

Rapid Response Report
**“Human rights issues and debates during the 2009
EU parliament election campaign”**
- FRANCE -

1. Overview

- [1]. The last European Parliament election campaign in France was the theatre of debates concerning a huge range of human rights issues reported to the French press and media, especially issues dealing with immigration and security, diversity, racism, discrimination and different forms of intolerance or human rights' violations.
- [2]. The common element in these debates is the representation and impact of the figure of the "other", as it arises from the election campaign of different parties and as it is perceived in the various reactions of the citizens or in public opinion.
- [3]. To be more specific, we can identify a first major thematic area, in the centre of which we find the interrelated concepts of security, immigration and human rights. The connexion between these three concepts is enlightened on the occasion of a series of incidents, occurred during spring 2009 at the detention centres for refugees in Calais or in the Paris airport of Roissy-Charles-de-Gaulle. The police's attitude in these cases opened a public discussion about the legal establishment of a "solidarity offence" (*délit de solidarité*) against persons who support illegal immigrants and the various violations of human rights this is supposed to imply.
- [4]. Other security related issues have also been part of the public debate during the examined period: the general situation in prisons, with questions like the living conditions of prisoners, the increasing number of police custodies or the prolongation of the imprisonment period are some of the issues raised. This discussion coincided with a strike of prison guards as well as with a legal revision project on this subject, initiated by the government. In connexion with this topic, the discussed suppression of the function of the examining magistrate (*juge d'instruction*) is also debated in relation to its impact to the full application of the principle of fair trial and more specifically to the defence rights. Additionally, in the broader context of security issues, the question of security in schools gave the opportunity to conduct a dialog with the public authorities about the outburst of violence and human rights violations in the field of education system.
- [5]. Another identified major thematic area is related to various discrimination issues: the discussion about the pertinence of a systematic collection of statistical data on ethnic origins is crossing the question of ethnic diversity in the framework of the French Republic, stated as "indivisible" by article 1 of the French Constitution of 1958¹. The participation of persons with disabilities in electoral lists is another topic directly related to the electoral procedure in France, despite the minor position it kept in the media debate.
- [6]. Finally, one of the topics raised during the referenced period deal with the broader question of human dignity and the right to decent conditions of living: it concerns the financial crisis and the increase of the poverty phenomenon, as generators of discriminations and different kind of human rights violations.
- [7]. As a conclusion, we can observe that the high importance of an issue given by the media is not always of an equal degree compared to the impact of the same issue on the election campaign or the outcome of the election. It is also significant to note

¹ Constitution of the 4th of October 1958: "La France est une République indivisible, laïque, démocratique et sociale. Elle assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion (...)".

that, after the end of the elections' period, human rights debates become more open, focusing more often in international than in national issues.

Issue	List of main actors	Importance of the issue during the election campaign (High, Medium, Low)	Impact of the issue on the outcome of the election
<p>1. Immigration, security and human rights: “solidarity offence” (<i>délit de solidarité</i>)</p>	<ul style="list-style-type: none"> - Eric Besson, Minister for Immigration - Cimade (<i>Comité inter-mouvements auprès des évacués</i>): Ecumenical movement of mutual assistance for refugees - Various NGOs working in the field of defence of the rights of immigrants and refugees - Daniel Cohn-Bendit, European deputy, head of list of the Green (ecologist) party at the EU Parliament elections 	High	No data available
<p>2. “Anti-sionist list” presented to the EU Parliament Elections (party headed by “humorist” Dieudonné)</p>	<ul style="list-style-type: none"> - Dieudonné M’bala M’bala, a “humorist” actor known for his anti-semitist positions, leader of the so-called “Anti-sionist list” - <u>For the Government:</u> <ul style="list-style-type: none"> - Claude Guéant, Secretary General of the Presidency of the French Republic - Frédéric Lefebvre, spokesperson of the Presidency of the French Republic - <u>For the Opposition:</u> <ul style="list-style-type: none"> - Benoît Hamon, spokesperson of the Socialist Party, deputy candidate at the EU 	High	<p>The “Anti-sionist list” obtained a poor score in the elections, with only 1,30% of the votes in Ile-de-France (Parisian district). Nonetheless, this “list” managed to convince 6,35% of the voters in the city of Gennevilliers. These figures, representing some thousands of votes amongst the population of the French capital, are subject to concern and awareness, with respect to a possible revival of racism and xenophobia in France</p>

