



Office for Democratic Institutions and Human Rights

FRANCE

PARLIAMENTARY ELECTIONS 12 and 19 June 2022

ODIHR Election Assessment Mission Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the French authorities and based on the findings and conclusions of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 12 and 19 June parliamentary elections in France. The ODIHR EAM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections as well as national legislation. In line with the ODIHR methodology, the ODIHR EAM did not observe election day proceedings in a systematic or comprehensive manner but visited a limited number of polling stations.

The parliamentary elections followed the April 2022 presidential election and took place in a competitive and pluralistic environment, with all fundamental freedoms respected. Voters received ample and diverse information that enabled them to make an informed choice among numerous candidates registered in an inclusive manner. While the issue of equality of the vote across electoral constituencies needs to be addressed, and some technical aspects of the electoral process could be improved, the elections were effectively administered and enjoyed a high level of public trust.

The 577 members of the National Assembly are elected for a five-year term through majoritarian contests in single-member constituencies. The legal framework is robust and constitutes a solid basis for the conduct of democratic elections. However, the significantly unequal distribution of registered voters amongst the constituencies is at odds with the principle of equal suffrage. In line with previous ODIHR recommendations, recent legal amendments removed the restrictions on the right to vote for persons with intellectual or psychosocial disabilities, provided for postal voting for voters in prison and detention facilities, and mandated the electronic submission of campaign finance reports. However, other prior ODIHR recommendations remain unaddressed, including those concerning proxy voting, criminal liability for defamation and explicit provisions for international and citizen election observation.

Elections were effectively administered by various institutions responsible for different aspects of the electoral process, including the various voting options. The election administration at all levels enjoyed a high level of public confidence in the integrity and professionalism of their work. The recent legal amendments further simplified the procedures for proxy voting, questioning safeguards for the secrecy of the vote. The election results were swiftly published, contributing to transparency of the process.

Citizens over 18 years of age are eligible to vote unless disenfranchised by a court decision for certain criminal offences. Positively, persons with intellectual and psychosocial disabilities were eligible to vote without restrictions. Voter lists were extracted from the permanent single electoral register which generally enjoyed public confidence in its accuracy. Some 49 million voters were registered for these elections, including 52 per cent women.

The right to stand for the elections is granted to citizens with active suffrage rights, except those under guardianship, contrary to international obligations. Respective prefectures registered 6,290 candidates in an

¹ The English version of this report is the only official document. An unofficial translation is available in French.

inclusive manner. At the same time, some parties raised concerns over the system of the Ministry of Interior defining a candidate's position on the political spectrum and successfully challenged its decision to not assign many candidates to the main opposition coalition.

The campaign was competitive and took place in an environment respecting fundamental freedoms and providing for level playing field. While vibrant at the regional and local levels, the campaign was less dynamic at the national level. The cost of living, statutory pension age, the future of Europe, security, taxation, and climate change were the main topics of the campaign. Contestants mostly campaigned via conventional tools and small-scale gatherings and attracted attention of the national and regional media with political events, campaign activities and running commentary on politics. Campaign messages on enhancing the political participation of women featured in the programmes of the majority of contestants; however, issues of gender parity were not actively promoted. Campaign materials were also accessible for people with different types of disabilities.

Campaign finance regulations are comprehensive and set modest campaign spending limits contributing to an even level playing field for all candidates. A number of recent legal amendments addressed some prior ODIHR recommendations, providing for the electronic submission of campaign finance reports and setting proportionate dissuasive sanctions. However, other ODIHR recommendations related to disclosure of large donors' identity and publication of detailed financial reports remain unaddressed. Candidates submit their campaign finance reports within two months after the elections. The campaign financing oversight body effectively fulfils its role and enjoys overall public confidence.

The media environment is diverse, free and well regulated. The well-established regulatory electoral framework for the audio-visual media is comprehensive and ensures equity of opportunities to contestants. Consolidated policies, a strong network of professional associations and legal measures are in place to preserve the freedom of the press. However, the existing legal framework regulating media concentration would benefit from further review. Over the recent years, other vulnerabilities such as loss of job security for journalists and strategic lawsuits alleging defamation and insult have weakened investigative reporting. Overall, the media provided diverse and extensive campaign coverage.

The legislation provides for a comprehensive framework for the resolution of election disputes by different administrative and judicial bodies. Any voter, as well as a candidate can challenge the election results in their respective constituency to the Constitutional Council. There is no requirement for public hearings of the election disputes in the Constitutional Council, which challenges due procedural safeguards and transparency, contrary to OSCE commitments.

Women are well represented in public life. France has a vigorous legal and policy framework to enhance women's equality throughout all levels of public governance. Legislation provides a financial penalty for parties that do not ensure at least 49 per cent of each gender among their candidates, and most parties endeavoured to meet this goal. In total, 2,777 women (44 per cent of candidates) competed and 215 were elected as members of the new National Assembly (37 per cent). Nevertheless, some ODIHR EAM interlocutors noted the impact of persisting gender stereotypes with regards to the role of women in politics, especially among conservative parties. Women were visible and actively participated in the campaign; however, to a lesser extent in the two nationwide televised party debates.

This report offers a number of recommendations to support efforts to bring elections in France further in line with OSCE commitments and other international obligations and standards for democratic elections. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an official invitation from the authorities of France and based on the findings and conclusions of a Needs Assessment Mission (NAM) conducted from 7 to 11 February 2022, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) to observe the 12 and 19 June 2022 parliamentary elections.² The ODIHR EAM, headed by Ambassador Urszula Gacek, consisted of six experts drawn from six OSCE participating States and was deployed in Paris between 2 and 22 June.

The ODIHR EAM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections and with national legislation. In line with ODIHR's methodology, the EAM did not undertake a comprehensive and systematic observation of election day procedures.

The ODIHR EAM wishes to thank the Ministry for Europe and Foreign Affairs (MEFA) and the Ministry of Interior (MoI) for their co-operation and assistance, as well as to express gratitude to the representatives of other state and municipal institutions, political parties, media, civil society and other interlocutors for sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

France is a semi-presidential republic with a bicameral parliament consisting of a directly elected lower house, the National Assembly, and an indirectly elected upper house, the Senate, having 577 and 348 members, respectively. Executive power is exercised by a president elected by popular suffrage and a prime minister, appointed by the president. The government is accountable to the parliament.

The parliamentary elections were called by a government decree on 25 April in line with the Electoral Code provisions.³ The April 2022 presidential election resulted in the victory of the incumbent president Emmanuel Macron (58.55 per cent) against Marine Le Pen (41.45 per cent) in the second round. Both elections were widely viewed as closely connected - the recent presidential race played a dominant role in shaping the competition and campaign dynamic of the parliamentary elections. The previous parliamentary elections resulted in an absolute majority for President Macron's Republic on Move and significant changes in the political environment, with the previously prominent Socialist Party and the Republicans in decline. By these elections, as a result of cross-party shifts, the President's party had 257 deputies of the National Assembly (MPs) out of 289 needed for absolute majority, and was supported by the *MoDem* parliamentary group (54 MPs) and the Act Together Group (22 MPs). On the opposition side, the Republicans had 100 MPs, followed by the Socialist Party (28 MPs) and the Union of Democrats and Independents (18 MPs). The National Rally led by Ms. Le Pen had 8 seats, falling short of the 15 MPs needed for the establishment of a parliamentary group.

² See previous ODIHR election-related [reports](#) on France.

³ Government Decree No. 2022-648 of 25 April, among other issues, defined calendar deadlines for candidate nomination and voting times in and outside France.

