

## STATEMENT

### Statement on adoption of the UPR outcome on France Human Rights Council's 23<sup>rd</sup> session

Mr President,

The Open Society Justice Initiative, part of the Open Society Institute, welcomes the French Government's acceptance of four recommendations made to it during the Universal Periodic Review (UPR) to end the use of ethnic profiling by police. This is an important commitment to take the necessary steps to reform the laws and policies that have allowed this discriminatory practice to continue unchecked

We encourage the Government to move swiftly to pass legislation that explicitly bans the use of racial profiling during identity checks, as recommended by Mexico.

We especially welcome France's acceptance of the recommendation made by Pakistan that it prevent ethnic profiling and provide effective remedies to victims.

During the 2012 Presidential campaign, François Hollande committed to "fight against discriminatory identity checks through a procedure respectful of citizens." In September 2012 the new Prime Minister also promised that the government would soon introduce stop forms. Unfortunately, the government quickly back-pedalled on these commitments and has only taken very minor steps towards reform such as introducing an amended code of police ethics. However, these measures fall far short of what is needed to end the widespread ethnic profiling practices that have been documented.

To implement the UPR recommendations it has accepted, France must amend article 78-2 of the Code of Criminal Procedure so that reasonable suspicion (objective and individual grounds) is required as a basis for all identity checks. It must also introduce stop forms that provide persons stopped with information about the legal basis and grounds for identity checks and frisks. Without such changes identity checks will remain a grey zone of police practice in which it is impossible for judges to monitor whether stops are carried out in a manner that respects individuals' fundamental rights.

These reforms would also improve police relations with the population by rebuilding trust, promote accountability and allow for evaluation of identity check powers. Not only would this better protect fundamental rights, such as the right to privacy, freedom of movement and non-discrimination, but also improve police's ability to maintain law and order.

Finally, we note with satisfaction that the government has also accepted a large number of recommendations to combat racism and to organise a visit for the Special Rapporteur on contemporary forms of racism. We believe that these commitments could further bolster and support the government's efforts to end ethnic profiling.