	<p>Parliament</p> <p>- Vincent Peillon, deputy of the Socialist Party at the EU Parliament</p> <p>- <u>NGO</u>: <i>Mouvement contre le racisme et pour l'amitié entre les peuples</i> (MRAP)</p>		
<p>3. Ethnic statistics: data collection on ethnic origins – ethnic profiling – ethnic diversity</p>	<p>- Yazid Sabeg, High Commissioner on Diversity and Equal Opportunities</p> <p>- NGOs and activists against racism</p>	High	No data available
<p>4. Situation in prisons: increasing number of police custodies, prolongation of imprisonments</p>	<p>- Jean-Marie Delarue, General Inspector of Places of Deprivation of Liberty</p> <p>- Movement of prison guards in strike</p>	High	No data available
<p>5. Security in schools: violence and human rights violations</p>	<p>- Xavier Darcos, Minister of National Education</p> <p>- Rachida Dati, Minister of Justice</p> <p>- Nadine Morano, State Secretary on Family Affairs</p>	Medium	No data available
<p>6. Financial crisis and its impact on human rights and dignity: the question of decent housing</p>	<p>- Christine Boutin, Minister for Housing</p> <p>- Martin Hirsch, High Commissioner on Active Solidarities against Poverty</p> <p>- NGOs specialised in the struggle against poverty and for the right to housing</p>	Medium	No data available
<p>7. Suppression of the <i>juge d'instruction</i> (examining magistrate)</p>	<p>- Committee examining the reform of the French judicial system, presided by Advocate General Philippe Léger (known as “The Léger</p>	Medium	No data available

	<p>Committee”)</p> <ul style="list-style-type: none"> - Eva Joly, former examining magistrate, deputy candidate of the Green (ecologist) party at the EU Parliament 		
<p>8. Persons with disabilities as members of electoral lists</p>	<ul style="list-style-type: none"> - NGOs specialised in the rights of persons with disabilities - Monique Pelletier, president of the National Council of Handicap 	<p>Low</p>	<p>No data available</p>

2. Issues and debates

2.1 Immigration, security and human rights: "solidarity offence" (*délit de solidarité*)

2.1.1 What were the starting point and the broader political context of the debate? Was it directly linked to the campaign of a particular party?

The present debate is not a new one; it concerns the questions of asylum seekers, controlled immigration and the right to give assistance to foreigners in irregular status on the French territory, most known as *sans-papiers*. The increasing flow of irregular migrants and asylum seekers, especially in Calais or in a reserved area ("waiting zone") at the Parisian airport of Roissy-Charles-de-Gaulle, gave the opportunity to the media and relevant NGOs to bring into light the risky conditions of living of these persons, suffering all kind of human rights violations, as well as the difficulty faced by the associations working in this field.

In the centre of this debate were the views expressed by the Minister for Immigration, Mr. Eric Besson, reflecting the French government's will to strengthen controls in frontiers and regulate immigration flows, by applying a policy of "select immigration".

Most of the NGOs working in this field accuse the Minister to create a climate of terror among the asylum seekers and their defenders, by facilitating police arrests, expulsions or court sentences for people providing assistance to irregular migrants.

2.1.2 What were the main discussion lines and arguments of the debate?

The Law modifying the Code on entry and stay of foreigners and on asylum right (*Loi modifiant le code de l'entrée et du séjour des étrangers et du droit d'asile* – called *CESEDA Law*), adopted on July 2006², hardens the conditions for assistance given to persons illegally entered in France, established by articles L.622-1 and L.622-4 of the Code. The consequence is that the law apparently creates a "solidarity offence", offering a legal basis to the tribunals to sentence a person for paying assistance to an irregular migrant or asylum seeker³.

