted concept of the “rule of law,” its function, and its importance for society as a whole, on the occasion of the recent Human Rights Conference¹, which it organized on November 4, 2025, the 75th anniversary of the Convention for the Protection of Human Rights and Fundamental Freedoms. The “For the Rule of Law” day centered on the dual themes of vigilance and resistance. In particular, it provided an opportunity to hear the questions of young people, some of whom participate in the CNCDH’s Youth Initiative² ; they reflected on the very concept of the rule of law and on how respect for the rule of law is embodied in daily life, thereby echoing the questions raised by the assembly. The conference also facilitated the sharing of observations and strategies among civil society actors, associations, and labor unions - groups working in different spheres but facing the same challenges and concern.
3. The rule of law requires that, throughout the entire territory - both in mainland France and in the overseas territories - all public authorities act in accordance with the law regarding the scope of their powers and the manner in which they are exercised. This is based on the principle of the separation of powers, in particular on the independence and impartiality of

¹ View the [program](#) for the CNCDH’s first Human Rights Conference

² See the [page](#) dedicated to the Youth Initiative on the CNCDH website

the judiciary, and on the hierarchy of legal norms. It also implies that public action must be guided by democratic values, in order to ensure equality for all before the law and respect for all human rights according to their indivisible and interdependent nature - whether civil, political, economic, social, cultural, or environmental - without discrimination of any kind.

4. The state's submission to the rule of law determines the framework within which its actions may be conducted in a just and legitimate manner - bearing in mind that legality and legitimacy must not be confused. Rule of law protects against arbitrariness, authoritarian excesses, and all forms of hatred, racism, and anti-Semitism and, more broadly, against the rejection of others.
5. Hard-won through a long history of struggle against arbitrariness, the rule of law is a precious achievement of previous generations. It is up to us to preserve it and keep it alive, to protect both the present and the future, for both the women and men of today and those of tomorrow.

1. For constant and active vigilance

6. During the conference, discussions confirmed the findings of the CNCDH: threats to and violations of the rule of law are on the rise. They permeate all sectors of society, undermining its democratic foundations.
7. Challenges to the rule of law are leading to a shrinking of civic space³ and a rollback of human rights, thereby setting in motion a worrying vicious cycle. The methods used against human rights and environmental defenders, as well as humanitarian and international solidarity actors, undermine the right to protest - a right guaranteed by international law - notably through the increasing criminalization of civil disobedience and the use of disproportionate criminal charges to suppress nonviolent activism. Reprisals against whistleblowers, as well as strategic lawsuits against public participation (also known as SLAPP suits or intimidation lawsuits),⁴ used by private or public actors to silence those participating in public debate, undermine freedom of expression.
8. Following the 2024 Olympic and Paralympic Games,⁵ the CNCDH remains concerned about the risks

³ CNCDH, [Opinion on the Restriction of Civic Space: A Major Challenge for Democracy and Human Rights](#) (A - 2025 - 7), Plenary Assembly of June 17, 2025; [Opinion on Surveillance of Public Space](#), Plenary Assembly of June 20, 2024; [Opinion "Freedoms Put to the Test by Major Events – The Experience of the Olympic and Paralympic Games"](#) (A – 2025 – 9), Plenary Assembly of October 14, 2025.

2024/1069 of April 11, 2024 (A – 2025 – 2), Plenary Session of February 13, 2025.

⁴ CNCDH, [Opinion "Combating SLAPP suits" on the occasion of the transposition of Directive \(EU\)](#)

⁵ On this subject, see CNCDH, [Opinion "Civil Liberties Put to the Test by Major Events – The Experience of the Olympic and Paralympic Games"](#) (A – 2025 – 9), Plenary Session of October 14, 2025.

posed to the rule of law by the development of surveillance technologies, the massive use of personal data by public authorities and private entities, as well as the deployment of opaque algorithmic systems in administrative decision-making, which can generate new forms of discrimination and arbitrariness.

