

1. UPDATE ON POLICY DEVELOPMENTS

The Bill establishing a Defender of Rights (*Projet de loi sur le Défenseur des droits*) (September 2009)

Following the constitutional revision of July 23th 2008, which established the new institution of “Defender of Rights”, the bill was submitted to the Senate on September 9th 2009. The bill aims at specifying the Rights Defender’s statute, missions and powers. The Defender of Rights will be competent on the same legal fields than the Ombudsman (*Médiateur de la République*), the Defender of Children (*Défenseur des enfants*) and the National Commission for Ethics and Security (*Commission nationale de déontologie de la sécurité*).

A number of NGOs have already criticized the suppression of the Defender of Children. This mechanism has been created in 2000, in order to defend and promote children’s fundamental rights. Moreover, this constitutional reform attaches more prerogatives to the Defender of Rights than the Ombudsman or the Defender of Children. According to the Government, the creation of the new mechanism of Defender of Rights aims at bringing coherence to the protection and implementation of human rights, which are currently fragmented between many institutions.

http://www.assemblee-nationale.fr/13/dossiers/defenseur_droits.asp

<http://www.senat.fr/dossierleg/pjl08-611.html>

Closure of the “Jungle” in Calais (September 22th 2009)

On September 22th 2009, the so-called “Jungle” near the port of Calais was closed following the declaration of the Minister of Immigration and Integration, Mr. Eric Besson. This camp was constituted after the closure of the camp of Sangatte in 2002, in order to shelter hundreds of migrants on the way to Great-Britain. According to the Ministry of Immigration, the police arrested 276 migrants and bulldozed the camp. 151 of the migrants arrested were over 18; 129 of them were sent to “retention centres” and 22 were set free. The 125 teenagers were sent to a “reception centre” in order to be taken into care by social workers. Many associations, as GISTI (*Groupe d’information et de soutien des immigrés*), denounced the destruction of the “Jungle”, considered as inappropriate and ineffective.

http://www.immigration.gouv.fr/spip.php?page=dossiers_det_org&numrubrique=306&numarticle=1806

<http://www.gisti.org/spip.php?article1696>

The Bill abrogating DNA tests in the framework of the of the family reunification procedure is registered before the Senate (October 1st 2009)

As announced on September 13th 2009, the Minister of Immigration and Integration, Mr. Eric Besson, was not willing to sign the implementation order concerning DNA tests, allowed by the family reunification procedure, as described in the Law of November 20th 2007 on immigration control, integration and asylum. The National Consultative Committee on Ethics unanimously stated that the identification on the basis of genetic printing reserved to foreigners only is in contradiction with the French legal order. Many organisations and public personalities denounced this system as violating ethical principles in France, whereas it has been introduced by an amendment of the Law Commission of the National Assembly and validated by the Constitutional Council in its decision of November 15th 2007.

<http://www.senat.fr/leg/pp/09-001.html>

2. UPDATE ON LEGAL DEVELOPMENTS AND AWARENESS-RAISING CAMPAINS

Minister Brice Hortefeux will be summoned before the Criminal Court on December 2009 (September 2009)

The Movement against Racism and for Friendship between Peoples (MRAP) has accused the Minister for Internal Affairs, Mr. Brice Hortefeux, of racist insults.

The facts date back on September 2009, during a summer school organized by UMP (i.e. the governmental coalition party), when the Minister described Arab origin people as “models made on the basis of prototypes”, considering that “when they are numerous, they create problems”.

<http://www.mrap.fr/communiqués/document.2009-09-29.3489134365>

Homophobia in football (October 2009)

On October 4th, a friendly match should be played between the football clubs of *Créteil Bebel* and *Paris Foot Gay*. However, *Créteil Bebel* refused to participate to the match for “on principle”, and especially because of the name of the adverse club. *Paris Foot Gay* is a club principally composed of straight people, invested with the mission to remind persisting homophobia in the football field.

