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des immigrés

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France: Prime Minister Abandons Identity Check Reform *Government Should Keep Its Campaign Promises*

(Paris, September 28, 2012) – Prime Minister Jean-Marc Ayrault's statements about identity checks constitute a deplorable backtracking on a campaign promise, a group of French and international groups said today. In an interview on September 27, 2012, the prime minister essentially abandoned the idea of reforming identity check practices in France by referring to stop forms, which create a record of the reason for each stop, as "the wrong approach." He indicated his "full support" for Interior Minister Manuel Valls, who has expressed scepticism about stop forms.

The eight organizations called on President François Hollande and Prime Minister Ayrault to keep their commitments in full.

The prime minister's position is incomprehensible, the groups said. Reforming police identity checks and preventing ethnic profiling is a priority for a large part of the population: those who suffer abusive identity checks on a daily basis and those who want to see their government tackle all forms of discrimination.

The groups are: GISTI, Grains of France (Graines de France), Human Rights Watch, Human Rights League (France) (Ligue des Droits de l'Homme), House for Equitable Development (Maison pour un Développement Solidaire), Open Society Justice Initiative, Lawyers Union of France (Syndicat des Avocats de France), and the Magistrates Union (Syndicat de la Magistrature).

This reform is urgently needed, and, contrary to the interior minister's claims, it is perfectly feasible and could improve police efficiency, the groups said. The government should uphold its commitment to carry out the reform.

In proposal No.30 of his electoral manifesto, Hollande promised to "fight against ethnic profiling and abusive practices during identity checks through the establishment of a 'procedure respectful of citizens.'"

This highly symbolic electoral commitment should be carried out to address the issue of discriminatory identity checks, the groups said. National and international organizations have for years highlighted abuses during identity checks in France, including ethnic profiling.

These abuses damage relations between the police force and the population, and make the victims of these checks feel like second-class citizens, the groups said. In many cases, these police stops

infringe on fundamental rights and freedoms: freedom of movement, the right to safety, the right to privacy, and the right to freedom from discrimination.

In his proposal No.30, the president undertook to ensure respect for the rule of law and to re-establish a fair balance between the ability of law enforcement officers to fulfill their duty and the protection of fundamental freedoms. The proposal also reflects a commitment to restore relations between the police force and the population, and to improve security for all.

Ayrault's comments, echoing the position taken by Interior Minister Valls in a speech on September 19, is particularly worrisome and regrettable, the groups said, all the more so because it followed a public debate that spread inaccurate information about "stop forms", the primary focus of the debate, even though there have been no pilot programs in France to try out the procedure.

Experiences in other countries clearly demonstrate that it is possible to address discriminatory practices while simultaneously improving the efficiency of police stops, the groups said. Strong political commitment and a comprehensive approach are necessary.

The use of stop forms is a part of such a strategy, the groups said. They would make identity checks more transparent and put an end to the current situation in which there is no material record of identity checks. These documents, designed in a way that would protect privacy rights while also recording the objective reasons for the stop, can provide the police with evidence that they did not engage in discrimination or harassment while carrying out identity checks.

Stop forms are important, but this measure alone is not sufficient to reduce ethnic profiling, the groups said. A broader reform of the law on identity checks (article 78-2 of the Penal Procedures Code) is needed, including monitoring of identity checks by supervisors and police managers, regular meetings between residents, the police, and elected representatives to discuss control practices, and training so that officers become more aware of the objectives of identity checks and use them more selectively.

It is regrettable that the government did not wait for the upcoming report of Defender of Rights (the national ombudsman) on this issue, and that it did not take into consideration the position of the National Consultative Commission on Human Rights in its 2011 report on "Fighting Racism, Anti-Semitism, and Xenophobia," the groups said.

It is crucial for the government, in carrying out the reform, to consult and work with all of those involved – civil society organizations, experts, local representatives, judges, lawyers, and the Justice Ministry.

The groups called on President Hollande to engage in the debate, and on Prime Minister Ayrault to reconsider his position. They called on the government to uphold the president's commitment No.30, and to institute without further delay a genuine and inclusive consultation, taking into account best practices in other countries, to prevent abusive identity checks.