



Free to Share in

THE PUBLIC DOMAIN

Rules for the use of public space by
evangelical protestant organisations



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Excerpted from “Libre de le dire dans l'espace public” (Freedom to speak in the public domain), this summary document takes stock of the rules applicable to the use of the public space for the needs of events organized by associations as part of ENSEMBLE 2024.



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LEGAL FRAMEWORK

Excerpted from “Libre de le dire dans l'espace public” (Freedom to speak in the public domain), this summary document takes stock of the rules applicable to the use of the public space for the needs of events organized by associations as part of ENSEMBLE 2024.

1. One-time events

For all one-time events on public property (1), the organizers must make a declaration to competent authorities prior to the event in order to prepare for the allow for protection against any risk of disturbance to public order. This must take place between 3 and 15 work days before the date of the event.

With regard to the use of public space, religious events on public property are subject to the same regime as other type of event or demonstration (2).

Outings on public property "in accordance with local customs" are even exempt from declaration, as is the case for traditional processions, for example.

Find out more about how this applies to your project here: [Service-public.fr](https://service-public.fr)

CLICK HERE 

A model declaration is available here:

CLICK HERE 

Sources :

1. Articles L.211-1 et seq. of the Internal Security Code.
2. (art.27 Law of 9 December 1905, paragraph 1).

Local police are responsible for ensuring order during public demonstrations: good order, safety, security and public health (1). They have the right to intervene if they see event (or the response to that event) as creating a risk to the public in any way.

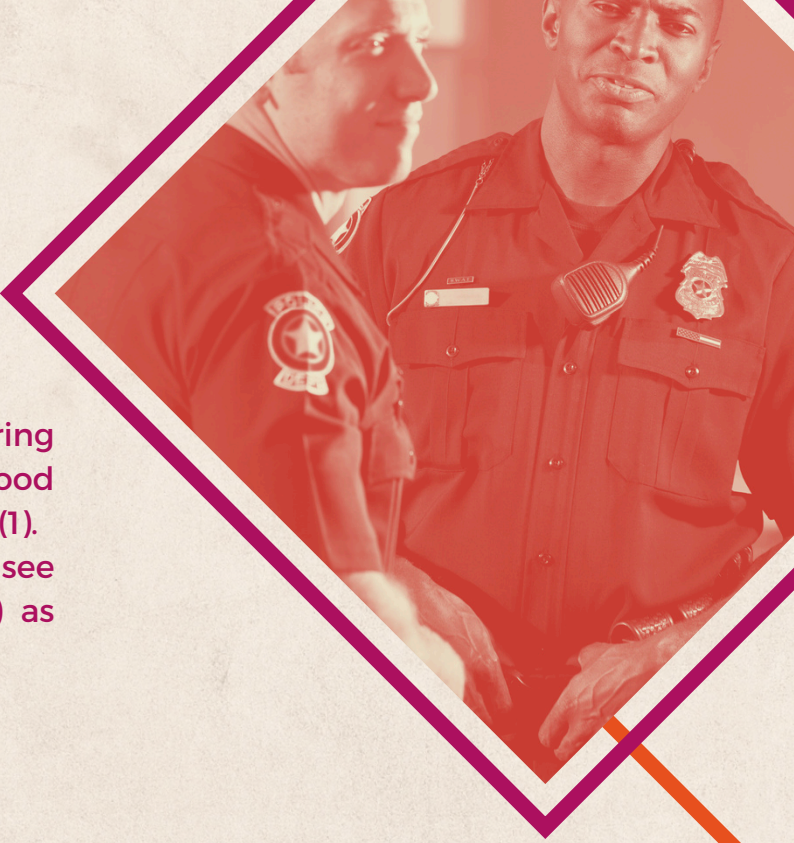
2. Temporary Occupation

An authorisation (and not simply a declaration) is required in the event of temporary occupation of the public domain on an exclusive or private basis (for example in the case of the installation of a stage, or bleachers, vehicles, heavy installations, etc.) (2).

An application must be submitted to the competent authority no later than three business days before the event. The authorisation is then issued in to an individual (not an organization). This authorization will be in the form of a contract between the local authorities and the individual and it may be subject to certain conditions.

Sources :

- 1.(Article L2212-2 of the General Code of Local Authorities)
- 2.Article L2122-1 - General Code of the Property of Public Persons.



PRACTICAL ADVICE

BEFORE

When organizing activities in the public domain, prepare things in advance as much as possible. Make yourself known to the local authorities by asking for an appointment with the mayor or by sending representation from your association. Be well informed about your rights. Most of the events do not do not require authorization (permission), but a simple declaration.