The political landscape is diverse with numerous political parties.⁴ Some political parties in the run-up to these elections underwent consolidation and renaming. Notably, *Ensemble!*, the bloc of President Macron, incorporating Republic on Move, *MoDem* and *Horizons* nominated their candidates jointly, with pre-agreed equality for candidate nomination. The coalition of the left and greens New Ecologic and Social People's Union (*NUPES*), was comprised of *La France insoumise*, the Socialist Party, Communist Party of France, *Europe Écologie Les Verts* and others, and had as the central figure Jean Luc Melenchon, who finished third in the April presidential contest. The right wing Republicans joined forces with two smaller parties and formed the alliance *Union de la Droite et du Centre*. The far right parties, National Rally with Ms. Le Pen and Reconquest! with its leader Eric Zemmour, fielded candidates as standalone political parties.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for parliamentary elections includes the 1958 Constitution, the 1956 Electoral Code and the laws for freedom of the press and peaceful assembly, political and campaign finance reporting, oversight of media, and administrative and criminal liability. This comprehensive framework is further supplemented by executive regulations, such as Government decrees or decisions and instructions of administrative agencies as well as regulatory measures and case law decisions. France is party to the key international human rights instruments pertaining to holding of democratic elections.⁵

Since the last parliamentary elections, a number of legal revisions were introduced, most recently in 2019 and 2021. The process leading to these changes was assessed by ODIHR EAM interlocutors as inclusive and consultative, contributing to the overall trust in the election legislation. These amendments, in line with previous ODIHR recommendations, removed the restrictions on the right to vote for people with intellectual or psychosocial disabilities under guardianship, provided for postal voting for voters serving a prison sentence and those at detention facilities, and mandated the electronic submission of campaign finance reports. The changes also established a permanent single electoral register, enacted additional requirements for candidates to ensure accessibility to their campaigns for persons with disabilities, narrowed the permissible origins of foreign financial support for candidates and introduced provisions against the manipulation of information during elections. However, other important ODIHR recommendations remain unaddressed, including those concerning proxy voting, criminal liability for defamation and providing for international and citizen election observation.

The 577 members of the National Assembly are elected for a five-year term through majoritarian contests in single-member constituencies; these include 11 constituencies designated for the French citizens living abroad. To be elected in the first round, a candidate must obtain an absolute majority of votes cast by at least a quarter of the registered voters in the constituency. If no candidate wins, a run-off is held among candidates

⁴ As a result of 2017 parliamentary elections, 32 of some 6,000 French political parties qualified for public funding due to receiving at least 1 per cent of the vote and having fielded candidates in at least 50 constituencies.

⁵ Including [the 1966 International Covenant on Civil and Political Rights](#) (ICCPR), [the 1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW), [the 2003 UN Convention against Corruption](#), [the 2006 UN Convention on the Rights of Persons with Disabilities](#) (CRPD), and [the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms](#). France is a member of the Council of Europe's Venice Commission and GRECO. In line with the Constitution, duly ratified or approved international treaties prevail over national legislation.

receiving a number of votes equal to at least 12.5 per cent of the number of registered voters.⁶ The candidate who receives the most votes in the second round is elected.⁷

The constituencies' delineation was last conducted between 2009 and 2010.⁸ There is no legal requirement for periodic review of boundaries to take into account population shifts.⁹ By law, the number of voters in each constituency cannot differ from the average number of voters in other constituencies within the same region (department) by more than 20 per cent contrary to international good practice. In 228 metropolitan constituencies, the number of voters deviates for more than 10 per cent from the nationwide average number of voters per parliamentary seat.¹⁰ The significantly unequal distribution of registered voters amongst the constituencies is at odds with the principle of equal suffrage.¹¹

The boundaries of the constituencies should be regularly reviewed in line with international good electoral practice and to ensure equal voting power. Consideration should be given to a legal requirement for periodic review of constituency boundaries to reflect relevant changes in population size.

V. ELECTION ADMINISTRATION

Elections are administered by various institutions at the national and local levels, who share the responsibility for managing the process. The election administration at all levels enjoys high public confidence in the integrity and professionalism of their work.

The MoI is in charge of the technical and logistical preparations for the elections. It issues operational instructions on legal and organizational matters to the prefectures which co-ordinate the work of the municipalities and are responsible, among other tasks, for candidate registration and distribution of election materials, including ballots and candidates' leaflets, to the municipalities.¹²

The information portal of the MoI contained useful information on election administration, election day procedures and various services, including for voter registration and proxy voting. It also provided user-

⁶ If only one candidate fulfils this condition, the candidate with the second highest number of votes proceeds to the run-off.

⁷ In the event of a tie, the candidate of older age is elected.

⁸ Article 25 of the Constitution requires that an independent commission be created to publicly express an opinion on the legislative initiative concerning delimitation of constituencies.

⁹ Section I.2.2.v of the Venice Commission 2002 [Code of Good Practice in Electoral Matters](#) (Code of Good Practice in Electoral Matters) recommends that "in order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods".

¹⁰ In 214 constituencies, the deviation exceeds 15 per cent from average, and in 8 constituencies – 50 per cent. The nationwide average number of voters per parliamentary seat within metropolitan constituencies equals 83,522. Section I.2.2.iv of the Code of Good Practice in Electoral Matters recommends that "[t]he permissible departure from the norm should not be more than 10%, and should certainly not exceed 15%, except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)".

¹¹ Paragraph 7.3 of the 1990 [OSCE Copenhagen Document](#) commits the participating States to ensure equal suffrage to adult citizens. The United Nations Human Rights Committee's [1996 General Comment No. 25 to the ICCPR](#) (CCPR General Comment No.25), in Paragraph 21, states that "...within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group".

¹² Several instructions applicable to both presidential and parliamentary elections, including those on COVID-19 related measures, proxy voting and the correction of voting results protocols, were issued in early 2022. An additional MoI instruction on the organization of the various aspects of the parliamentary elections, primarily on timelines for administrative activities, was issued on 24 May.

friendly guidelines to the voters and other stakeholders, enhancing the transparency of the election administration. Prior to the elections, an extensive voter awareness campaign was implemented to encourage voters to go to the polls, especially targeting young voters, through various advertisements on the popular online resources and social networks. These campaigns were also adapted for persons with disabilities, thus increasing the accessibility of the process.

For these elections, each of the 106 prefectures established a Local Census Commission composed of a magistrate, one representative of the respective region and one representative of the prefecture. These commissions had to ensure consistency of the polling station and municipal level voting results protocols, review the invalidated and blank ballots, and declare the election results for the respective constituencies. In addition, in communities with over 20,000 inhabitants the prefectures established control commissions to oversee the election day operations and report on any irregularities.¹³

The municipalities organized some 70,000 polling stations throughout the country; in addition, 708 polling stations were established abroad.¹⁴ Polling station boards consist of at least four members, with an elected municipal councillor as the chair and the rest of the members nominated by political parties or drawn from among the voters on a voluntary basis. There are no requirements for representation of each gender at polling station boards, and data for the election administration composition is not aggregated, which is at odds with OSCE commitments.¹⁵

In line with OSCE commitments, gender disaggregated data with regards to the electoral process should be made available in a comprehensive manner.

A few ODIHR EAM interlocutors identified issues with staffing of polling boards and emphasized the need for the authorities to address persistent challenges to recruit members on a voluntary basis. For these elections, municipalities organized information sessions before election days, although no formal training was envisaged for polling board members.

Consideration could be given to mandatory training of polling board chairs to ensure effective and consistent management of election day proceedings.