Another point raised is the regulation of the system of legal assistance provided to refugees and asylum seekers placed in detention centres. After an extended debate and a judgement on this question by the Administrative Supreme Court (*Conseil d'État*)⁴, the Minister modified by decree the modalities of legal assistance to these persons and obtained the end of the monopoly of the Cimade (*Comité inter-mouvements auprès des évacués*) [NB. Ecumenical movement of mutual assistance for refugees] in the organisation of these procedures⁵.

² Loi n°2006-911 du 24 juillet 2006, available at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000266495&dateTexte>.

³ See Libération, *Objection de conscience*, 8 April 2009; Libération, *La solidarité avec des étrangers reste un délit*, 12 May 2009; L'Humanité, *Quand la loi punit la solidarité*, 8 April 2009; L'Humanité, *Les défenseurs des migrants stigmatisés et réprimés*, 12 June 2009; Le Parisien, *Accusée d'avoir aidé un sans-papier*, 11 May 2009; Le Figaro Magazine, *Clandestins : Faut-il modifier la loi ?*, 18 April 2009.

⁴ Administrative Supreme Court, *Cimade and others*, Application n°311841, 3 June 2009, available at <http://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000020869373&fastReqId=1922560738&fastPos=1>.

⁵ See L'Humanité, *La Cimade évincée de dix-neuf centres de rétention*, 11 April 2009; L'Humanité, *L'arrêt du Conseil d'Etat nous donne raison*, 5 June 2009; Libération, *Objection de conscience*, 12 May; Libération, *Immigration : Le Conseil d'Etat n'a pas suivi la Cimade*, 4 June 2009; La Croix, *La Cimade perd le monopole de l'aide aux étrangers*, 14 April 2009; La Croix, *L'assistance aux étrangers dans les centres de rétention est-elle*

Finally, the European deputy and head of list of the Green (ecologist) party at the EU Parliament elections, Mr. Daniel Cohn-Bendit, has also intervened to the debate, to declare during a visit at the Roissy “waiting zone” that he would fight for “*another European regulation*”, more respectful for human rights on this matter⁶.

2.1.3 Who were the main actors (persons, parties, media actors, etc.) involved in the debate?

- A number of NGOs defending human rights of refugees and *sans-papiers* (illegal immigrants) was opposed to the Minister for Immigration, Mr. Eric Besson⁷.
- Representatives of the Green (ecologist) party, such as the European deputy and head of list Mr. Daniel Cohn-Bendit or the French Parliament deputy Mr. Noël Mamère, were also involved with a series of interventions and actions.

2.1.4 How central/intensive was the debate in the media compared to other debates related to the 2009 EU elections?

This debate took up a major position in the media before, during and after the election campaign, as it is related not only to the recurrent question of the frontiers of Europe (or the so-called “fortress Europe”), but also to the political strategy of the French government to limit the increasing flow of refugees on its territory and realise a policy of “select immigration”.

2.1.5 Has the debate stopped after the EU elections?

This debate of crucial importance for the rights of immigrants and their defenders is still open at this time. Recently (17th of June 2009), the *Tribunal correctionnel* of Rodez (Criminal Court) passed an important sentence, in which it exonerated the accused from the charges of “assistance to irregular entry, circulation and stay of a foreigner in France”, considering that the abovementioned law does not allow of the constitution of an “offence” for any acts of solidarity and assistance towards illegal immigrants⁸.

2.2 “Anti-sionist list” presented to the EU Parliament Elections and related issues (party headed by “humorist” Dieudonné)

2.2.1 What were the starting point and the broader political context of the debate? Was it directly linked to the campaign of a particular party?

After many judgements condemning his anti-semitist speech in the past years and some of his performances cancelled for the same reason, the French “humorist” actor Dieudonné M’bala M’bala (most known as Dieudonné) constituted the *Liste anti-*

menacée?, 17 April 2009; La Croix, *Le conflit s’envenime entre la Cimade et le ministère de l’immigration*, 12 May 2009; La Croix, *La Cimade reste seule dans les centres de rétention*, 2 May 2009; La Croix, *La bataille juridique autour des centres de rétention se poursuit*, 8 June 2009.

⁶ See Libération, *A Roissy, des étrangers aux droits bafoués*, 11 May 2009; L’Humanité, *Un traitement inhumain*, 13 May 2009; La Croix, *Daniel Cohn-Bendit en zone d’attente*, 28 May 2009.

