

The Conseil d'Etat does not suspend the dissolution of the Génération Identitaire association

When the Génération Identitaire association challenged the dissolution of the association by the Government, the Conseil d'État's urgent applications judge found that the association promotes an ideology that incites hatred and violence towards foreigners and the Muslim religion. Through its organisation, communication and actions, this association positions itself as a recourse against the allegedly failing police. The urgent applications judge therefore found that the dissolution of this association was proportionate to the seriousness of the risks to public order and public safety resulting from the association's activities.

On 3 March 2021¹, the Government decided to dissolve the Génération Identitaire association on the grounds of the Internal Security Code (CSI), which allows for the dissolution of associations that constitute combat groups or private militias, or that incite hatred, violence and discrimination against people on the basis of their origin, race or religion. The association, its president and its spokesperson appealed to the Conseil d'Etat's urgent applications judge to suspend the dissolution.

Génération Identitaire promotes an ideology inciting hatred and violence...

The urgent applications judge observed that under the guise of contributing to the public debate on and fighting against Islamist terrorism, the association disseminates ideas that justify or encourage discrimination, hatred or violence against foreigners and the Muslim religion (for example, its slogans and messages such as "Immigration, Riffraff, Islamisation-Reconquest) or the terms of the "Pact" that its sympathisers are invited to sign). The association also organises events that create or maintain xenophobic or racist feelings and regularly incites violence by singling out foreigners.

Furthermore, the association does not dissociate itself from the actions of its activists which give rise to prosecution or criminal convictions.

...and can be identified as a paramilitary group.

The urgent applications judge also noted that the association wished to "go to war" and that it used warlike imagery and rhetoric. It organises summer camps during which combat exercises are offered as well as actions imitating the action of the forces of law and order and their uniforms in order to show their alleged failings and to appear as a recourse.

Observing also that the association had been able to put forward its observations prior to its dissolution, the urgent applications judge refused to suspend the decree issued by the government. This decree of dissolution does not appear to date to be based on erroneous facts or on an error of assessment of the nature of the association or its actions. Nor does it appear to be disproportionate in view of the number of facts identified and the seriousness of the risks to public order and public safety resulting from the association's activities.

¹ <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043210363>

The urgent applications judge also rejected the request to transmit to the Constitutional Council a priority preliminary ruling on constitutionality (QPC) concerning Article L.212-1 of the Internal Security Code allowing the dissolution of an association. The arguments put forward by Génération Identitaire in its QPC – in particular the absence of precise conditions and criteria for pronouncing a dissolution – do not allow for any doubt as to the conformity of this article with the Constitution according to the judge.