The Deputy Minister for Sports (*Secrétaire d'Etat au Sport*), Mrs. Rama Yade condemned the decision of the club *Créteil Bebel*. *Paris Foot gay* decided not to sue the club which was expelled from the *Commission Football Loisirs*.

http://www.lemonde.fr/sport/article/2009/10/06/le-paris-foot-gay-sno-be-a-cause-de-son-nom_1250142_3242.html

<http://parisfootgay.free.fr/fr/news/news.php>

New Police's files: the danger of registration based on racial criteria on the agenda again (October 18th 2009)

On October the 18th 2009, the French Government adopted two decrees in order to set up new Police's files. The one of them is intended to register “groups, hooligans, sects and small groups” and the other one to examine people's profile for work in “sensitive” areas (police and nuclear energy). These files are set up to replace the previous “EDVIGE files” (named of the initials of the Law that created them), abandoned in 2008 under public opinion pressure.

Contrary to EDVIGE, the new files do not use ethnic or racial criteria, but introduce a more confusing criterion, that of “geographical origin”. This notion may refer not only to a territory but also to other criteria like ethnic origin in an indirect manner. The two decrees have been adopted after a positive consultation with the National Commission on Data protection (CNIL).

<http://www.cnil.fr/la-cn/il/actu-cn/il/article/article/2/de-edvige-i-a-edvige-iii-des-fichiers-de-renseignement-desormais-mieux-encadre/>

<http://www.mrap.fr/communiqués/document.2009-10-19.3174978954>

3. RESEARCH

The French Observatory on Access to Medical Care (*Médecins du Monde*, French branch) published its annual Report on access to medical care for poor people in 2009 (October 17th 2009)

This report, published on the occasion of the International Day for the Eradication of Poverty, shows that a number of doctors refuse access to care to poor people who receive the CMU (universal medical insurance), in spite of their legal and ethical duties on this matter.

According to a report published in July 2009 by the CMU Founding Service, a quarter of doctors and dentists based in Paris refuse to take care of CMU beneficiaries because of the low price they should apply to them on the basis of social insurance rules.

http://www.medecinsdumonde.org/gb/publications/les_rapports/rapport_2008_de_l_observatoire_de_l_acces_aux_soins_de_la_mission_france_de_medecins_du_monde

The National Consultative Commission of Human Rights published its first Report on Human Rights in France—Outlines from International Organizations (October 16th 2009)

The CNCDH Report on Human Rights in France (2009) offers a compilation of the observations and recommendations addressed to France by the international organizations that have competence in the fields of human rights and humanitarian law. It thus presents an inventory of the situation of human rights in France, which could allow the development of a national plan of action on this matter. Conceived as a “working tool” for human rights’ defenders and specialists, this report is inscribed in the context of a growing cooperation between national institutions for the promotion and protection of human rights, such as CNCDH, and international organizations, such as the United Nations or the Council of Europe.

http://www.cncdh.fr/article.php3?id_article=647

“How getting off ghettos from French suburbs. A concrete example: the Bosquets of Montfermeil” – an Institut Montaigne’s study (June 2009)

This paper, written by Jean-François Rial, Daniel Laurent and Maurad Cheurf was published in June 2009. It refers to people of French nationality who live in the suburbs of Paris, for which the equality principle seems to be only a euphemism, as the every day reality places them at the rank of “persons missed out of equal opportunities”. In that context and in the prolongation of the *Institut Montaigne*’s previous work, it seemed useful to study situation *in concreto* into one suburb in particular, which seems to present the biggest difficulties: that of the Bosquets, in Montfermeil (Seine-Saint-Denis department). The objective was simple: the authors tried to demonstrate that it is possible, with local actions on the ground, to make things going in the right way. That kind of measures, if effective, can be used for other areas in the future.

<http://www.institutmontaigne.org/comment-deghettoiser-les-quartiers--l-exemple-des->

4. OFFICIAL/UNOFFICIAL STATISTICAL DATA

Ministry of Immigration and Integration publishes statistical data on “The acquisition of French Nationality in the integration procedure” (May 2009)

Every year, about 140.000 people acquire French nationality. The Ministry of Immigration and Integration decided to study in detail the motivation and opinion of those who have participated to the ceremony of French nationality grant.

This study, realized by the private firm *Vérès Consultants*, was published by the Statistical Investigation and Survey Deputy Chief. It had taken place in two different times: an investigation by questionnaire of 500 people and 40 detailed interviews. The final document was put on line in May 2009.

http://www.immigration.gouv.fr/spip.php?page=dossiers_det_res&numrubrique=232&numarticle=1868

[**N.B.** No more data elements were available for the reference period of this Bulletin.]