⁷ See L’Humanité, *Arrêtez-moi sinon je récidive*, 9 April 2009; Le Parisien, *Des soutiens aux sans-papiers vont se constituer prisonniers*, 8 April 2009; Le Monde, *Un collectif inconnu en matière d’aide aux étrangers va intervenir en rétention*, 12-13 April 2009.

⁸ See the joint press release, *Procès de Rodez : la solidarité confirmée dans ses droits*, 24 July 2009, signed by the following 15 NGOs and associations: Ligue des droits de l’Homme – Saf – Emmaüs France – Gisti – MRAP – Secours Catholique – COMEDE – ACAT – Cimade – La Halte Saint Jean – SOS Racisme – FNARS – Hors la Rue – Médecins du Monde – Fédération Entraide Protestante; available at <http://www.ldh-france.org/Procès-de-Rodez-la-solidarite>.

sioniste (“Anti-sionist list”) in order to be represented as a party in the EU Parliament elections. The “list” was presented during a public meeting on the 21st of March, as an “anti-communitarist and anti-sionist” project, after the failure of the negotiations for cooperation with the ultra-conservative, pro-racist party of *Front national* (headed by Jean-Marie Le Pen)⁹.

A number of anti-racist NGOs – in particular the *Mouvement contre le racisme et pour l’amitié entre les peuples* (MRAP) [Movement against Racism and for Friendship between Peoples] – accused Dieudonné of reproducing old schemes of xenophobia and racism among French population¹⁰.

2.2.2 What were the main discussion lines and arguments of the debate?

The submission of this “list” has drawn very early the attention of the media, around the question of authorizing or not the participation of an extremist party defending racist ideas in the EU Parliament elections. The leader of the party and his supporters took part in the debate defining themselves as persecuted defenders of the ideas of “anti-communitarism” and “anti-sionism”, pretending acting in the framework of the freedom of expression and thought.

Initially, the Government representatives are unanimously favourable to a suppression of this list from the official candidatures for the EU Parliament elections, even if they recognised the difficulty of this prohibition, as the Constitution guarantees the freedom of expression and political beliefs for every citizen. Some deputies, especially from the Opposition camp, argued that any prohibition would even be beneficial for Dieudonné’s cause, because of the publicity accorded by the media. Finally, it would be rather difficult to prove that “anti-sionist” ideas are clearly racist and intolerant, so they should be prohibited as a form of anti-semitism¹¹.

2.2.3 Who were the main actors (persons, parties, media actors, etc.) involved in the debate?

- Dieudonné M’bala M’bala, a “humorist” actor known for his anti-semitist positions, leader of the so-called “Anti-sionist list”
- For the Government: Claude Guéant, Secretary General of the Presidency of the French Republic; Frédéric Lefebvre, spokesperson of the Presidency of the French Republic
- For the Opposition: Benoît Hamon, spokesperson of the Socialist Party, deputy candidate in the EU Parliament; Vincent Peillon, deputy of the Socialist Party at the EU Parliament
- NGO: *Mouvement contre le racisme et pour l’amitié entre les peuples* (MRAP) [Movement against Racism and for Friendship between Peoples]

⁹ See Le Figaro, *Dieudonné renvoyé devant la justice pour injures raciales*, 9 April 2009; Le Monde, *L’antisémitisme de Dieudonné, héritage contemporain de l’antisémitisme*, 24 May 2009; Le Monde, *Chez Dieudonné, on peste contre le lobby juif sioniste*, 3 June 2009..

¹⁰ Communiqué n° 5644181094, *Le MRAP condamne les provocations de Dieudonné et de ses acolytes*, 3 June 2009, available at : <http://www.mrap.fr/communiqués/document.2009-06-03.5644181094>.

¹¹ See Le Parisien, *Guéant menace les listes de Dieudonné*, 4 May 2009; Le Parisien, *Questions sur l’affaire Dieudonné*, 5 May 2009; L’Humanité, *Affaire Dieudonné: à quoi joue l’Elysée?*, 5 May 2009; La Croix, *Querelle autour des listes Dieudonné*, 5 May 2009; Libération, *L’Elysée veut dépister le virus antisémite de la liste de Dieudonné*, 5 May 2009; Le Figaro, *Dieudonné peu probable*, 5 May 2009.

