

PC.DEL/29/13
24 January 2013

ENGLISH
Original: FRENCH

Delegation of France

**STATEMENT BY AMBASSADOR FRANÇOIS ALABRUNE,
PERMANENT REPRESENTATIVE OF FRANCE TO THE OSCE, AT
THE 938th MEETING OF THE OSCE PERMANENT COUNCIL**

24 January 2013

**Regarding the statement by the delegation of the United States of America
on Martin Luther King Jr. Day**

With regard to the practice of identity checks on the basis of appearance, France has adopted a national action plan against racism and anti-Semitism (2012–2014), reflecting the determination of the Government, in accordance with its international obligations, to combat all forms of discrimination on the grounds of ethnic origin.

In connection with the identity checks mentioned by the United States delegation, I should like to recall that according to French law an identity check by a police officer or gendarme may not be based on physical characteristics or distinctive signs except in cases when the check is motivated by a precise description.

Any general check based on physical appearance cannot but contravene the republican principles of equality of all citizens before the law and place a strain on the confidence of the public in the police and gendarmerie.

In its decision 93 325 of 13 August 1993, the Constitutional Council very clearly indicated that identity checks “must be based on purely objective criteria, to the exclusion of all forms of discrimination between persons, in strict compliance with the principles and provisions of the Constitution”. It is for the judicial authorities to ensure the enforcement of this rule and to censure all violations of it.

Strict instructions are given to the police to ensure that their conduct in public places is exemplary.

It may be added that the Ombudsman (*Défenseur des droits*) submitted a report in October 2012 on relations between the police and the public and on identity checks.

In line with his recommendations, the French Government is endeavouring, in particular, to improve training in human rights for all members of the police, whatever their unit or rank, including the adoption of a new professional code for the police and the national gendarmerie.