As far as your posture before the authorities, it is not necessary to enter into the particulars of your faith. The municipality must be neutral in this area so it's not your job to convince them that what you believe is "right".

Your goal needs to be their authorization to do what you are planning to do and to show that you have no intention of disturbing the peace.

DURING

On the day of your event, if the police say to stop your activities, politely ask what their reasons are.

Knowledge of their precise reasons will help you determine if your rights are legitimately being denied. If they continue to insist that you stop, you need to comply, but you should keep a detailed record of the incident (date and place, testimonies third parties, names of agents if applicable).

It is important to respect their authority but also to show that you value your freedoms.



PRACTICAL ADVICE

AFTER

You can then write to the mayor or make an appointment with him to talk about the incident and try to find out the reasons for the measures that were taken by the authorities.

If the reasons given by the mayor relate solely to the nature of your opinions or fear of having to accept “everyone else’s similar requests”, don’t hesitate to remind him about the rights of freedom of expression and the vital need for pluralism in a democratic society.

Remember that you are not defending your rights alone, but the rights of all.

If you feel there continues to be a clear violation of your freedom because of your beliefs, you may want to consider hiring legal representation in order to appeal to the tribunal administratif. Gather the evidence. Act quickly, by way of summary proceedings. But before you embark on this process, have a lawyer advise you on your chances of success.

Measure the consequences of relationships, the media and financial implications of such an approach.

FREQUENTLY ASKED QUESTIONS

Are we free to **organise an event in the public domain** (shows, markets, street entertainment, etc.)?

The principle is freedom, but you must inform the authorities so that they can ensure that public order is maintained. Anticipate all aspects of your event to respect public order (traffic, safety, tranquility, etc.). Identify the competent authority before whom you should bring your request. In most cases, this would be the mayor, but in the municipalities where the police nationale have authority, it would be the préfecture for that department (county) or, in the case of Paris and Lyon, the préfet de police.

Find out about the municipal or prefectural by-laws that apply (in terms of authorized sound volume, protection of historical heritage, etc.)

If, by decree, the mayor or the prefect requires changes in the organization of the event (change of date, route, schedule), cooperate and adapt. If a municipal or prefectural decree prohibits the event: check with the help of a professional that it is indeed a proportionate police measure (ie a legitimate good reason), aimed at ensuring public order and not infringing on your freedom of expression.

In the event of illegality, an appeal for summary proceedings is possible before the court because your freedom of expression is at stake. The judge will then determine whether the prohibition measure was legal or not.

.If necessary, he will suspend the ban or ask the administration to make a new decision as soon as possible.

DÉCLARATION

Make a prior declaration, between 3 and 15 business days before the date of the event, with the commune or the prefecture as the case may be. Indicate last names/first names and addresses of the organizers and clearly identify the sponsoring association, the purpose of the event, the place, the date and time of the event, and, if applicable, the route of the event. Have the declaration signed by three individuals responsible for the event and send this by registered mail with acknowledgement of receipt (recommandée avec A/R).

Keep the receipt returned by the administration to prove that you did indeed send it in.

If there is a positive response or no response at all from the administration the demonstration can take place. The request may also be denied (reasons would usually be given) or suggestions made to the what needs to be done for the request to be approved.

FREQUENTLY ASKED QUESTIONS

“Am I free to display a **banner or poster** in a public place?”

A banner is a temporary sign subject to authorization from the mayor or the Prefect.

Consult the municipal or prefectural by-law regulating this type of display to obtain details depending on the location and the applicable requirements (1).

In particular, look at the technical standards before creating your banner. Apply for a proper authorization from the competent administrative body (the mairie or the préfecture).

POSTERS

For posters, posters are prohibited except in spaces specifically provided for associations.

Every community provides a space to display announcements regarding associative activities (2). Posters are prohibited on traffic signs, traffic lights or monuments. On private property, it will be necessary to be vigilant about the explicit and written agreement of the owner (or owners in the case of co-ownership).

The local newspaper may also have an insert for the announcements of associations that have their headquarters in the municipality. Contact the municipal services at the mairie (town hall) to publish information about your activities open to the public.

Sources :

- 1.Environmental Code R.581-74 et seq
- 2.Article L. 581-13 of the Environmental Code

FREQUENTLY ASKED QUESTIONS

Are we free to distribute
leaflets in the street?

This is no longer subject to prior declaration to the authorities.

In principle, you are free to distribute flyers or other printed material, always with the understanding that your activity does not disturb the peace.

The mayor may nevertheless take the necessary measures to maintain good order and tranquility, as well as public safety and health. These measures must be limited and use of this power must be published in the local record as an official act (1).