Each polling station board handles voting and the counting of votes and communicates voting results and relevant voting results protocol to their municipality. The municipalities aggregate the results from polling stations, enter the data into a database, and send the results to the relevant census commission.

VI. VOTER REGISTRATION

Citizens who are 18 years of age by election day have the right to vote,¹⁶ except those deprived of their civil rights by a court decision for misdemeanour and criminal offences.¹⁷ Positively, since March 2019, people

¹³ These commissions are composed of a magistrate, a judicial servant and a delegate from the prefecture.

¹⁴ The MEFA was responsible for organizing the elections for citizens residing abroad. Consulates were tasked to inform voters registered abroad about voting procedures, the candidates, and location of polling stations.

¹⁵ Paragraph 40.13 of the [1991 OSCE Moscow Document](#) commits participating States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women”.

¹⁶ Those who turn 18 in between the two rounds are added to the voter list and can vote in the second round.

¹⁷ The deprivation of voting rights is an additional penalty imposed by a court on a case-by-case basis and cannot exceed five years in case of a misdemeanour and ten years in case of a criminal offence.

with intellectual or psychosocial disabilities placed under guardianship are permitted to vote. According to ODIHR EAM interlocutors, this led to the granting of voting rights to some 310,000 citizens.¹⁸

The permanent single electoral register is automatically updated based on the information provided by municipalities and governmental agencies.¹⁹ Voter registration is largely passive.²⁰ Those who had recently changed their residency, were required to register online by 4 May, in-person or by post by 6 May in order to be able to vote at the new place. The law obliges voters to be registered but imposes no sanctions for failure to comply.²¹ Eligible voters who were not included in the voter lists could be added based on a court decision as late as on election day; 4,556 such requests were reported before these elections.

In total 48,957,857 voters (including 25,559,738 or 52 per cent women) were registered for the elections.²² Of these, 1,443,980 citizens registered for voting abroad.²³ Voter lists were available for public scrutiny at municipalities upon request between one week before the first election day and up to 10 days after the elections. ODIHR EAM interlocutors did not raise concerns regarding the accuracy of the electoral register.

Copies of voter lists with voters' addresses and birth data could be requested from prefectures or municipalities by voters of the constituency, as well as by candidates.²⁴ The National Commission for Information Technology and Civil Liberties (CNIL), in charge of personal data protection, conducted training for candidates on voter privacy. The fact that email addresses of French citizens living abroad were shared with candidates was criticized by some ODIHR EAM interlocutors and appealed to the CNIL that launched three investigations on the alleged misuse of personal data.

The security of voters' personal data should be ensured. Relevant institutions should thoroughly investigate and sanction any breach which impacts public confidence in the electoral process.

VII. CANDIDATE REGISTRATION

The right to stand is granted to citizens with active suffrage rights. Candidates are not required to be a resident in the constituency where they stand. Citizens under partial or full guardianship may not stand, contrary to international obligations.²⁵ The right to stand can be suspended for up to three years based on a

¹⁸ See also the UN CPRD Committee 2021 [Concluding Observations](#) on the initial report of France, Paragraph 4 (d).

¹⁹ Municipalities may remove voters from the voter list if they are considered to have lost links with this municipality; in such cases, the law requires the municipalities to send a notification letter to the voter about the change.

²⁰ When citizens reach voting age, they are automatically registered for the following elections as are those who gain French citizenship.

²¹ While Article L9 of the Electoral Code stipulates that voter registration is compulsory, Article L11 provides for the voters' voluntary request of registration without specifying its obligatory nature.

²² According to the National Institute of Statistics and Economic Studies, some 5 per cent of eligible voters are not registered in the single electoral register.

²³ In the 11 constituencies formed abroad, citizens could register to vote online, or in the respective consulates.

²⁴ According to the Electoral Code, citizens and candidates who access the voter lists have to sign that they are not using the information for commercial purposes.

²⁵ See Articles 12 and 29 of the CRPD. Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#) states that "a person's decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election". See also Paragraphs 58 and 59 of the CRPD 2021 [Concluding observations](#) on the initial report on France.

decision of the Constitutional Council for election-related offences.²⁶ Also several categories of public servants who hold or have held certain positions in the relevant constituency are ineligible.²⁷

Prospective candidates, together with their own candidacy, are required to present an alternate who would take the seat if the elected candidate resigns, including if appointed to a position in the Government, elected as a member of the Constitutional Council or dies in office.²⁸ The same candidate eligibility requirements apply to the alternates.

For the first round, between 16 and 20 May, prospective candidates were required to submit paper-based applications to the respective prefectures, including declarations of the candidate's registration in the voter register, the written acceptance of the alternate, and proof of designation of a financial agent.²⁹ According to the MoI, 6,290 candidates, including 2,777 women (or 44 per cent) were registered in these elections. No consolidated information was available on the number of applications that were denied by the prefectures.³⁰ Overall, no concerns were raised by ODIHR EAM interlocutors regarding inclusiveness of the candidate registration process.

Candidates also had to identify their political party affiliation in nomination documents. In addition, the MoI is tasked to ascribe to the contesting parties the so-called “nuances” – categories to be assigned to each candidate in accordance to their party's position in the left - right political spectrum.³¹ Those that chose not to identify with a political party were assigned as ‘other/diverse’. The MoI initially did not ascribe a separate category for the coalition *NUPES*, which meant that their results would be published for each constituent party separately. The Council of State, on 7 June, following *NUPES*'s appeal, suspended the initial decision and ordered the MoI to ascribe *NUPES* a separate category in order to ensure proper aggregation of their election results.³² Nevertheless, according to *NUPES*, some of their overseas candidates were presented by the MoI as “diverse left”, potentially leading to aggregation of a lesser number of votes to *NUPES* and challenging the integrity of the election results. The MoI noted that *NUPES* had themselves not included their overseas candidates in a relevant communication to the ministry.

Consideration should be given to making the mechanism of defining political affiliation of candidates fully transparent, based on preliminary consultations with the relevant political parties and groups and providing for clear rules for assigning the votes received by candidates to concrete parties or groups.

VIII. ELECTION CAMPAIGN

The official campaign period was between 30 May and 10 June for the first round and between 13 and 17 June for the second round. During these periods equitable access to certain audio-visual media was ensured

²⁶ Such violations may also result in post-factum revocation of the mandate of an elected MP.

²⁷ Prefects are ineligible for three years in any constituency where they have exercised official functions. The same rule applies, for one year, to judges, officials occupying high-ranking functions in the public administration, directors of public health organizations, members of the military and police personnel serving at a command level, among others.

²⁸ No replacement will take place if an MP loses the mandate for committing an election-related offence as determined by the Constitutional Council.

²⁹ For the second round, candidates had to register before 18:00 on 14 June.

³⁰ By law, the prefectures could deny registration if the candidates were found to be ineligible, including due to incompatibility of the office. In case of incomplete application or procedural irregularities, the prefectures were required to forward the application to the administrative court to rule on registration.

³¹ In its Circular, the [MoI determined 19 categories](#) to aggregate election results and publish them accordingly.

³² See 7 June [decision of the Council of State](#).

for candidates. The law does not prohibit campaigning and access to the media outside the official campaign period. There is a campaign silence period in force 24 hours prior to and on both election days.³³

The legal framework provides for free and unimpeded campaigning and aims to ensure equal opportunities for all candidates. Paid audio-visual political advertising is prohibited in the electronic media, the press and online for the six months before election day and no large outdoor commercial billboards are allowed. This contributes to a level playing field as it limits the advantage of candidates with greater resources. As a consequence, candidates rely on traditional campaign approaches – posters, leaflets, meetings with voters and press conferences. According to ODIHR EAM interlocutors, online campaigning played a greater role for citizens voting abroad and to a lesser extent for in-country voters. Almost all candidates strived to amplify their campaign messages in their social networks, although they were also prohibited from paid advertisements and distribution online.

