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**LDH-FIDH**

**Recommendations to members of the UPR Working Group for the upcoming examination of France on 21<sup>st</sup> January 2013**

1. Identity checks and racial profiling

Lack of data prevents assessment of the number of identity checks conducted by France annually, though such practice is central to police operations in the country. In his report on “police-citizen relations and identity checks” (released 16 October 2012) France’s human rights ombudsman, the “Defender of Rights”, Dominique Baudis, recommended that the government make known the identity of officers conducting such checks by requiring every officer to wear a visible matriculation card. He also recommended that a controlling officer’s grade, matriculation number, and division be stated on a document provided to the controlled person.

**Recommendation:**

- Our organizations recommend that France:
  1. Reform Article 78(2) of France’s Code of Criminal Procedure swiftly and without delay, in order to better regulate identity checks. It should also provide for judicial review of such controls; and
  2. Regulate the practice of pat-down inspections under the law.
- We also recommend that identity checks be systematically documented in a form stating the matriculation number of the officer instigating the check; the time, date, and location of its occurrence; its legal basis, and the reasons for and outcome of the check.
- Our organizations ask the UPR Working Group to recommend that France address the **issue of identity checks targeting those from minority groups in its future periodic reports to the Human Rights Committee and the Committee on the Elimination of Racial Discrimination.**

2. The national action plan on the fight against racism

Regarding the implementation of recommendations from several States concerning the fight

against discrimination and racism in France, our organizations regret that the national action plan announced in 2010 during France's examination by the Committee for the Elimination of Racial Discrimination (CERD), and published in February 2012, contains neither precise benchmarks nor a detailed time-frame for implementation. The only follow-up and implementation mechanism specified in the action plan is the creation of an inter-ministerial Delegate position to fight racism and anti-Semitism. This is inadequate provision in light of the enormous challenges facing the fight against racism and discrimination in France.

### **Recommendation:**

Our organizations recommend the development and publication of a **detailed agenda for the implementation of the action plan** (including precise time frames), as well as the establishment of a **specialist and independent institution** that is inclusive of civil society, to oversee the implementation and follow-up of planned measures.

### 3. Discrimination against Roma

The situation of Romanian and Bulgarian Roma in France remains extremely concerning. These persons are repeatedly evicted from settlements, expelled from national territory, obstructed from accessing basic services guaranteed by law, including schooling, health and social protection; they experience difficulty, if not impossibility, in obtaining paid employment, and face high levels of stigma.

On 27 August 2010, during its 77<sup>th</sup> session, the CERD recommended in its concluding observations that France "ensure that all its policies concerning Roma are consistent with the Convention, that it avoid collective repatriations in particular, and that it endeavour to find lasting solutions to issues related to Roma, with full respect for their human rights (arts. 2 and 5)" (paragraph 14).

### **Recommendation:**

Our organizations recommend that the French Government cease all evictions from settlements when such actions are not followed by the provision of shelter or offers of relocation, and that it ensure **effective access** to economic, social and cultural rights guaranteed under the law, including rights to social protection, education and access to health care and services.