INTERDICTION

In the event of a ban, have it specified in what way your distribution interferes with public order and what arrangements are possible (times, places, dates, etc.) that would allow for a distribution. If the reason is simply that your opinions are uncomfortable, there is reason for dispute. Stay calm and courteous, explain your rights to freedom of expression.

If the ban is maintained, keep calm and withdraw. Write a letter to the mayor or make an appointment to talk about the incident with him.

Sources :

1. Council of State, urgent applications judge, 17 April 2012, No. 358495.5

“
Are we free to distribute
leaflets in the street?
”

PRECAUTIONS TO TAKE WHEN PREPARING A DISTRIBUTION

1. Even if it is not mandatory, kindly inform the town hall of the date and the place of the next distribution by presenting your association.

2. Choose a place, date and time where public order is least likely to be disrupted (avoid provocations such as distribution in front of the place of worship of another religion, in a neighborhood where opposition would be obvious, on election day, etc.).

3. Plan for the collection of printed matter thrown on the ground within a reasonable perimeter to promote cleanliness in the public space. All distributions should contain the words, “ne pas jeter sur la voie publique” (please do not litter)

4. Have a strategy in case of resistance by someone who disagrees with what you are doing and prepare beforehand how you would respond in a kind fashion.

5. Please Note! It is not permitted to distribute to drivers and occupants of vehicles travelling on a road open to public traffic(1) under penalty of a fine.

6. Designate someone (who is not a minor) as a leader.

7. Use common sense in terms of what you distribute. Avoid any defamatory, discriminatory content that might be seen as racist or an incitement to violence. Respect copyrights, trademarks and image rights. Identify the distribution organizer (by stamping the address of the association on your flyer for example) and the printer (which may be the association itself, by using the abbreviation IPNS, or, imprimer par nos soins).

Use colored paper, use of white paper and black print is strictly reserved for official administrative announcements. Avoid any confusion with an official communication or misusing others' brand or a sign.

8. Please Note! For delivery to mailboxes, respect private property and the wishes of the inhabitants. Do not distribute if there is a "Stop advertising!" (Stop Pub/Pas de publicité) sign. Penalties are provided for in (2) for any advertising not addressed by name.

Do not trespass on private property without permission to distribute leaflets (e.g. in buildings with access codes).

Sources :

1. Article R.412-52 of the Highway Code
2. Article L.541-15-15 of the Environmental Code

FREQUENTLY ASKED QUESTIONS

“
Am I free to have a stand
at the market?”

Having a stand at the market requires the permission of the mayor.

You are free to distribute printed matter, books and other communications, in the public domain, for example, at the market. That said, you must have written permission to set up a stall at a market because you would be occupying space in the public domain.

Ask the placeur (organizer) at the market for more information. He manages the market on behalf of
of the town hall, according to the needs of the municipality and may require the payment of.

The authorization is discretionary: if the mayor considers that the stand does not meet the needs of the commune, he has the right to refuse to deny the request without giving of motive. In general, the placeur gives priority to traders, craftsmen and for the economic needs of his municipality. In addition, constraints related to public order. If you see that other non-commercial stands and expression of opinions are present, yours should be accepted as well, based on availability.



“
Am I free to sing in the
street?”

In principle, singing in the public domain is a free activity.

This activity must not, however, disturb the peace and in particular the peace of the inhabitants of the commune. The mayor's police powers can intervene to prohibit or limit this activity for reasons of maintaining public order.

He It is therefore advisable to inquire at the town hall about restrictions and practices of the municipality, especially if you want to use a sound system.



FREEDOM OF EXPRESSION IN FRANCE

THE AREAS OF VIGILANCE

In France, freedom of expression is protected in particular by:

No one shall be disturbed for his opinions, even religious ones, provided that their manifestation does not disturb the public order established by law.

The French Constitution of 1958, through articles 10 and 11 of the Declaration of the Rights of Man and of the Citizen of 1789.

Everyone has the right to freedom of expression. This right includes freedom of opinion and freedom to receive and impart information and ideas without interference by public authorities and regardless of frontiers.

Article 10 of the 1950 European Convention on Human Rights.

However, freedom of expression is also limited in certain cases to preserve the rights and freedoms of others (fight against discrimination, defamation, etc.) or public order (security, public health, public morality, public tranquility) and the fundamental interests of the nation (defence secrecy, respect for the police).

The exercise of these freedoms, which entail duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as may be prescribed by law and which are necessary in a democratic society in the interests of national security, territorial integrity or public safety, the prevention of disorder and crime, the protection of health or morals, the protection of the reputation or rights of others, to prevent the disclosure of confidential information or to guarantee the authority and impartiality of the judiciary.