9. The use of emergency laws,⁶ outside of emergency situations, also contributes to restricting the civic space. Measures designed for specific crises are being permanently incorporated into ordinary law, weakening checks and balances and limiting freedom of expression. In this context, state safeguards are losing their effectiveness, and institutional are being circumvented, as was the case during the COVID-19 pandemic.⁷
10. In order for journalists and the media to fulfill their essential role of monitoring and raising the alarm regarding violations of the rule of law, it is important that the law guarantee media independence, including editorial independence, and the protection of sources, as well as access to public documents. This is all the more necessary given that the growth of social media has not yet

been accompanied by sufficient regulation requiring platforms to respect the rule of law in order to protect democratic debate.⁸

11. Independent administrative authorities such as the French Ombudsman le Défenseur des droits, the General Inspector of Places of Deprivation of Liberty (CGLPL), the National Commission on Information Technology and Civil Liberties (CNIL), the Commission for Access to Administrative Documents (CADA), and the Regulatory Authority for Audiovisual and Digital Communication (Arcom) are essential bulwarks of the rule of law. Their work underscores a fundamental principle: human rights must be guaranteed to everyone. In fact, undermining the rights of the most vulnerable erodes social cohesion and invariably leads to the erosion of rights for all.
12. The failure to enforce laws relating to social rights, the adoption of laws that weaken them, as well as the disappearance of local public services and physical service counters, exacerbate the lack of access to and the inability to exercise rights,⁹ and worsen the

⁶ On this subject, see CNCDH, [Opinion on the monitoring of the state of emergency and the anti-terrorism measures of the law of July 21, 2016](#), Plenary Assembly of January 26, 2017, and [Opinion on the draft law aimed at strengthening internal security and the fight against terrorism](#), Plenary Assembly of July 6, 2017.

⁷ CNCDH, [Opinion “Public Health Emergency and the Rule of Law” \(A - 2020 - 3\)](#), Plenary Session of April 28, 2020.

⁸ On this subject, see CNCDH, [Opinion on the fight against online hate \(A - 2021 - 9\)](#), Plenary Session of July 7, 2021.

⁹ See CNCDH, [Opinion on Access to Rights and Non-Take-Up \(A - 2022 - 4\)](#), Plenary Assembly of March 24, 2022.

marginalization of a growing segment of the population.

13. The CNCDH expresses grave concern regarding the brutal and repeated challenges to the rule of law coming from high-ranking state officials, as well as their role in the growing challenge to constitutional review, the primacy of international and European standards, judicial authority, the independence of judges, and the authority of court decisions.
14. The CNCDH is even more alarmed by the misuse of the concept of the rule of law to discredit a court decision or attack judges, which constitutes a direct attack on democracy. Indeed, the independence of the judiciary along with the protection of judges are essential pillars of a democratic society founded on the principle of the rule of law. The CNCDH therefore strongly condemns all forms of intimidation, threats, insults, or reprisals directed at judges in national, European, or international courts. It thus condemns the sanctions imposed by the U.S. government against judges and staff of the International Criminal Court¹⁰ for simply carrying out their duties. It is outraged by the severe consequences these sanctions have had on the daily lives of the men and women targeted in this way.
15. The CNCDH calls for constant and active vigilance to identify all such abuses, denounce them, and remedy them. In fact, any violation of the rule of law, even one that appears limited,

undermines the entire democratic edifice. It is very difficult to restore the rule of law once it has been dismantled; therefore, it is imperative to defend it in a timely manner and, better still, at all times.

2. Resistance through citizen mobilisation

16. In the face of these violations and threats, the Human Rights Conference highlighted the methods of action and the numerous tools that various actors use to strengthen the rule of law, particularly the affirmation of the interdependence of human rights, respect for international commitments, and the development of strategic litigation.
17. The interdependence of human rights is central to the effectiveness of the rule of law. The realization of one right promotes the realization of other rights; conversely, the violation of one right leads to the erosion of other rights. The affirmation of this interdependence is integral to the rule of law because it fosters the inclusion of the most vulnerable and the most disadvantaged.
18. The international treaties on human rights and international humanitarian law (IHL) to which France is a party, as well as the European Union, are founded on shared values and constitute an essential component of the rule of law. They help resist anti-democratic tendencies and combat populism, provided that the effectiveness of public institutions is strengthened and their ability to

¹⁰ See the letter of support from the President of the CNCDH to Judge Nicolas Guillou, dated December 5, 2025.

respond concretely to expectations in the face of daily challenges is enhanced.

European Court of Human Rights by attacking its working methods and case law.

