

Manuel Valls's scepticism on reforming identity checks is deplorable

An in-depth reform is necessary, urgent and realistic

Following Interior Minister Valls's speech at the French Military School Après (*École Militaire*) and Mr Ayrault's talk on RTL radio, our organisations (GISTI, Graines de France, Human Rights Watch, la Ligue des Droits de l'Homme, la Maison pour un Développement Solidaire, Open Society Justice Initiative, le Syndicat des Avocats de France et le Syndicat de la Magistrature) are calling on the government to uphold its commitment to reform identity check procedures. This reform is urgently needed, perfectly realistic and susceptible to improve the efficiency of law enforcement authorities, contrary to what is argued by the Interior minister.

In proposal No.30 of his electoral manifesto, François Hollande undertook to "fight against 'nasty face'" based identity checks (*délit de faciès*) through the establishment of a "procedure respectful of citizens".

This electoral commitment is highly symbolic and needs to be implemented to address the issue of discriminatory identity checks (*contrôles au faciès*). Indeed, the President's promise came after many years of reporting by national and international organisations which highlighted abuses during identity checks in France, including discrimination

Such abuses damage relations between the police force and the population, and make the victims of these checks feel like second-rank citizens. Moreover, in many cases, these controls infringe on several fundamental rights and freedoms: freedom of movement, right to safety, right to privacy and to non-discrimination.

In his proposal No.30, the President undertook to ensure that the rule of law will be respected, and to re-establish a fair balance between the capacity for law enforcement officers to fulfil their duty and the protection of fundamental freedoms. The proposal also reflects a commitment to restore serenity between the police force and the population, and to improve security for all.

The position expressed on 19 September by Manuel Valls in a speech on how to reform identity checks is particularly regrettable and concerning. It is all the more so in that this statement came after a simplistic public debate which mainly focused on the issue of stop forms, and which spread inaccurate information about them in a context in which the measure has not been experimented to date.

Experiences in other countries clearly demonstrate that it is possible to address discriminatory practices while simultaneously improving the efficiency of police checks. Strong political commitment and a global approach are necessary to do so.

Stop forms are an important but not sufficient component of such an approach. Other measures are necessary: reforming the law on identity checks (article 78-2 of the Penal Procedures Code), monitoring of identity checks by supervisors and police managers, regular meetings between citizens/residents, the police and elected representatives to discuss control practices; training so that officers reflect on the objectives of identity checks and are more selective when resorting to this practice.

The establishment of stop forms will support such a strategy by making identity checks more transparent, and will help put an end to the abnormal situation that continues to date in which there is no material record or recording of identity checks. These documents, designed in a manner that avoids the creation of police files about individuals checked, can provide the police with objective support that they did not engage in discrimination or harassment while carrying out identity checks to the extent that the stop record provides objective reasons justifying each check.

It is crucial that the different relevant stakeholders – civil society organisations, local representatives, judges, lawyers, and the Ministry of Justice, - are consulted and involved for an appropriate strategy to be developed.

Our organisations call on the government to uphold the President's commitment No.30 and, without further delay, to engage in a genuine and inclusive consultation process.

Paris, 20 September 2012

Signatory organisations:

- **Gisti**
- **Graines de France**
- **Human Rights Watch**
- **Ligue des Droits de l'Homme**
- **Maison pour un Développement Solidaire**
- **Open Society Justice Initiative**
- **Syndicat des Avocats de France**
- **Syndicat de la Magistrature**