The cost of living, statutory pension age, the future of Europe, security, taxation and climate change were the main topics of the campaign. The economic uncertainty resulting from the war caused by the Russian Federation’s invasion of Ukraine played a role in the campaign discourse, but it was not widely used as a campaign topic. Some political actors also discussed the merits of a semi-presidential system, while others questioned the fairness of the majoritarian two-round electoral system.

Candidates and political parties strived to get the attention of national and regional media with political events, campaign activities and running commentary on politics, economy and national identity issues.³⁴ A potential for an absolute majority for *Ensemble!* was one of the dominant election topics.

Overall, the campaign at the national level was not dynamic, which ODIHR EAM interlocutors largely attributed to the chosen campaign approach by the President Macron’s bloc *Ensemble!*. In the second round, the campaign rhetoric sharpened in tone as *Ensemble!*, after achieving results almost similar to their main competitor *NUPES*, presented the second round as a choice of “order vs. disorder”.³⁵

The campaign was more vibrant at the regional and local level. Campaign posters were visibly displayed across the country at municipal stands. Public gatherings could take place freely without a need to seek permission; larger scale rallies were not organized.

Positively, 2021 legal amendments obliged all candidates to ensure full accessibility of their campaign to persons with disabilities, improving the inclusivity of the process. Each prefecture, as required by law, established a campaign material commission to control the compliance of the design of the campaign materials and ballot papers with the technical requirements of the Electoral Code.³⁶ These commissions often consulted candidates, pre-screened the draft materials, including for their compliance with the new obligation to be produced in easy-to-read formats.³⁷ The commissions were also responsible for distributing

³³ All Electoral Code requirements for campaigns are also applicable to campaign activity online, including the ban on paid advertising and campaign silence. Candidates are required to block discussions between Internet users on their websites, social network accounts and blogs at midnight of the last day before each election day.

³⁴ For instance, although not a candidate, Mr. Melenchon presented himself as a potential prime minister in the event of *NUPES* gaining a majority - a cohabitation scenario where the president and prime minister represent two distinctly different political forces. This theoretical possibility was widely discussed during the campaign.

³⁵ On 14 June, expressing support for *Ensemble!* President Macron said: [“nothing would be worse than adding to the world disorder a French disorder”](#).

³⁶ Commissions consist of a magistrate, a representative of the prefect, and a representative of postal service.

³⁷ Campaign materials in easy-to-read format, along with other materials, were posted on the MoI website.

these materials to municipalities and voters by the legal deadlines of 8 and 16 June. In general, ODIHR EAM interlocutors characterized the work of the campaign material commissions as efficient.

IX. CAMPAIGN FINANCE

Campaign finance is mainly regulated by the Electoral Code. In 2017, the Law on the Confidence in Political Life increased sanctions for various campaign finance violations and introduced further transparency measures on the origin of contributions and on loans. Campaign finance regulations are supported by extensive jurisprudence issued from the Constitutional Council and the Council of the State. The National Commission for Control of Electoral Accounts and Political Finance (CNCCFP) is the independent administrative authority which exercises oversight of candidates' campaign finances and ensures compliance with the annual accounting obligations of political parties.

A. CAMPAIGN INCOMES AND EXPENDITURES

In 2022, all eligible political parties and groups in total received EUR 66,155,388 in direct public funding, dependent upon the results of the previous parliamentary elections. The first instalment of this amount (EUR 32,081,868) was allotted to political parties that submitted their annual reports to the CNCCFP, nominated a minimum of 50 candidates in at least 50 different constituencies, and whose candidates obtained at least 1 per cent of the votes cast nationwide in 2017 parliamentary elections. The second instalment (EUR 34,073,520) was allotted to parties proportionally to the number of their MPs. Political parties may use these funds to support candidates.

Additionally, candidates can contribute to their own campaigns; these amounts, although not limited by the law, need to be reported in financial reports. Other individuals are permitted to donate up to EUR 4,600 per election to one or more candidates, combined. Any donations from legal entities are prohibited. Contributions of more than EUR 150 must be paid by check, bank transfer or credit card. Anonymous donations are permitted only below this amount. Candidates can benefit from in-kind contributions which are reported both as a donation from physical persons and also as an expenditure. Following the 2017 legal amendments, only French nationals or legal residents in France can donate to candidates and political parties. The total campaign expenditure limit per candidate ranges from EUR 49,009 to EUR 79,476 depending on the constituency size.³⁸

Candidates can receive loans for their campaigns from banks within the European Economic Area as well as from individuals.³⁹ The 2017 legal amendments addressed a previous ODIHR recommendation by capping the length of the loan period, defined that loans from physical persons are limited to 47.5 per cent of the reimbursement ceiling for the campaign expenses (between EUR 23,279 and EUR 37,751 per candidate) and prescribed a low interest rate.

In 2018, the position of a Loan Mediator was established within the MoI with the mandate to facilitate access of candidates and political parties to bank accounts and loans. If a candidate is refused in either of them, the Loan Mediator requests *Banque de France* to enforce the right to a bank account and advises candidates on their loan requests. Despite the Mediator's efforts, opening a bank account and/or getting a loan from private banks is a time consuming and complex process, which could impede candidates' ability to comply with

³⁸ The spending ceilings per constituencies were [published](#) in February 2022.

³⁹ European Economic Area includes the European Union countries, Iceland, Liechtenstein and Norway.

campaign finance regulations.⁴⁰ According to some ODIHR EAM interlocutors, a few candidates from different political parties still did not have a functioning bank account in the last days of the elections.

Moreover, most ODIHR EAM interlocutors considered the fees for compliance with the reporting obligations (such as for operating a single bank account and for the services of a chartered accountant) as too high, especially for candidates not qualifying for partial reimbursement of their expenses.⁴¹ These conditions may represent an undue burden on candidates and undermine the level playing field.⁴²

To avoid undue barriers for candidates, state authorities should further facilitate bank account access in a timely manner while limiting the associated fees, for example through the banks governed or funded by the state.

Candidates who obtain at least 5 per cent of the votes in the first round and whose financial report is approved by the CNCCFP, benefit from a partial reimbursement of up to 47.5 per cent of their campaign expenses (up to around EUR 30,000 per candidate on average). In addition, the state fully or partially reimburses or directly pays for the printing of the candidates' ballot papers and campaign leaflets, as well as for displaying of campaign posters. Such electoral expenses, when directly covered by the state, are not included in financial reports, except if supplementary expenses are incurred above the set limit.⁴³

B. REPORTING AND OVERSIGHT

For these elections, the campaign finance reporting period started on 1 December 2021.⁴⁴ Each candidate was required to appoint a financial association or agent for opening and managing a dedicated single bank account for all campaign contributions and expenditures. Any financial operation outside this account is sanctioned with the rejection of the financial report.⁴⁵ Candidates have to submit to the CNCCFP financial reports certified by a chartered accountant within two months after the elections (by 19 August).⁴⁶ Candidates need to reflect their own expenses as well as those incurred by other political parties on their behalf.⁴⁷ Several candidates informed the ODIHR EAM on receiving regular guidance from the CNCCFP during the campaign and during the preparation of reports.

⁴⁰ In addition to a considerable delay in the response from banks, the time is also required for the account to become operational and for transactions to be executed.