19. The CNCDH, within the framework of its institutional functions as the commission responsible for implementing international humanitarian law, calls for the strengthening of France's role as a driving force for IHL, uncompromising on respect for existing standards¹¹ and a promoter of new advances in favor of the international rule of law.
20. Furthermore, the CNCDH reaffirms the essential role of international human rights courts and mechanisms,¹² particularly within the UN and the Council of Europe. It emphasizes the importance of fully implementing the decisions and recommendations¹³ they issue based on their findings. More generally, the CNCDH expects the government will strongly and consistently reaffirm its unwavering commitment to respect for international humanitarian law and multilateralism.
21. It further expects the French government to clearly distance itself from the European governments that challenge the legitimacy of the
22. The CNCDH also emphasizes the paramount importance of the judicial branch, which serves as the cornerstone of the protection of individual liberty by systematically and immediately reviewing any deprivation of liberty and, more broadly, by effectively guaranteeing fundamental rights. The CNCDH also highlights the essential role of administrative justice in defending fundamental freedoms, particularly through rigorous scrutiny of the legality of government action. And compliance with the decisions of administrative judges, including when they constrain government action, is another pillar of the rule of law.
23. The CNCDH also commends the pivotal role played by the organizations behind strategic litigation, which has led to major advances in the right to health, environmental protection, and the fight against climate change, gradually establishing the State's obligation to honor its climate commitments¹⁴ and to take sufficient

¹¹ CNCDH, [Statement](#) on France's Obligations Regarding the Implementation of International Humanitarian Law (D - 2025 - 1), Plenary Assembly of January 23, 2025.

of reviews of France by international and regional human rights organizations" (D - 2024 - 8), Plenary Assembly of December 19, 2024; [Statement](#) on the enforcement of decisions of the European Court of Human Rights (D - 2024 - 4), Plenary Assembly of September 26, 2024.

¹² CNCDH, [Opinion](#) on United Nations treaty bodies: defending the guardians of human rights (A - 2025 - 8), Plenary Assembly of September 25, 2025.

¹⁴ CNCDH, [Statement](#) on the ICJ Advisory Opinion on States' Obligations Regarding Climate Change (D - 2025 - 7), Plenary Assembly of December 18, 2025.

¹³ CNCDH, [Statement](#) "For the establishment of a national mechanism for drafting reports and following up on recommendations in the context

measures to protect fundamental rights in the face of the ecological crisis. Similarly, access to healthcare has improved as a result of the efforts of AIDS advocacy groups, environmental law has been strengthened, and the State's responsibility in this area has been reaffirmed.

24. Finally, the CNCDH welcomes the continuation and intensification of the fight against impunity for international crimes, both nationally and internationally. It is thanks to the legal action taken by the many organizations mobilized alongside victims that, for example, the affirmation of universal jurisdiction is advancing and corporate criminal liability is being invoked with increasing frequency.

25. The CNCDH emphasizes how citizen mobilization is an essential lever for strengthening the rule of law, defending the public interest, and ensuring the protection of human rights.

3. Time for commitment

26. At the conclusion of its first Human Rights Conference, the CNCDH affirms a clear conviction: the rule of law must be defended in France and throughout the world. In light of the attacks it faces, protecting it is essential to guarantee human rights and keep democracy alive.

27. The CNCDH calls for a broad and democratic mobilization to combine the defense of rights with the defense of the rule of law. Public authorities, elected officials, the media, legal professionals, universities, business leaders, labor unions, associations, civil society actors, and all citizens have a vital role to play. Everyone is called upon to work together, at all levels of government, to defend the rule of law and human rights. As the Venice Commission of the Council of Europe emphasizes in its December 2025 opinion, *"the rule of law can only flourish in a country whose decision-makers and the population in its entirety in all its diversity feel collectively responsible for its implementation, making it an integral part of their own legal and political culture."*¹⁵

The CNCDH is fully committed to this collective effort. It will remain vigilant, serving as a source of proposals and early warning on all issues related to human rights, international law in all its dimensions, and humanitarian action. With determination, it will continue to inform public debate and promote fundamental freedoms and rights in the service of a just, united society focused on a shared future. The rule of law is a daily struggle we must wage together, so that the rights of each individual protect the dignity of all.

¹⁵ Venice Commission of the Council of Europe, (Revised) [List of Criteria for the Rule of Law](#) – European Commission for Democracy through Law of the Council of Europe (Venice Commission) - CDL-AD (2025)002 - 2 - Opinion No. 1210/2024,

adopted at its 145th plenary session, December 12–13, 2025.