2.2.4 How central/intensive was the debate in the media compared to other debates related to the 2009 EU elections?

This debate was one of the most directly involved into the EU elections campaign. Its central position in the media discussions was emphasized by some virulent declarations from both camps¹².

2.2.5 Has the debate stopped after the EU elections?

This was a specific issue directly related to the electoral procedure, therefore there is no reference to the future of this structure after the EU elections. However, the subject is directly related to the question of the rise of anti-semitism in France and, in this context, it is likely to be raised again in the future.

2.3 Ethnic statistics: data collection on ethnic origins – ethnic profiling – ethnic diversity

2.3.1 What were the starting point and the broader political context of the debate? Was it directly linked to the campaign of a particular party?

The present debate has occupied the political scenery a long time before the EU Parliament election campaign. It is related to the pertinence of a systematic collection of statistical data based on ethnic criteria and to the limitations put by the idea of indivisibility of rights as it is perceived by the French Constitution of 1958, and particularly its article 1¹³.

2.3.2 What were the main discussion lines and arguments of the debate?

While the French Government decides to legalize statistics on ethnic origin, on the basis of a report presented by Mr. Yazid Sabeg, the new High Commissioner on Diversity and Equal Opportunities, many anti-racism activists and movements, as well as intellectuals and members of political parties reject this proposal, citing France's long constitutional tradition and integration model, based on the idea of equality before the law, without any discrimination based on race, class or religion¹⁴.

This “French exception” – supported by some 55% of the citizens, in the middle of an international context that is rather favourable to the use of this kind of statistics to promote ethnic diversity and minority rights – is also defended by the creation of two alternative “think tanks” amongst politicians and academics¹⁵. In this framework, it is also interesting to notice that a recent study published by the Open Society Institute (Soros Foundation), reporting France's practice, denoted the inefficacy of “ethnic profiling” as a practice used by the police in most of the western states in the name of the struggle against terrorism¹⁶.

¹² See Libération, *Dieudonné interdit à La Rochelle*, 11 April 2009; Libération, *Cordon policier pour Dieudonné et ses colistiers*, 14 May 2009.

¹³ See *supra*, Overview section and footnote 1.

¹⁴ See L'Humanité, *La diversité selon Sageb*, 17 April 2009; Libération, *Le rapport sur la diversité concurrencé avant l'heure*, 7 May 2009; Le Figaro, *Polémique sur les statistiques ethniques et la commission Sageb*, 6 April 2009.

¹⁵ See Libération, *Statistiques ethniques: les opposants répliquent*, 10 April 2009.

¹⁶ See Le Courrier International n°963, *Les statistiques ethniques, une arme à double tranchant*, 16-22 April 2009; Le Figaro, *Statistiques ethniques: une rêverie totalitaire*, 3 June 2009; Le Monde, *Les limites de la chasse au faciès*, 28 May 2009.

2.3.3 Who were the main actors (persons, parties, media actors, etc.) involved in the debate?

- Yazid Sabeg, High Commissioner on Diversity and Equal Opportunities.
- NGOs and activists against racism.

2.3.4 How central/intensive was the debate in the media compared to other debates related to the 2009 EU elections?

This issue was amply mentioned and argued during the whole period of the election campaign, even if the subject seems to be of a weak degree of relevance with respect to the political parties' programmes in the context of EU elections.

2.3.5 Has the debate stopped after the EU elections?

The debate is still open and will probably hold on an important place in public discussions and opinion, in the light of the recent developments in this field at the international level.

2.4 **Situation in prisons:** living conditions of prisoners, increasing number of police custodies, prolongation of imprisonments

2.4.1 What were the starting point and the broader political context of the debate? Was it directly linked to the campaign of a particular party?