⁴¹ According to [Loan Mediator 2022 Report](#), the cost of opening and running a campaign bank account reached up to EUR 900. The maximum cost for opening a bank account in 2017 was EUR 160.

⁴² According to Paragraph 258 of [the 2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) (Guidelines on Political Party Regulation), "reporting requirements should be such that also smaller parties can fulfil them, and should not hinder such parties' participation in political life".

⁴³ MoI's [Order of 6 May](#) set the rates for reimbursement of the costs of printing and displaying candidate materials.

⁴⁴ Following the 2017 legal amendment, the start of the official reporting period for campaign contributions and expenditures was decreased from 12 to 6 months before election day.

⁴⁵ With the exception of expenses endorsed by a political party or group and indirect expenses.

⁴⁶ Reports of the candidates receiving less than 1 per cent of votes do not require certification by a chartered accountant.

⁴⁷ A candidate's financial report should include an appendix with the expenses incurred by two types of political parties: those that the candidate is affiliated with and others. Other than political parties, only physical persons can engage in 'third party spending' within the amount of permissible donation, and candidates report those expenditures as in-kind donations. If contested, the burden of proof that expenses were incurred against their will vests on candidates.

Campaign finance reports are available only upon request from an identifiable person, limiting transparency. The interpretation of Article 4 of the Constitution and the right to privacy prevents the identity of donors being disclosed to the public.⁴⁸

While balancing privacy concerns, in order to enhance transparency in campaign financing, further information on contestants' financing and campaign expenditures should be available in the public domain.

In carrying out its financial oversight, the CNCCFP relies on some 200 rapporteurs (temporarily employed and recorded in a special roster) and external personnel, usually retired magistrates, judges or public servants, who conduct the initial examination of the reports. In addition, the CNCCFP may recruit experts to evaluate specific technical matters and request judiciary police to conduct investigations. Over the years, the CNCCFP has proven to be a principled enforcer of campaign finance regulations.

Following submission, the CNCCFP has six months to approve, rectify or reject financial reports and define the amount of the reimbursement that the candidates are entitled to.⁴⁹ Failure to comply with the reporting requirements may result in financial sanctions, ineligibility to stand for upcoming elections and criminal penalties. In these cases, the CNCCFP refers the matter to the Constitutional Council and, if necessary, to the public prosecutor, for further investigation.⁵⁰ For elected candidates this may result in loss of mandate.⁵¹ Appeals against CNCCFP decisions can be made within one month to the Constitutional Council, whilst appeals on questioned reimbursement amounts are submitted to the Administrative Court.

In general, the legal framework provides an effective deterrent and dissuasive sanctions. Most ODIHR EAM interlocutors assessed such sanctions as appropriate and considered the strict campaign finance framework as an incentive for ensuring compliance with legal norms, contributing to a more ethical political life and limiting the impact of private businesses in election campaigns.

X. MEDIA

A. MEDIA ENVIRONMENT

France has a diverse, free and well-regulated information environment, and trust in the media is high. Although television (TV) remains the most popular medium, online news websites and social networks are progressively gaining ground as sources of political information.

France relies on consolidated policies for media protection, a strong network of professional associations, legal measures to preserve freedom of the press; in this regard, the possibility to undermine media pluralism

⁴⁸ The Constitution provides that political parties “shall be formed and carry on their activities freely”. According to Paragraph 265 of the Guidelines on Political Party Regulation, “While transparency may be increased by requirements to report the identities of donors, legislation should also balance this requirement with exceptionally pressing privacy concerns of individual donors in cases where there is a reasonable probability of threats, harassment or reprisals”.

⁴⁹ All CNCCFP decisions are published on its website and in the Official Journal.

⁵⁰ According to the [Constitutional Council Comments on the 2017 parliamentary elections](#), the CNCCFP referred to the Constitutional Council 368 cases of candidates with reporting or financial irregularities between October 2017 and June 2019. Based on these, between April 2018 and September 2019, the Constitutional Council, among others, declared 124 candidates ineligible to stand for elections for one year, and 178 candidates ineligible to stand for three years. The Court may rule on the ineligibility of a candidate for a period of up to three years.

⁵¹ According to [Constitutional Council Observations](#), three MPs lost their mandates as a result of campaign finance violations during 2012 elections, and none for 2017 elections.

and independence is relatively limited.⁵² Nonetheless, journalists have encountered an increased level of hostility and documented cases of violence against reporters.⁵³ Media professionals have also pointed to attacks on the secrecy of their sources.⁵⁴ The number of journalists employed on permanent bases is in constant decline, and some ODIHR EAM interlocutors noted the subsequent erosion of their professional and labour rights that created vulnerabilities in the media sector.⁵⁵

A number of ODIHR EAM interlocutors raised concerns over the growing concentration of media ownership with a consequent impact on media pluralism and freedom of the press.⁵⁶ Systematic strategic lawsuits alleging defamation or insult were also indicated as a problem impinging on the ability to report on issues of public interest. Such lawsuits aim to undermine political participation and pressure and financially weaken investigative journalism and civil society.⁵⁷

B. LEGAL FRAMEWORK

The legal framework provides solid safeguards of the freedom of expression and freedom of the media. Resulting from the jurisprudence of the Constitutional Council, media pluralism is a constitutional principle.⁵⁸ The 1789 Declaration of the Rights of Man and of the Citizen protects freedom of expression, and the 1881 Press Law defines freedoms and responsibilities of the press.

The 1986 Law on Freedom of Communication sets the main framework for the audio-visual sector and includes provisions against ownership concentration to preserve media pluralism and to ensure equitable coverage of political information. However, some ODIHR EAM interlocutors pointed out the obsolescence of this law, particularly provisions against concentration of media ownership, which do not appear to correspond to the realities of the media market and technical developments of the sector.⁵⁹

In order to protect media pluralism, the existing legal framework regulating media ownership concentration could be reviewed and adapted to the current state of the media industry. Authorities should introduce revised methodologies to assess the concentration of media ownership, including the influence of individual outlets and the aggregated influence of media outlets/groups across different types of media.

Several legal measures are in place to protect the media's independence: the Labour Code establishes that journalists can leave their media outlet and receive a severance package in case of change in the ownership or in case of manifest changes in the editorial line. The 2016 Law on Strengthening the Freedom,

⁵² See also [Media Pluralism Monitor – 2020 Country Report: France](#).

⁵³ Cases of violence against media representatives took place during the 2021 demonstrations against the new national policing scheme and the “global security” law, which would limit the circulation of images of law enforcement officers. See, for example, the [2021 statement issued by Reporters without Borders](#) (RwB).

⁵⁴ The 2021 RwB [statement](#) highlighted that “In 2020, at least two [investigative reporters] were summoned for questioning [by the police] for suspected complicity in violation of police confidentiality”.

⁵⁵ See [2021 Key Figures on Culture and Communication](#) (p.242, in French) by the Ministry of Culture.

⁵⁶ In December 2021, 250 media professionals made [a public statement](#) against the overconcentration of French media.

⁵⁷ Lawsuits of this type allege defamation or denigration and are brought for the purpose of intimidating, burdening or harassing the defendant for speaking out against the plaintiff on matters of public interest. Procedural guarantees exist to control these actions and limit abuses, including payment of a deposit for bringing a case, proper justification of damages claimed and a fine for abusive proceedings.

⁵⁸ The constitutional revision of July 2008 incorporated previous case law by the Constitutional Council into the last paragraph of Article 4 of the Constitution.

⁵⁹ In November 2021, the Senate created an enquiry commission to assess the impact of media concentration on democracy. The commission issued their [final report](#) in March 2022.

