



## **France: Systemic Police Discrimination Requires Reforms** ***Groups Initiate Class Action Suit on Discriminatory Identity Checks***

**(UNDER EMBARO Paris, January 27, 2021)** – Police in France engage in a longstanding and widespread practice of ethnic profiling that constitutes systemic discrimination, a group of six French and international human rights organizations said today, as they initiated the first class action against the French state over the practice. The organizations sent a letter of formal notice on January 27, 2021, to the prime minister and the interior and justice ministers to press for structural reforms and concrete measures to put an end to discriminatory police practices.

Despite incontrovertible evidence that French police have engaged in systematic discrimination during identity checks for many years, and commitments by successive governments to address the problem, nothing has changed, the organizations said. The class action suit is needed to end this stigmatizing, humiliating, and degrading practice.

Antoine Lyon-Caen, a lawyer before France’s Council of State and Court of Cassation, prepared and filed the formal notice on behalf of a group of local, national and international organizations united in their expertise and commitment to combating discrimination. They are the Maison Communautaire pour un Développement Solidaire (MCDS), Pazapas, Réseau Egalité, Antidiscrimination, Justice Interdisciplinaire (Reaji), Amnesty International France, Human Rights Watch, and Open Society Justice Initiative.

The formal notice includes testimony from numerous victims of discriminatory identity checks in cities across the country, including Paris, Rennes, Beauvais, Lorient, Châtellerauld, Eybens, Lyon, Toulouse, and Lille, as well as affidavits from police officers that confirm bias in law enforcement.

One of the victims cited in the formal notice said he has repeatedly experienced ethnic profiling by the police since he was 16, “sometimes three times a day.” During a recent stop, he said, the police “put me violently up against the wall. One of the officers touches my private parts. Then, he hits me in the stomach and calls me a ‘dirty Arab.’”

Ethnic profiling is a longstanding, pervasive, widespread, and well-documented problem in France. The police use overly broad authority to conduct discriminatory and abusive identity checks based on physical characteristics perceived to be associated with being Black or Arab. Quantitative studies have demonstrated that men and boys perceived to be Black or Arab are disproportionately targeted for stop-and-frisk actions, while qualitative reports have documented the devastating impact of discriminatory policing on victims, [including children as young as 12](#).

Taken together, the evidence demonstrates a pattern of discrimination that cannot be dismissed as isolated or sporadic incidents.

The Defender of Rights, France’s national human rights institution, has [repeatedly criticized](#) discriminatory identity checks and called for reform. In 2016, the Court of Cassation ruled that

police stops of three young men constituted ethnic profiling and a “gross misconduct that engages the responsibility of the state.”

The [2016 law to modernize justice in the 21<sup>st</sup> century](#) allows class action suits to tackle discrimination and empowers the court to provide a range of remedies, including ordering the executive branch to adopt systemic reforms.

The January XX letter of formal notice is the beginning of a four-month period for negotiations among the parties, after which the organizations can take the case to the courts if they are not satisfied with the steps the government pledges to take.

Deep structural reforms are needed to address systemic discrimination, the organizations said. Piece-meal measures such as the use of body cameras by the police are insufficient. Based on years working on police discrimination in France and elsewhere, the organizations said that the government needs to carry out a constellation of reforms as a whole. These notably require:

- Amending the Code of Criminal Procedure to explicitly prohibit discrimination in identity checks, abolish preventive identity checks, and circumscribe police authority to ensure that stops are based on an objective and individualized suspicion;
- Adopting specific regulations and instructions for stops targeting children;
- Creating a system to record and evaluate data on identity checks, and to provide those stopped with a record of the stop;
- Creating an effective, independent complaints mechanism;
- Ratifying Protocol 12 of the European Convention on Human Rights on Non-Discrimination; and
- Changing the institutional objectives, guidelines and training of the police, including with respect to interactions with the public.

French law as well as regional and international human rights treaties prohibit discrimination against anyone, adult or child, on the basis of ethnic origin or religion. [European](#) and [United Nations](#) human rights authorities have made clear on multiple occasions that racial or ethnic profiling by law enforcement bodies constitutes a violation of states’ human rights obligations and has a pernicious impact on individuals, communities, and community-police relations.

Recognizing the importance of the issue, the UN Committee on the Elimination of Racial Discrimination (CERD) issued a [general recommendation](#) on “preventing and combating racial profiling by law enforcement officials” in November. CERD emphasizes that not only is racial or ethnic profiling unlawful, it “may be ineffective and counterproductive as a general law enforcement tool.”

The organizations’ initiative comes at a time of profound crisis in police-community relations in France. Following the savage beating of Black music producer, Michel Zecler, in late November 2020 by four police officers, the latest in a series of incidents of racialized police abuse, President Emmanuel Macron acknowledged the problem of ethnic profiling by the police.

He announced that use of body cameras by police agents would become standard and that the government would create a new reporting platform for police abuse with the participation of the office of the Defender of Rights and nongovernmental organizations. Macron also announced that a [consultative process](#) would start at the end of January involving law enforcement, elected officials, and citizens.

The organizations are concerned that the president’s announcements and the consultation will lead once again to superficial and insufficient measures. The procedure the groups initiated should spur the government to tackle the specific problem of discriminatory identity checks and

its deep causes, in a serious way to end these abuses, in line with France's obligations under national and international law. The government should stop backing down, and following genuine consultation, undertake the necessary structural reforms, the organizations said.

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