The outburst of police custodies during the last months and the prolongation of the imprisonment period, coinciding with a wave of denunciation of general situation in French prisons¹⁷ – as well as in other places of deprivation of liberty – were the starting point for a general debate on the sidelines of the EU electoral campaign, focusing on the deterioration of the living conditions of prisoners and the consequent violations of their fundamental rights.

2.4.2 What were the main discussion lines and arguments of the debate?

The General Inspector of Places of Deprivation of Liberty, Jean-Marie Delarue, nominated in June 2008, published his first report in April 2009. This first report states a dramatically deteriorated situation in French prisons, where people are systematically deprived of most fundamental individual rights, such as the *habeas corpus*, the right to health, to privacy, to decent conditions of living etc. An increased number of suicides in prison related to this situation are also reported.

The publication of this report and the declarations that followed by Mr. Delarue coincided with a huge strike of prison guards¹⁸. The situation revealed the necessity to proceed to a legal revision on this subject, which would first take into account the respect of fundamental rights and human dignity.

2.4.3 Who were the main actors (persons, parties, media actors, etc.) involved in the debate?

¹⁷ See La Croix, *Quel est l'état réel des prisons françaises ?*, 7 May 2009 ; La Croix, *Vieillir en prison*, 3 June 2009; Le Monde, *Chronique de la prison ordinaire*, 9 April 2009.

¹⁸ See La Croix, *Le contrôleur général s'inquiète du sort des prisonniers*, 9 April 2009; L'Humanité, *Je n'ai pas encore abordé les questions qui fâchent*, 14 May 2009; Le Nouvel Observateur, *Prison, attention aux risques d'explosion!*, 5th July 2009.

- Jean-Marie Delarue, General Inspector of Places of Deprivation of Liberty.
- Movement of prison guards in strike¹⁹.

2.4.4 How central/intensive was the debate in the media compared to other debates related to the 2009 EU elections?

The questions raised in this context are rather of national, “internal” interest, as they are not directly linked to the European Union policies. However, they provoked an intense debate about the necessity for the government to radically revise its policy in this field.

2.4.5 Has the debate stopped after the EU elections?

In spite of the general interest of this issue, little reference is found in the media after the end of the election campaign.

2.5 Security in schools: violence and human rights violations

2.5.1 What were the starting point and the broader political context of the debate? Was it directly linked to the campaign of a particular party?

During the past winter and beyond, education establishments were the theatre of many incidents of extreme violence and aggressions perpetrated by minors²⁰. These facts coincided with a broader discussion about a new legal project introduced by the Minister of Justice, which aims to legally penalize delinquent minors from the age of 12 years. This sensitive issue interested the media during the election campaign also because of the implication of some of the actors involved – especially the Minister of Justice, Mrs. Rachida Dati – in the electoral debate.

2.5.2 What were the main discussion lines and arguments of the debate?

The abovementioned project of legal revision of the Code of Minors, suggested by the Minister of Justice, was considered very early as controversial, not only by the media and the Opposition parties, but also by some members of the Government itself. Further to this turn, the Minister had to revise her initial proposals²¹.

Parallel to this project, the Minister of National Education, Mr. Xavier Darcos, suggested the creation of a “mobile force of scholar agents”, that would be able to guarantee the security of the establishments. Finally, the State Secretary on Family Affairs, Mrs. Nadine Morano, emphasized the role of the family education on this matter and the need to reinforce ethical values in this context²².

2.5.3 Who were the main actors (persons, parties, media actors, etc.) involved in the debate?

¹⁹ See Libération, *A bout, les surveillants bouclent les prisons*, 4 May 2009; Libération, *Le bâton en réponse aux matons*, 5 May 2009; Le Monde, *Les surveillants de prison expriment leur colère*, 5 May 2009; L’Humanité, *On comprend le mal-être des surveillants*, 5 May 2009; L’Humanité, *Dati au pied du mur*, 7 May 2009; Le Figaro, *Pénitenciaire: les raisons de la grogne*, 7 May 2009; Le Parisien, *Les surveillants de prison se radicalisent*, 7 May 2009; La Croix, *La lente dégradation des conditions de travail des surveillants de prison*, 4 May 2009.

²⁰ See Le Nouvel Observateur, *Violence à l’école: contre-enquête*, 4-10 June 2009.