Independence and Pluralism of the Media provides that journalists have the right to oppose any pressure, to refuse to disclose their sources of information and to sign an article or a programme if part of the content has been modified without their knowledge or against their will. The law also requires media organisations to adopt a charter embodying the essential principles of journalistic ethics.

Restrictions to freedom of expression include provisions against defamation and insult as defined in the Press Law and the Penal Code. Public defamation is still a criminal offence. Although imprisonment for defamation is not applied in practice, and cases have been handled in line with ECtHR case law, the possibility of being subject to legal proceedings and substantial fines may have a chilling effect on journalists' freedom of expression and ability of the media to freely report on matters of public interest.⁶⁰

Authorities should consider decriminalizing defamation in order to bring the relevant legal framework in line with international standards on freedom of expression. Measures should be put in place to protect media from strategic lawsuits to deter the abuse of this practice against political participation.

The regulatory framework for election coverage on audio-visual media is comprehensive and ensures equitable access of contestants to the media. The Law on Freedom of Communication sets forth a general framework to ensure political pluralism during and between elections, while Decision No. 2011-1 of the broadcast media regulator ARCOM provides for measures to ensure pluralism and accessibility of campaign coverage.⁶¹ For these elections, ARCOM has also recommended the radio and TV services how to ensure that the candidates, their supporters and parties benefit from fair coverage and equitable access.⁶² ARCOM requested the media to respect the principle of equity both when covering within one constituency and when reporting on several constituencies.⁶³ A few ODIHR EAM media interlocutors mentioned the difficulties in giving voice to a significant number of candidates when covering a constituency due to the time limits of news reportages.

ARCOM required 27 national radio and TV stations to respect the principle of equity during their coverage and provide data concerning contestants' speaking time on a regular basis. The same requirements were in force for local information channels. ARCOM carried out a verification of the received data before validating and publishing them in a systematic and timely manner on its website.⁶⁴

In accordance with the Electoral Code, political parties were also granted free airtime on public channels for both election rounds, which was awarded according to a mix of equality and proportionality principles based on the parties' representation in the outgoing National Assembly, polls, and parties' active engagement in

⁶⁰ Paragraph 47 of the [CCPR General Comment No.34](#) to the ICCPR notes that “defamation laws must be crafted with care and [...] not serve, in practice, to stifle freedom of expression. [...] States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty”. See also Paragraphs 2.b.ii-iv of the 2021 [Joint Declaration “On Politicians, Public Officials and Freedom of Expression”](#) by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media (RFoM), the Organization of American States Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information.

⁶¹ [Decision of 4 January 2011](#) details the principle of political pluralism in radio and TV services during the elections.

⁶² See ARCOM [Recommendation of 30 March 2022](#) to radio and TV services.

⁶³ In this regard, airtime should be allotted on a proportional basis. The obligation to equity in coverage does not apply to print and online media.

⁶⁴ The [results sent by media outlets](#) were regularly published by ARCOM.

the campaign.⁶⁵ Candidates from the parties with less than 75 registered candidates did not receive free airtime. The mechanism of attribution of free airtime ensured that eligible contestants were granted equitable access, and no complaints were raised in this respect. However, a few ODIHR EAM media interlocutors referred to the system as onerous and over-complicated for the media involved, stating it would benefit from some simplification.⁶⁶

It is not possible to sell and disseminate paid political advertising during the six months preceding the polling in all media. Furthermore, from 24 hours before election day and until the closure of all polling stations, all media are obliged to respect a campaign silence period during which they must not circulate statements and campaign material or publish opinion polls. No media is allowed to disseminate election results, partial or final, among the public before the closing of the last polling station in metropolitan France. The same applies for overseas constituencies before the closure of the last polling station in each of the territories concerned. According to ARCOM, the media generally complied with the campaign silence provisions.

C. CAMPAIGN COVERAGE IN THE MEDIA

Overall, the media provided diverse coverage of the electoral process, both online and offline, through comprehensive information on candidates, manifestoes, campaign events as well as on the election timeline and procedures. In particular, public channels ensured extensive information on election contestants both at the national and local level, thus fulfilling their public service remit. *France Bleu* and *France 3* co-organised more than 200 debates between the main candidates in different constituencies, while for both rounds, *France 2* aired a dedicated programme which hosted representatives of the main political parties to discuss current affairs and answer questions from citizens. The private channel *BFMTV* also organised an election debate between the two rounds.⁶⁷ The press, both national and local, also reserved ample space for candidates, their programmes and campaign events.

During the parliamentary election campaign, two reminders and one warning regarding coverage of the presidential election were issued to three major media outlets and published on ARCOM's website.⁶⁸ ARCOM also received some 20 complaints, mostly from the less prominent parties, who were not invited to TV debates or who argued they had not received fair amount of time on screen.⁶⁹

⁶⁵ ARCOM also issued three decisions concerning free airtime: [Decision of 17 May 2022](#) relating to the conditions for the production and broadcasting of election campaign programmes; [Decision of 25 May 2022](#) setting the duration and number of broadcasts of the audio-visual campaign materials; [Decision 25 May 2022](#) setting the dates and order of airing the official campaigns.

⁶⁶ The mechanism of time allocation is based on a three-tiered system: airtime for parties with parliamentary groups, airtime for parties which request allocation and have more than 75 candidates registered, and extra airtime to rebalance possible inequities among eligible parties.

⁶⁷ On 9 June, on *France 2*, ten representatives of major political parties discussed a wide range of topics and answered questions from some 200 citizens composing an Internet panel. On 16 June, the channel aired the second debate between representatives of four main political forces (*Ensemble!*, National Rally, *NUPES* and the Republicans). On the same evening, the *BFMTV* broadcast a debate between the *Ensemble!*, National Rally and *NUPES*.

⁶⁸ The two reminders concerned coverage of the presidential race and were addressed to [France 2](#) and [TV5 Monde](#) for their coverage of election day and results. *LCI* received [a warning](#) for disseminating indications on the outcome of the voting before the close of polls during the April 2022 presidential election.

⁶⁹ ARCOM dismissed these complaints as no violations of the existing regulations were found.

XI. COMPLAINTS AND APPEALS

Complaints concerning voter registration can be filed through administrative appeals within municipalities and are subject to further judicial review by the courts of first instance and the Court of Cassation as the final instance.⁷⁰ Election-related regulations and decisions of administrative bodies, such as the MoI, ARCOM and the National Commission for Control of the Election Campaign, can be appealed before the Council of State.⁷¹

Complaints concerning candidate registration are adjudicated by administrative courts. In case of an incomplete application or failure to observe the prescribed procedures, the prefect forwards the case to the relevant administrative court which must decide within three days for the first round and within 24 hours for the second round. The decision of an administrative court can be further appealed only through a request lodged with the Constitutional Council to invalidate the election results. This arrangement does not guarantee a timely remedy and may potentially result in the unnecessary invalidation of results, with ensuing repeat elections as the only remedy.⁷²

Consideration should be given to revising the appeals arrangement so that complaints related to the registration of candidates are fully adjudicated before the elections, thereby providing a timely remedy.

