

1. UPDATE ON POLICY DEVELOPMENTS

The suppression of the Ministry Secretariat on Human Rights (June 25th 2009)

The Ministry Secretariat on Human Rights (*Secrétariat d'état aux droits de l'homme*), created in 2007 by the French President, Nicolas Sarkozy, and headed until now by Mrs. Rama Yade, one of the symbols of “diversity” in the Government, had to disappear, after a recent Cabinet reshuffle at the Ministry of Foreign Affairs, announced on June 23rd 2009.

Since her appointment, Rama Yade has put her authority to the service of many sensitive human rights causes, with a particular attention paid to women's and children's rights, adoption or fight against homophobia.

http://www.elysee.fr/documents/index.php?lang=fr&mode=view&cat_id=8&press_id=2729
<http://www.lefigaro.fr/flash-actu/2009/06/23/01011-20090623FILWWW00681-fin-du-secretariat-aux-droits-de-l-homme.php>

Important result for the party of *Front National* in the local election of Henin-Beaumont (June 28th – July 5th 2009)

The ultra-conservative French party of *Front National* (FN) headed by controversial leader Jean-Marie Le Pen (known for his racist and xenophobic speech) won 39% of the votes in the first round of the Henin-Beaumont by-election in Northern France on June 28. This by-election in the Nord-Pas-de-Calais department, was called after the incumbent Socialist Party (PS) mayor was charged with corruption.

With a score of 47,62% for the FN and 52,38% for the Republican Front (left) in the second round, this seemed to be a **weak** victory for the left party. It is the first time since 2002 that the FN was near to win the elections in an important city.

http://www.lemonde.fr/politique/article/2009/07/05/le-front-national-reconnait-sa-defaite-a-henin-beaumont_1215506_823448.html

Nomination and installation of the renewed National Consultative Commission on Human Rights (July 21st 2009)

The French Prime Minister, Mrs. François Fillon, officially installed on July 21st the National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'homme* – CNCDH), on its new mandate.

Yves Repiquet, former President of the Paris Bar, was appointed by decree on April 1st 2009, as the new President of this national institution for the promotion and protection of human rights. According to his declarations, the main objective of his term office will be the examination of the police custodies, considered by the Prime Minister as a “serious act which must be exceptional”.

The independence of this Commission, holding a consultative role to the Government, was recently reinforced.

http://www.cncdh.fr/rubrique.php3?id_rubrique=118

2. UPDATE ON LEGAL DEVELOPMENTS AND AWARENESS-RAISING CAMPAIGNS

Debate about the “integral veil” (*burqa*) (June 2009)

On June 8th, the communist deputy André Gerin suggested the creation of a parliamentary commission about “the practice of the wear of the *burqa* or *niqab* on the French territory”. The proposition was signed by around 60 deputies (most of them from the political majority). After a biting debate about the pertinence of a law forbidding the “integral veil”, with respect to the risks of stigmatization of those women, the National Assembly (Parliament) decided to create an Information Mission, on June 23rd 2009.

The objective of this mission is to elaborate a report about this practice in France, trying to understand its origins, scope and evolution. Another point to be treated is the practical consequences in the social life and the relation with the fundamental principles of the French Republic, such as freedom and women’s dignity. This report is to be presented by the end of January 2010.

According to a recent police survey, the number of women wearing the *burqa* in France does not exceed 367 cases.

<http://www.assemblee-nationale.fr/13/propositions/pion1725.asp>

<http://www.assemblee-nationale.fr/13/propositions/pion1121.asp>

The debate about the reality/ decriminalization of the “solidarity offence” (April – May 2009)

The debate begins on March 25th, when GISTI (*Groupe d’information et de soutien aux immigrés*) addressed to the Minister of Immigration and Integration, Mr. Eric Besson, a list with all the activist or ordinary citizens prosecuted for having expressed their solidarity towards migrants in irregular status, and claimed the modification of the article L 622-1 of the *Code on entry and stay of foreigners*, in order to avoid this kind of prosecutions.

On April 21st, the Minister contested the reality of these data and assured that there are no sentences on the basis of humanitarian acts based on this article. Consequently, he refused to modify the legal basis of the “fight against illegal immigration”, but accepted at least some improvements.

http://www.immigration.gouv.fr/spip.php?page=actus&id_rubrique=254&id_article=1566

<http://www.gisti.org/spip.php?article1483>

Verdict in Fofana’s trial (July 10th 2009)

Judged before the Criminal Court (*Cour d’assises*) for the murder of Ilan Halimi, a young man of Jewish origin tortured to death by him and his accomplices, Youssef Fofana, the chief of the so-called “gang of the barbarians”, was sentenced to the life imprisonment. However, the lawyers of the civil party denounce the “kindness” of the judges with respect to Fofana’s accomplices. Consequently, and in spite of the severity of the sentence, both the lawyers and the *parquet* decided to appeal against this decision, in order to clarify many aspects in this case that still remain vague.