²¹ See Le Figaro, *Dati joue l’apaisement sur le code des mineurs*, 11 May 2009.

²² See Le Monde, interview of Mrs Morano, 25 May 2009; Libération, *Morano fait la loi sous le préau*, 2 June 2009; La Croix, *Est-il normal que la police interpelle de jeunes enfants ?*, 22 May 2009; L’Humanité, *Auditionné par les gendarmes à huit ans*, 2 June 2009.

- Xavier Darcos, Minister of National Education.
- Rachida Dati, Minister of Justice.
- Nadine Morano, State Secretary on Family Affairs.

2.5.4 How central/intensive was the debate in the media compared to other debates related to the 2009 EU elections?

These recent developments seem to mark the return of security issues, objectives and arguments into the EU election campaign – even though the media paid a relative minor importance to them, in comparison to other elements of debate.

2.5.5 Has the debate stopped after the EU elections?

No references are noticed on this subject after the end of the electoral period.

2.6 Financial crisis and its impact on human rights and dignity: the question of decent housing

2.6.1 What were the starting point and the broader political context of the debate? Was it directly linked to the campaign of a particular party?

This debate is not a new one; it is related to the broader context of social insecurity towards the current phenomena of financial crisis and the consequent increase of poverty. Nevertheless, the discussion was axed around two major points: the new measures taken by the Government to fight against poverty and the “right to housing”, also related to the major problem of persons without fixed residence, called “SDF” (from the French expression *sans domicile fixe*).

2.6.2 What were the main discussion lines and arguments of the debate?

In the framework of a reform recently initiated by the Government, some complementary, specific measures have been taken to help the most disadvantaged sections of the population, suffering the impact of the financial crisis and precariousness.

The result of a study addressed to the Minister for Housing, Mrs. Christine Boutin, revealed the anxiety of the majority of French people with respect to poverty²³. The High Commissioner on Active Solidarities against Poverty, Mr. Martin Hirsch had also stated that the problem of housing remains one of the major matters of concern, especially for younger sections of the population.

Representative of NGOs pointed out the urge for the Government to revise his whole political strategy on this matter; rather than take punctual measures that are revealed insufficient. Therefore, a revalorisation of the totality of social minima standards and social benefits is considered to be necessary.

In this context, a general assembly of people without fixed residence has taken place in Paris, giving the opportunity to gather a huge range of organisations working on

²³ See Libération, *La peur de la pauvreté, angoisse majeure des français*, 2 June 2009; Les annonces de la Seine, *Etats généraux des SDF: Une agence nationale des français de la rue?*, 6 April 2009.

this field. A proposal to create a National Agency of French of the Street (*Agence nationale des Français de la rue*) was also debated during this meeting.

2.6.3 Who were the main actors (persons, parties, media actors, etc.) involved in the debate?

- Christine Boutin, Minister for Housing.
- Martin Hirsch, High Commissioner on Active Solidarities against Poverty.
- NGOs specialised in the struggle against poverty and for the right to housing.

2.6.4 How central/intensive was the debate in the media compared to other debates related to the 2009 EU elections?

Despite the importance of the subject in the field of social interest matters, we can notice that the media have reserved limited space to the debate, in comparison to the issues previously mentioned.

2.6.5 Has the debate stopped after the EU elections?

The questions of poverty and the right to decent conditions of living, including decent housing, are subject to a permanent debate in the context of the French social and political life.

2.7 Suppression of the examining magistrate (*juge d'instruction*)

2.7.1 What were the starting point and the broader political context of the debate? Was it directly linked to the campaign of a particular party?

A Committee presided by Advocate General Philippe Léger (mostly known as “The Léger Committee”) was commissioned in October 2008 by French President Nicolas Sarkozy, in order to examine the possibilities of a vast reform on the French judicial system. One of the main innovations suggested by this Committee was the transformation of the status of the examining magistrate (*juge d'instruction*), which should be deprived of his examining functions to keep operating on a strictly judicial role.