Complaints concerning election day irregularities and voting results are adjudicated by the Constitutional Council that can invalidate or modify the results at a concrete precinct or in the whole constituency.⁷³ Any voter and a candidate can challenge the election results in their respective constituency by filing a complaint to the Constitutional Council directly or through the prefect, within 10 days from election day. The law does not specify a deadline for the Constitutional Council to adjudicate such complaints, nor does it require the complaints lodged after the first round to be adjudicated before the second round. Following the first round election day, the Constitutional Council received 99 complaints concerning the results. As of 27 July, none of these complaints were addressed; this challenged Paragraph 5.10 of the 1990 OSCE Copenhagen Document.⁷⁴

The Constitutional Council reviews complaints in a written procedure unless it considers the risks of invalidating the results to be serious: in this case, the parties and witnesses may be invited to submit verbal testimonies. There is no requirement to hold a public hearing, contrary to good practice.⁷⁵

To ensure effective and accessible legal redress, the authorities could consider decentralizing adjudication of complaints about election results so that each complaint is adjudicated in the first instance within adequate deadlines before a final appeal to the Constitutional Council. Hearings of complaints should be public, offering all sides the opportunity to be heard and observing due process.

⁷⁰ Decisions of a mayor about voter registration may be appealed to the municipal Verification Commission that must issue a decision within five days. The commission's decision can be appealed to the court of first instance within seven days, and further on to the Court of Cassation within ten days.

⁷¹ Upon an appeal lodged by political parties, on 7 June, the Council of State suspended the effect of the MoI's decision prescribing nuances of political affiliation to the contestants (see *Candidate Registration*).

⁷² Section 95 of the Code of Good Practice in Electoral Matters recommends avoiding legal arrangements due to which "appeals which could have been taken before, are taken after the elections".

⁷³ Complaints which are considered not to have an effect on the integrity of the vote may be dismissed.

⁷⁴ According to Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#), "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity".

⁷⁵ Section II.3.3.h of the Code of Good Practice in Electoral Matters provides that "the applicant's right to a hearing involving both parties must be protected".

XII. ELECTORAL PARTICIPATION OF WOMEN

France has a robust legal and policy framework to enhance gender equality throughout all levels of public governance. It ratified the CEDAW in 1983 and its Optional Protocol in 2000. Equality between women and men is endorsed by the Constitution which also promotes equal access to elective office mandates. The Constitution vests responsibility on political parties in upholding and promoting the principles of gender parity. The 2014 Law on Equality between Women and Men sets out objectives for an integrated equality policy.⁷⁶ The 2021 Law on Inclusive Development and the Fight against Inequality, among other measures, aims to ensure the effective participation of women in political decision-making within the framework of the United Nations 2030 Agenda.

The outgoing government had gender parity with 14 women and 14 men ministers. The outgoing National Assembly had 224 women MPs (38.8 per cent). For these elections, 2,777 women (44 per cent of all candidates) stood for the first round and 493 women (43 per cent) - for the second round. As a result, 215 women were elected in the new convocation (37.2 per cent of MPs).

The party finance legislation provides for special measures contributing to gender parity: if a political party or group does not ensure 49 per cent of either gender be represented among its candidates, the public funds allocated to this entity based on election results are reduced (proportionally to the difference between women and men among the candidates). Most parties endeavoured to ensure gender parity among their candidates. At the same time, the ODIHR EAM was informed that some parties sought to nominate more women for financial benefits, rather than for their beliefs for gender equality. Some ODIHR EAM interlocutors also opined that parity-related financial regulations have a larger effect on smaller parties which are more dependent on financial support from the state.

A number of prevailing obstacles hinder stronger representation of women in political and public life, not only as candidates in elections but also as seekers of public office and as civil servants.⁷⁷ In this respect, some ODIHR EAM interlocutors noted persisting gender stereotypes with regards to the role of women in political life, especially among conservative parties.

According to the High Council for Equality between Women and Men, parity and equality in politics are still far from being achieved due to widespread sexism.⁷⁸ The ODIHR EAM was informed of some isolated instances of ill-treatment of women candidates in this campaign. Many ODIHR EAM interlocutors noted that cases of moral harassment and mistreatment of women in a professional context have multiplied in France in recent years.⁷⁹ While France has criminalized cyberbullying of women and girls, instances of

⁷⁶ Among other measures, the law regulates gender equality in professional life, women's portrayal in the media, the protection of people who have suffered from violence, and gender equality in regional and local authorities.

⁷⁷ Paragraph 10 of the [General recommendation No. 25](#) on Paragraph 1 of Article 4 of the CEDAW notes that “[t]he position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed”.

⁷⁸ The High Council for Equality between Women and Men, created in 2013 under the Office of the Prime Minister, serves as an advisory body on gender equality as well as diversity and equal opportunities. See the [2022 High Council's report on the state of sexism in France](#).

⁷⁹ In November 2021, [285 women in French politics called](#) the political world “to remove the perpetrators of sexual and gender-based violence from their ranks”.

online violence against women, including hate speech, coupled with certain impunity for male political leaders, remain of concern.⁸⁰

Women were fairly well promoted through campaign posters and audio-visual communications. However, their representation in national public debates was relatively low.⁸¹ At the regional level, women's representation in debates was higher.⁸² Campaign messages on enhancing the participation of women in public life featured in the programmes of the majority of contestants; however, issues of gender parity were not actively promoted.

Political parties could take further steps and develop internal party policies to enhance women's visibility in the campaign, in particular in broadcast media.

XIII. ELECTION OBSERVATION

Candidates have full access to observe election day operations in person or through their representatives.⁸³ Voters are also invited to observe or participate in the vote count at the polling station where they voted.

The legislation does not have specific provisions for election observation, neither citizen nor international, falling short of formal compliance with Paragraph 8 of the 1990 OSCE Copenhagen Document.⁸⁴ At the same time, in fulfilment of this OSCE commitment, the authorities invited ODIHR to observe the elections and provided the mission with an unimpeded access to all stages of the electoral process, including on election days. In practice, access of observers to the polling stations and voting results aggregation centres is at the discretion of the chairman of the polling station or the centre.

The law should be revised to explicitly guarantee the access of citizen and international observers to all stages of the electoral process, in line with France's international commitments.

XIV. ELECTION DAYS

On both election days, voters could vote either in person, in polling stations, or by proxy.⁸⁵ Any voter could apply for proxy voting, without specifying the reason or presenting any proof of absence.⁸⁶ Citizens who

⁸⁰ In 2020, an [observatory of online hate](#) was created for monitoring and analysing the evolution of hateful content. See the Council of Europe 2020 [report](#) on fighting sexism against women in politics at the local and regional level (Paragraphs 43 and 90), and the United Nations 2018 [Report of the Special Rapporteur](#) on violence against women (Paragraphs 32 and 41).

⁸¹ For example, on 9 June, in the party debate organized by *France 2*, only two out of ten participants were women. In the party debate, on 16 June, one out of four representatives was a woman. According to the [2022 report](#) published by ARCOM, in general, women in politics are less visible (30 per cent) on national TV and radio.

⁸² For example, in 41 debates organized by *France Bleu*, 82 women and 114 men participated. Strict parity was ensured in 7 of those debates, more women participated in 9 debates, and more men were present in 21 debates. Three debates only had men's representation.

⁸³ A candidate can appoint only one representative in a polling station; the same representatives can observe in different polling stations. Only voters from the respective region can be appointed as representatives.

⁸⁴ Paragraph 8 of the 1990 OSCE Copenhagen Document provides that "the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place".

⁸⁵ In the first round of these elections, 1,138,425 people requested to vote by proxy.

