

Open Letter to the government of France

The French authorities should urgently take concrete measures to end discriminatory police checks and fines

Paris, May 13, 2020

Following racist conduct by police officers as well as numerous accounts of abusive and discriminatory police checks in the context of lockdown enforcement, the signatory organizations call on the minister of interior to take concrete action to put an end to these unacceptable practices.

On Monday, April 27, 2020, Interior Minister Christophe Castaner said that racism had "*no place in the Republican police force.*"

In order to translate these words into effective action, our organizations call on the French authorities to adopt concrete measures to put an end to the racist and discriminatory practices perpetrated by French law enforcement officers.

Such measures are required under the obligation incumbent upon States "*to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms,*" in compliance with article 2 of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, ratified by France.

We also call on the French authorities to take immediate action to eliminate the discriminatory impacts of checks and sanctions relating to failure to comply with the lockdown measures ordered by the French Government in connection with the Covid-19 pandemic.

Mr. Castaner's statement was made in reaction to a video released on Sunday, April 26, by the journalist Taha Bouhafs, in which police officers hurl racist insults at a man they have just arrested. This is not an isolated case, but echoes several videos that show checks that appear abusive, violent and discriminatory, often related to lockdown enforcement.

For example, on April 16 in Compiègne (Oise), a black man, father of a family, testified that he was the only one checked in a street frequented by other persons not belonging to visible minorities. He described being subjected to violence and

insults of a racist nature in front of his 2-year-old child, before spending a whole day in police custody, for insult and rebellion.

The minister of the interior has also recently made public statistics indicating a considerable concentration of checks and fines in “quartiers populaires” (working-class neighborhoods with a high number of visible minority residents), particularly in the department of Seine-Saint-Denis, the poorest in metropolitan France. On April 23, in an interview with RMC, the interior minister said that 220,000 checks had been carried out in Seine-Saint-Denis, “more than double the national average.” He also said that in Marseille, two-thirds of the fines had been issued in “quartiers populaires.”

On April 26, the Interior Ministry also stated in *Libération* that “we do not consider that the lockdown is not respected in Seine-Saint-Denis, or in certain neighborhoods. On the contrary.” One may therefore raise questions about the fact that the fine rate in Seine -Saint-Denis is three times higher than the national average (17% compared with 5.9% according to Interior Ministry data published in *Libération*).

These statistics on lockdown compliance checks and the fines against alleged offenders seem to us to reveal discriminatory police practices against the inhabitants of “quartiers populaires,” already longstanding and well-documented before the lockdown.

This discriminatory treatment appears all the more unjust since the fines weigh disproportionately on the targeted populations, many of whom are socially and economically disadvantaged. The one-off fine of €135 for non-compliance with the lockdown represents a significant proportion of the budget of some families, presenting them with the unbearable dilemma of paying the fine or satisfying primary needs and thereby risking a penalty.

Moreover, the procedures for challenging the merits of these fines are complex and, given the evidentiary rules that apply, it is particularly difficult for a person who has been fined to successfully demonstrate that the fine was unjustified. In the absence of a suspension in the event of a challenge, any recourse against a fine perceived as unjustified may result in a significant increase, which may occur after 45 days. Moreover, the very process of challenging a fine, which amounts to contradicting police officers, is neither administratively straightforward nor easily

conceivable for persons who consider themselves to be routinely discriminated against.

Finally, the new offense of repeated breach of the lockdown, introduced by the Emergency Health Act of March 23, providing for a penalty of up to six months' imprisonment and a fine of €3,750, leads us to fear that the impacts of these discriminatory practices will extend to other phases of the criminal procedure, with the risk of imprisonment. This offense is also widely criticized for its disproportionate nature.

In light of this situation and these unacceptable abusive practices by police forces, we ask:

The Prime Minister to:

- Order an immediate independent review of fines issued to ensure respect of the lockdown.
- Commission an independent public review of law enforcement, in close consultation with affected communities, to identify the structural conditions (policies, practices) that foster racist and discriminatory behaviors and their tolerance within the police institution. Such an inquiry may, for example, draw on the [Independent Street Checks Review](#) conducted in Ontario in 2017, the [Investigation of the Ferguson Police Department](#) by the Department of State for Justice or the [Stephen Lawrence Inquiry](#) conducted in the United Kingdom in 1999.

The Minister of the Interior to:

- Publicly condemn and take all necessary measures, including disciplinary actions, to combat discriminatory practices by law enforcement.
- Publish all data on checks and fines issued to enforce the lockdown, disaggregated by police station and neighborhood (including sensitive urban areas).
- Reorient law enforcement missions from checking affidavits and fining to missions of essential protection of vulnerable populations within a comprehensive public health approach, such as the distribution of protective masks or awareness-raising actions to prevent the spread of the virus.

The Minister of Justice to:

- Publish all data relating to prosecutions and sanctions for the offense of repeat violation of the lockdown.
- Urgently put in place measures to eliminate the discriminatory impacts of lockdown checks and fines, for example by establishing a facilitated complaints procedure before an independent body that may take into account individual circumstances.

Our organizations expect the French authorities to take concrete action to respond to a reality that dangerously undermines the confidence of a significant part of the population in the police and republican institutions.

Signed by:

Action Droits des Musulmans (ADM)

Association des Travailleurs Maghrébins en France (ATMF)

Collectif C-Nous (38)

Collectif contre l'islamophobie en France (CCIF)

Collectif du 5 novembre- Noailles en Colère (13)

Egalité trahie 31

Fondation Copernic

Human Rights Watch (HRW)

Justice POUR Matisse

Justice et Vérité pour Wissam

Les Fleurs d'Aurore de Drancy (93) et de St Martin le Vinoux (38)

Maison Communautaire pour un Développement Solidaire (75)

Mémoires en Marche (13)

MRAP Aubenas (07)

Observatoire pour les Droits des Citoyens itinérants (ODCI)

Open Society Justice Initiative (OSJI)

Pas Sans Nous

Pazapas Belleville (75)

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Syndicat des Avocats de France (SAF)

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