Not directly linked to the European elections campaign, the issue was raised by Mrs. Eva Joly, a famous former examining magistrate, who turned over to a political carrier as a deputy (still candidate during the referenced period) of the Green (ecologist) party at the EU Parliament. The debate is also brought into light by the European Court of Human Rights, which examined, on the occasion of its decision of the 6th May 2009, the status and independence of the French *parquet*²⁴.

2.7.2 What were the main discussion lines and arguments of the debate?

The main objective of this reform from the Government’s point of view was to modernize and accelerate the judicial procedure system in France, often considered as too slow, failing to fulfil the idea of a “fair trial”.

²⁴ See Le Monde, *interview of Denis Salas, (judge and researcher)*, 8 May 2009; Le Monde, *Le parquet, enjeu de la réforme pénale, par Mireille Delams-Marty*, 25 May 2009.

Mrs. Joly pointed out the controversies of this reform, considering in particular that the suppression of the examining magistrate is equivalent to the elimination of an opposition force and seems to be a pretext for the Government to intervene to the exercise of the judicial function²⁵.

2.7.3 Who were the main actors (persons, parties, media actors, etc.) involved in the debate?

- Committee examining the reform of the French judicial system, presided by Advocate General Philippe Léger (known as “The Léger Committee”).
- Eva Joly, former examining magistrate, deputy candidate of the Green (ecologist) party at the EU Parliament.

2.7.4 How central/intensive was the debate in the media compared to other debates related to the 2009 EU elections?

This debate occupied a minor place in the media during the election campaign, as it has been raised only by few of them.

2.7.5 Has the debate stopped after the EU elections?

No information about any follow-up of this question is given in the consulted media, after the election period.

2.8 Persons with disabilities as members of electoral lists

2.8.1 What were the starting point and the broader political context of the debate? Was it directly linked to the campaign of a particular party?

This is another issue directly linked to the campaign period and concerning all participating parties. The starting point was the call, on the beginning of April 2009, of the National Council of Handicap to encourage political parties so as to introduce persons with disabilities in their electoral lists.

2.8.2 What were the main discussion lines and arguments of the debate?

The president of the National Council of Handicap, Mrs. Monique Pelletier, addressed an open letter to the leaders of political parties, in order to sensitize them to use the opportunity of these elections for fulfilling the idea of diversity through their programmes, by including persons with disabilities in their lists²⁶.

2.8.3 Who were the main actors (persons, parties, media actors, etc.) involved in the debate?

- NGOs specialised in the rights of persons with disabilities.
- Monique Pelletier, president of the National Council of Handicap.

²⁵ See L'Express, *le -J'accuse- d'Eva Joly*, 28 May 2009.

²⁶ The letter is available at: <http://cnhandicap.org/>; See La Croix, *Un appel à présenter des personnes handicapées*, 3 April 2009.

2.8.4 How central/intensive was the debate in the media compared to other debates related to the 2009 EU elections?

Despite the degree of relevance of the subject to the EU elections, media paid less importance to this issue than other, perhaps, more “popular” issues as those described above.

2.8.5 Has the debate stopped after the EU elections?

No information about any follow-up of this question is given in the consulted media. However, the debate is not closed, as it is related to the general place of persons with disabilities in the French political life.

Annex

List of consulted media

- **Daily newspapers**

- Le Monde, <http://www.lemonde.fr>
- Le Figaro, <http://www.lefigaro.fr>
- Libération, <http://www.liberation.fr>
- L'Humanité, <http://www.humanite.fr>
- La Croix, <http://www.la-croix.com>

- **Tabloid and freesheet**

- Le Parisien, <http://www.leparisien.fr>
- France-Soir, <http://www.francesoir.fr>
- Le Canard enchaîné, <http://www.lecanardenchaine.fr>
- Métro, <http://www.metrofrance.com>

- **Weekly magazines**

- Le Point, <http://www.lepoint.fr>
- Le Nouvel Observateur, <http://tempsreel.nouvelobs.com>
- L'Express, <http://www.lexpress.fr>
- Le Courrier international, <http://www.courrierinternational.com/>
- Le Figaro Magazine, <http://www.lefigaro.fr/lefigaromagazine/index.php>

- **Official Newspaper**

- Les Annonces de la Seine, <http://www.annoncesdelaseine.com/>