⁸⁶ While Article 3 of the Constitution provides for the secret and equal suffrage, proxy voting was ruled by the Constitutional Council to be in conformity with this Article.

voted by proxy were marked on the voter lists. OSCE commitments and other international obligations for democratic elections require ensuring the secrecy of the vote and concerns about the secrecy of the vote when voting by proxy remain.⁸⁷ Voters in pre-trial detention and those serving a prison sentence were eligible to vote by mail, by proxy and in person with special permission to leave the penitentiary institution. A limited number of voting machines were used in municipalities which had purchased those before a moratorium on new equipment had been introduced in 2008. Voters in 11 constituencies abroad could also vote online or by mail.⁸⁸ The ODIHR EAM became aware that voters abroad experienced some technical problems, in most part related to failures by some email services to deliver the login and password to access the voting portal. These issues, according to the MEFA, were resolved well in advance of closing of online voting.⁸⁹

In line with the ODIHR methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner; however, it visited a limited number of polling stations in Paris. The ODIHR EAM also observed the handover of election materials and the tabulation process at the Paris prefecture. On both election days, in polling stations visited by the ODIHR EAM, the voting process was well organized and efficiently administered. The ODIHR EAM had full access to all stages of the process.

The legislation provides for various measures for inclusion of and independent access for persons with disabilities to the electoral process.⁹⁰ By law, municipalities must enable access to voting locations and provide at least one wheelchair accessible voting booth and ballot box in each polling station. Voters may also be accompanied by a person of their choice should they require assistance when voting. In line with legal requirements, polling stations visited by the ODIHR EAM were accessible for voters with reduced mobility. Posters and brochures on voting procedures, including accessible for persons with disabilities, were displayed at the entrance of each polling station.

The Electoral Code does not provide for the recount of ballots, and the valid ballots were destroyed after counting. Only cancelled ballots were retained, as they could be recounted and verified by the Local Census Commissions and serve as evidence in case of complaints against results.

Consideration could be given to making the recount of valid ballots possible and retaining all ballots for a sufficient period of time in order to safeguard the integrity of the voting results.

XV. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in France and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should

⁸⁷ ODIHR has previously recommended that the practice of proxy voting be reviewed due to potential concerns for the secrecy of the vote. Paragraph 7.4 of the 1990 OSCE Copenhagen Document commits participating States to “ensure that votes are cast by secret ballot or by equivalent free voting procedure”. See also Article 25 of the ICCPR and Paragraph 20 of the CCPR General Comment No. 25.

⁸⁸ For the first and second round some 250,000 and some 274,000 French citizens respectively (76 per cent of those who voted from abroad) voted via the Internet over the period of five days.

⁸⁹ The MEFA confirmed to the ODIHR EAM that the integrity of the online vote was safeguarded by multiple cybersecurity/ICT measures and verified by relevant data audits.

⁹⁰ The Electoral Code stipulates that the polling stations must be accessible to persons with disabilities, regardless of the type of disability, including physical, sensory, mental and psychosocial.

be read in conjunction with past ODIHR recommendations that have not yet been addressed. ODIHR stands ready to assist the authorities of France to further improve the electoral process and to address the recommendations contained in this and previous reports.⁹¹

Electoral System

1. The boundaries of the constituencies should be regularly reviewed in line with international good electoral practice and to ensure equal voting power. Consideration should be given to a legal requirement for periodic review of constituency boundaries to reflect relevant changes in population size.

Election Administration

2. In line with OSCE commitments, gender disaggregated data with regards to the electoral process should be made available in a comprehensive manner.
3. Consideration could be given to mandatory training of polling board chairs to ensure effective and consistent management of election day proceedings.
4. Consideration could be given to making the recount of valid ballots possible and retaining all ballots for a sufficient period of time in order to safeguard the integrity of the voting results.
5. The security of voters' personal data should be ensured. Relevant institutions should thoroughly investigate and sanction any breach which impacts public confidence in the electoral process.

Candidate Registration

6. Consideration should be given to making the mechanism of defining political affiliation of candidates fully transparent, based on preliminary consultations with relevant political parties and groups and providing for clear rules for assigning the votes received by candidates to concrete parties or groups.

Campaign Finance

7. To avoid undue barriers for candidates, state authorities should further facilitate bank account access in a timely manner while limiting the associated fees, for example through the banks governed or funded by the state.
8. While balancing privacy concerns, in order to enhance transparency in campaign financing, further information on contestants' financing and campaign expenditures should be available in the public domain.

⁹¹ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". The follow-up of prior recommendations from the final report on 2017 presidential election is assessed by the ODIHR EAM as follows: recommendations 7 and 9 were fully implemented, recommendation 1 was mostly implemented. See also the ODIHR [electoral recommendations database](#).

Media

9. In order to protect media pluralism, the existing legal framework regulating media ownership concentration could be reviewed and adapted to the current state of the media industry. Authorities should introduce revised methodologies to assess the concentration of media ownership, including the influence of individual outlets and the aggregated influence of media outlets/groups across different types of media.
10. Authorities should consider decriminalizing defamation in order to bring the relevant legal framework in line with international standards on freedom of expression. Measures should be put in place to protect media from strategic lawsuits to deter the abuse of this practice against political participation.

Complaints and Appeals

11. Consideration should be given to revising the appeals arrangement so that complaints related to the registration of candidates are fully adjudicated before the elections, thereby providing a timely remedy.
12. To ensure effective and accessible legal redress, the authorities could consider decentralizing adjudication of complaints about election results so that each complaint is adjudicated in the first instance within adequate deadlines before a final appeal to the Constitutional Council. Hearings of complaints should be public, offering all sides the opportunity to be heard and observing due process.

Electoral Participation of Women

13. Political parties could take further steps and develop internal party policies to enhance women's visibility in the campaign, in particular in broadcast media.

Election Observation

14. The law should be revised to explicitly guarantee the access of citizen and international observers to all stages of the electoral process, in line with France's international commitments.

ANNEX: FINAL ELECTION RESULTS⁹²

First round:

	Number	Percentage
Voters registered	48,953,748	
Voted	23,256,207	47.51
Blank votes	362,193	1.56
Invalid votes	149,306	0.64

Second round:

	Number	Percentage
Voters registered	48,589,606	
Voted	22,464,299	46.23
Blank votes	1,239,928	5.52
Invalid votes	477,288	2.12

Parties and coalitions	First round			Second round			Total Seats
	Votes	%	Seats	Votes	%	Seats	
<i>Ensemble!</i>	5,857,364	25.75	1	8,002,407	38.57	244	245
New Ecologic and Social People's Union (NUPES)	5,836,079	25.66	4	6,555,984	31.60	127	131
National Rally	4,248,537	18.68	-	3,589,269	17.30	89	89
The Republicans	2,370,440	10.42	-	1,447,877	6.98	61	61
Reconquest!	964,775	4.24	-	-	-	-	-
<i>Divers gauche</i>	713,574	3.14	-	443,274	2.14	22	22
<i>Ecologistes</i>	608,314	2.67	-	-	-	-	-
<i>Divers droite</i>	530,782	2.33	-	231,073	1.11	10	10
<i>Régionaliste</i>	291,384	1.28	-	264,802	1.28	10	10
<i>Divers centre</i>	283,612	1.25	-	99,122	0.48	4	4
<i>Divers extrême gauche</i>	266,412	1.17	-	11,229	0.05	-	-
<i>Droite souverainiste</i>	249,603	1.10	-	19,306	0.09	1	1
Union of Democrats and Independents	198,062	0.87	-	64,444	0.31	3	3
<i>Divers</i>	192,624	0.85	-	18,296	0.09	1	1
<i>Parti radical de gauche</i>	126,689	0.56	-	-	-	-	-
<i>Divers extrême droite</i>	6,457	0.03	-	-	-	-	-
Total	22,744,708		5	20,747,083		572	577

⁹² Source: [Ministry of the Interior](#)

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).