

BRIEFING PAPER

Ethnic Profiling in France: A Well-Documented Practice

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French residents of immigrant origin, both the recently-arrived and those whose families have been living in France for multiple generations, have long protested that police target them for unfair, discriminatory and unnecessary identity checks. Multiple reports and studies issued over the past 20 years have lent credence to their complaints, establishing ethnic profiling as a well-documented practice in France.



Since 2005, the Open Society Justice Initiative has worked with local, national and regional partners to combat ethnic profiling in Europe via documentation, capacity-building, technical assistance, and legal advocacy. More information on the project, including reports and publications, can be found at http://www.soros.org/initiatives/justice/focus/equality_citizenship/projects/ethnic_profiling.

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Qualitative Reports of Ethnic Profiling in France

National and international non-governmental organizations (NGOs) have long reported that the disproportionate use of stops and identity checks on people of immigrant origin is common in public spaces such as metro and rail stations. As declared by an advocacy group a decade ago, “You could stand in any station and observe who gets stopped and it won’t be the white, French-looking citizens. It will be the ethnic minorities, regardless of whether or not they have been acting suspiciously.”¹

In its [most recent report on racism, anti-Semitism and xenophobia](#), France’s National Human Rights Commission drew attention to this historic record of discriminatory identity checks

Non-governmental as well as sociological literature has for many years highlighted “discriminatory identity checks” as one of the main sources of conflict between police and youth. We recall...a 1980 study by Françoise Soubiran and Jacqueline Costa-Lascoux, who reported frequent and unfounded identity checks that targeted foreigners. Sociological accounts are unchanged 25 years later. Laurent Mucchielli writes, for example, that the higher levels of delinquency reported to be committed by foreigners are in part “a direct consequence of discriminatory identity checks by police”...Such studies, relating accounts of youth (males) frequently stopped by the police, are numerous. Taken together, they lead to irrefutable knowledge...²

A [2008 report](#) published by the National Commission on Security Ethics highlighted discriminatory identity checks as an omnipresent problem, noting that “As the Constitutional Council has emphasized, ‘the practice of widespread and discretionary identity checks could be incompatible with respect for individual freedom.’ It is not evident that all police officers have always integrated this principle. As a consequence repeat identity checks on minors, whose identity is well known to the police – something that youth frequently complain about – should be forbidden.”³ This followed its 2005 annual report, wherein it was “[s]truck by the color of the skin and the statistical frequency of foreign persons, or persons having foreign sounding names” being among the victims of police ill-treatment. It further noted the over-representation of persons of

¹ Fédération des Associations de SOLidarité avec les Travailleurs Immigrés, in Adrian Beck and Katy Broadhurst, “Policing the Community: The Impact of National Identity Cards in the European Union,” 24 *Journal of Ethnic and Migration Studies* (1998): 423-425.

² Commission Nationale Consultative des Droits de l’Homme, *La lutte contre le racism, l’antisémitisme et la xénophobie année 2010* (Paris: Commission Nationale Consultative des Droits de l’Homme, 2011), p. 177.

³ Commission Nationale de Déontologie de la Sécurité, *La déontologie des forces de sécurité en présence des mineurs* (Paris: Commission Nationale de Déontologie de la Sécurité, 2008), p. 54-55.

immigrant origin, particularly young North African and sub-Saharan African males in complaints of police misconduct – incidents which frequently arose from contentious police identity checks, most of them carried out on a purely preventive basis.⁴

Several reports by Amnesty International found that identity checks tended to occur in metropolitan areas with large populations of young people of non-immigrant origin,⁵ and that these encounters often degenerated into conflict between the individuals stopped and the police.⁶ In the fall 2010 and spring 2011 Open Society Justice Initiative interviewed local non-governmental associations and groups of youth in quartiers populaires⁷ round Paris as well as in Vaulx en Velun. It is striking that many youth are so used to being asked for their identity documents and searched, that they have accept this as “normal” as long as it is not accompanied by further police action or abuse. Youth targeted for these checks seem to be increasingly young, with 12-14 year-olds being frequently checked in some locations. They also report that use of the informal “tu” is the rule, and the more polite “vous” the exception.