Article 10 of the ECHR paragraph 2.

WHO IS CONCERNED ?

French law therefore provides for crimes and offences in terms of expression. We must be aware of this because a person of foreign nationality can be found guilty and sentenced of these crimes and offenses by the French justice system. From the moment the acts are committed on French territory, France's territorial jurisdiction is exercised because it is criminal law, protecting French public order.

CRIMES AND OFFENSES

Here are the main crimes and offenses in terms of expression:

- Press Freedom Act: incitement to crimes and offences, in particular incitement to attacks on life, integrity of the person, sexual assault, theft, extortion, deterioration and deliberate degradation dangerous to persons.
- Provocation to crimes and offences against the fundamental interests of the nation.
- Glorification of crimes, in particular war crimes, crimes against humanity, collaboration with the enemy.
- Seditious shouts and chants uttered in public places or meetings.
- Incitement to hatred, or violence or discrimination against a person or group of persons on the basis of their sex, sexual orientation or gender identity or disability, on the basis of their origin or their belonging or non-membership of an ethnic group, a nation, a particular race or religion contestation of the existence of a crime against humanity
- Defamation: any allegation or imputation of a fact that harms the honour or reputation of the person or body to which the fact is imputed
- Injure publique
- Respect for the presumption of innocence (preliminary article of the Code of Criminal Procedure)
- Respect for privacy (art.9 c.civ)
- Respect for copyright (Article L.122-1 of the Intellectual Property Code)
- Respect for professional secrecy (art. 226-13 of the Criminal Code)

For all these crimes and misdemeanors are punished by prison sentences and fines.

FREEDOM OF EXPRESSION IN FRANCE

PLACES OF WORSHIP

In places of worship, there are also particularities in France under the law of December 9, 1905 on the separation of Church and State.

The following are prohibited:

- holding political meetings
- the posting and dissemination of the electoral propaganda of a candidate or an elected official (French or foreign)
- the organisation of voting operations for French or foreign political elections (in any premises used by the religious association).
- the dissemination of words, ideas or theories or activities provoking or tending to justify hatred or violence against a person or a group of people (temporary closure of the place of worship in this case).

These sanctions extend to acts that would be committed via the means of communication of the religious association, going beyond the place of worship as a building.

MINISTERS OF RELIGION

For ministers of religion (pastors, missionaries), there are specific offences (1):

- direct provocation to civil disobedience (call not to apply the law) or sedition (call for uprising)
- defamation or insult to a citizen in charge of a public service.

Sources :

Law of 9 December 1905, articles 34 to 36-1

FREEDOM OF EXPRESSION IN FRANCE

SENSITIVE SUBJECTS

Here are the most sensitive subjects at the moment in France, given the militant context for moral issues, the tense political context and the context of the multiplication of anti-religious acts:

Customs

- homosexuality and sexual orientation (offence of "conversion therapy")
- Sexist remarks
- Transgender identity
- Abortion (obstruction)

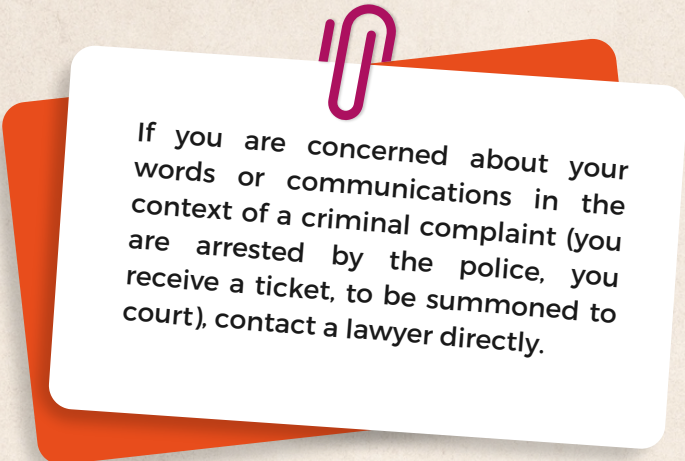
Politics

- Israeli-Palestinian conflict (risk to public order, apology for war crimes, etc.)
- Elections (American, French, etc.) (risk in terms of respect for secularism)

Society

- Anti-Semitic remarks
- anti-Muslim proposals
- Racist remarks

During your mission, it is advisable not to venture into these sensitive areas to focus on the mission of evangelization.



If you are concerned about your words or communications in the context of a criminal complaint (you are arrested by the police, you receive a ticket, to be summoned to court), contact a lawyer directly.



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