http://www.lemonde.fr/societe/article/2009/07/10/yousseuf-fofana-condamne-a-la-peine-maximale-pour-l-assassinat-d-ilan-halimi_1217727_3224.html

http://tempsreel.nouvelobs.com/actualites/societe/20090712.OBS3915/proces_fofana_le_verdict_decoit_les_associations_juive.html

3. RESEARCH

UN Durban Review Conference against Racism (Geneva, April 20-24, 2009)

Despite a turbulent context, France took part in the recent UN Durban Review Conference against Racism, taken place in Geneva, and adopted the final declaration which marks a real progress in the United Nations' commitment with respect to the fight against all kind of racism and discriminations.

The French Minister of Foreign Affairs, Mr. Bernard Kouchner, declared that this adoption marked a real progress and reminded the "vital importance of this struggle for the world societies". The Minister also blamed the "speech of hate" delivered by the President of Iran, Mahmoud Ahmadinejad.

<http://www.diplomatie.gouv.fr>

http://www.ambafrance-au.org/france_australie/spip.php?article3395

Report on "Public Outrage: police officers above the law in France", by Amnesty International (April 2nd 2009)

Amnesty International's report on "Public Outrage: police officers above the law in France", condemns the fact that allegations of police ill-treatment, racial abuse and excessive use of force continue, while procedures for investigating such allegations are still failing to live up to the standards required by international law.

This organisation continues to call on the French authorities to take steps to reform the current system and create an independent police complaints commission with adequate powers and resources to conduct thorough and effective investigations.

<http://www.amnesty.org/fr/for-media/press-releases/france-police-above-law-20090402>

The Amnesty International Report 2009 (May 28th 2009)

The Amnesty International Report 2009 provides a comprehensive global overview of the state of human rights, and outlines human rights abuses carried out during 2008, highlighting the impact of the economic crisis on human rights all over the world.

The report notices numerous violations concerning the situation in France of the migrants, refugees and asylum seekers. In particular, detention centres are considered as crowded, lacking in sanitary installations, food and medical care.

The Minister of Immigration and Integration, Eric Besson, contests the report and assures that the period of occupancy is not excessive, as well as the duration of the immigrants' detention.

<http://www.amnesty.org/fr/for-media/press-releases/diary-note-launch-amnesty-international-report-2009-thursday-28-may-2009>

http://www.immigration.gouv.fr/spip.php?page=actus&id_rubrique=254&id_article=1675

4. OFFICIAL / UNOFFICIAL STATISTICAL DATA

The French Equal Opportunities and Anti-Discrimination Commission (HALDE) published its annual report (Mai 2009)

In its report on year 2008, the HALDE handed a 25% increase of the court referrals, as a proof that the French society discriminates. If this tendency is confirmed, the increase could be 60% at the end of 2009. For its President, Louis Schweitzer, the work Commission is recognized and, despite the lack of means, its recommendations seem to be more followed. Half of them concern employment and the first criterion of discrimination remains the origin (29%).

http://www.halde.fr/spip.php?page=article&id_article=12871

Police officers in Paris consistently stop people on the basis of ethnicity and dress, rather than on the basis of suspicious individual behaviour, according to a report published by the Open Society Justice Initiative (July 2009)

The control based on the facial aspect is not a fiction: a rigorous sociological study lead by the Open Society Institute proves this. Men, young, black or North-African are exposed to suffering more often the suspicions of the police.

The report documents over 500 police stops over a one-year period (2007-2008) and across five locations in and around the Gare-du-Nord and Châtelet-Les-Halles underground and rail stations. The study confirms that the identity controls executed by the police are principally based on the appearance. Most of the controls take place without problems but in the half of the cases, the control is associated to a body search or palpation. After the experience, only 3% of the persons declared having felt a racist treatment, and for 76% it was neutral.

The report recommends a number of reforms to identity check practices in Paris, including reform of law and policies that allow ethnic profiling; an explicit ban on discrimination by police officials; and, finally, stronger criteria for the “reasonable suspicion” required to stop persons.

http://www.soros.org/initiatives/osji/articles_publications/publications/search_20090630

Report on the perception of the discrimination at work, by the HALDE and the ILO (May 2009)

The HALDE and the ILO published, for a second year, a barometer on “the perception of the discrimination at work”. An increasing number of private employees consider themselves as victims of discrimination (28% against 25% in 2008); they are 22% in the public function.

The age is the first reason (32% in the private sector and 38% in the public function), before the political and trade union convictions (25% in the private sector and 33% in the public function), and the origins (35% in the private sector and 26% in the public function).

<http://www.halde.fr/La-perception-des-discriminations.html>

<http://www.ilo.org/global/lang--fr/index.htm>