Reports issued by European human rights monitoring bodies have echoed these concerns. In its [fourth report on France](#), the European Commission against Racism and Intolerance (ECRI) noted with concern that “[a]llegations persist concerning discriminatory conduct by law enforcement officials in respect of members of minority groups, in particular visible minorities. A number of sources have stressed that racial profiling is a serious problem in the case of identity checks.”⁸ ECRI urged French authorities to combat racial profiling by clearly defining and legally prohibiting the practice, documenting its prevalence, and monitoring police activities.⁹ In 2008, the Council of Europe’s Commissioner for Human Rights, Thomas Hammarberg, [reported](#) learning of an increase in the number of immigration-related checks based on facial appearance, and the carrying out of identity checks without the necessary instructions having been given, warning of

⁴ Commission Nationale de Déontologie de la Sécurité, Rapport 2004 (Paris: Commission Nationale de Déontologie de la Sécurité, 2005), p. 503

⁵ Amnesty International, France: Breaches of the Law Cannot be Solved by Breaking the Law, Amnesty International public statement, November 10, 2005. The statement contended that “[t]he number of complaints of ill-treatment [by police] in France has increased in recent years. A rise in such incidents, especially in the context of police identity checks or in police custody, has also been detected. Identity checks often degenerate into violence and, in many cases, this is the result of aggressive or insulting conduct of law enforcement.”

⁶ Amnesty International, Annual Report 2004 – France (London: Amnesty International, 2004).

⁷ Roughly translated as “poor urban neighborhoods.”

⁸ European Commission against Racism and Intolerance, ECRI Report on France, Fourth Monitoring Cycle, CRI (2010)1 6, adopted 29 April 2010, published 15 June 2010, paras. 8, 10, 39, 40, and 43.

⁹ Ibid.

“the potential impact of a policy focused on achieving targets, in which numbers may take precedence over the crucial need to respect individual rights.”¹⁰

Quantitative Evidence of Ethnic Profiling in France

In 2009 the Open Society Justice Initiative published [*Profiling Minorities: A Study of Stop-and-Search Practices in Paris*](#), the first rigorous study to produce quantitative evidence necessary to identify and detect patterns of ethnic profiling in France.

The study, a joint effort with Fabien Jobard and René Lévy of the National Center for Scientific Research (CNRS), employed a rigorous observational methodology to determine whether and to what extent law enforcement officers stop individuals based on their appearance. The study focused on five sites in and around the Gare du Nord and the Châtelet-Les Halles rail stations, all important transit points in central Paris that are also the site of heavy police activity, and gathered data on over 500 police stops carried out by National Police and Customs officers. Information was collected on the ethnicity, age, gender, clothing and bags carried by the persons who were stopped.

This landmark study confirmed that police stops and identity checks in Paris are principally based on the appearance of the person stopped, rather than on his or her behavior or actions. Persons perceived to be ethnic minorities were disproportionately stopped by the police. The results showed that persons perceived to be “Black” (of sub-Saharan African or Caribbean origin) and “Arab” (of North African or Maghrebian origin) were stopped at proportionally much higher rates than persons perceived to be “White” (of Western European origin). Across the five observation sites, Blacks were overall six times more likely than Whites to be stopped by the police. The rates of disproportionality across the five sites ranged from 3.3 to 11.5. Arabs were generally 7.6 times more likely than Whites to be stopped by the police, although again, the specific rate of disproportionality across the five locations ranged from 1.8 to 14.8. Follow-up interviews with the individuals who were stopped also suggested that these two groups regularly experienced far more police stops than Whites.

An equally important determinant of who was stopped by police for identity checks was the style of clothing worn by the stopped individuals. Although people wearing clothes typically associated with French youth culture made up only 10 percent of the population available to be stopped by the police, they made up 47 percent of those who were actually stopped. The study revealed a strong relationship between the ethnicity of the person stopped, the style of clothing they were wearing, and their propensity to be stopped by

¹⁰ Council of Europe Commissioner for Human Rights, Memorandum by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to France from 21 to 23 May 2008, commDH(2008)34, 20 November 2008, para. 99.

the police: fully two-thirds of the individuals dressed in youth culture were also classified as belonging to a minority ethnic group. Those most likely to be stopped were young ethnic minorities dressed in gothic, tecktonic, punk, and hip-hop clothes.¹¹

Although persons from all ethnic backgrounds reported police behavior to be generally polite or neutral, those who were most targeted for police stops and identity checks – Blacks and Arabs – nevertheless expressed anger and frustration at what they believed was a pattern of police singling them out for stops and searches.¹²

Absent legitimate policing strategies that explain these stops for reasons other than the ethnicity of the youth concerned, the behavior of the French police documented in this study is highly consistent with ethnic profiling. Such practices violate many non-discrimination standards which prohibit distinctions on the basis of race or ethnicity when these have no objective or reasonable justification. The evidence of studies from other European countries and the United States suggests that ethnic profiling practices do not meet this threshold, as their harms significantly outweigh their benefits.¹³

¹¹ Open Society Justice Initiative, *Profiling Minorities: A Study of Stop-and-Search Practices in Paris* (New York: Open Society Institute, 2009), p. 30-31.

¹² *Ibid*, p. 35-37.

¹³ *Ibid*, p. 49-50.

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