

CRI(2025)02

**ECRI CONCLUSIONS**  
**ON THE IMPLEMENTATION OF THE RECOMMENDATIONS**  
**IN RESPECT OF FRANCE**  
**SUBJECT TO INTERIM FOLLOW-UP**

*Adopted on 20 November 2024<sup>1</sup>*

*Published on 19 February 2025*

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<sup>1</sup> Unless otherwise indicated, this analysis does not take into account any developments that occurred after 20 August 2024, the date on which the response of the authorities of France to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.



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## FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018<sup>1</sup>, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

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<sup>1</sup> [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1. *In its report on France (sixth monitoring cycle) published on 21 September 2022, ECRI recommended that the French authorities recognise caravans as a type of housing and review the exemptions that prohibited their being parked outside the areas specifically designated for them and limiting the length of time they could be parked. In this context, a survey should be carried out, in co-operation with associations representing Travellers, of actual parking needs in terms of the number of sites available, access to essential services and hygiene and the risk level of the location.*

According to the authorities, improving the living conditions and inclusion of Travellers is one of the objectives of the National Strategy for 2020-2030 drawn up in connection with the EU Roma strategic framework for equality, inclusion and participation. In positive terms, ECRI notes that recognition of caravans as a type of housing is one of the options being explored.<sup>1</sup> Since 2022, it has been under consideration in a specific working group of the National Consultative Commission on Travellers (CNCGDV).<sup>2</sup> The authorities have nevertheless informed ECRI that a development of this kind ultimately requires major legislative and regulatory changes of a complex nature which need to be carried out gradually.

In this connection, ECRI has also been informed that the authorities have asked the CNCGDV working group to make proposals on studying the possibility of making regulatory changes to remedy the consequences of not recognising caravans as dwellings (e.g., lack of access to housing-related social rights). While the authorities' willingness to identify more solutions in the short term is to be welcomed, the fact that caravans are still not wholly or partly recognised as a type of housing is worrying. In ECRI's view, work on making the necessary legislative and regulatory changes should begin without further delay, alongside any short-term adjustments.

ECRI has not received any information indicating that concrete measures have been taken or are planned with a view to implementing the second part of the recommendation. The fact that the exemptions that prohibit caravans being parked outside the areas specifically designated for them and limiting the length of time they can be parked have not been reviewed therefore still poses serious problems. In this connection, ECRI notes that the lack of stopping places resulting from the failure of some local authorities concerned to meet their obligations in this respect continues to force many Travellers to be in breach of the law. In addition, ECRI regrets the fact that actual parking needs have not been surveyed, whether in terms of the number of sites available, access to essential services and hygiene or the risk level of the locations; in ECRI's view, the authorities should conduct such a survey at the earliest opportunity, in co-operation with associations representing Travellers.

In the light of the above, ECRI concludes that its recommendation has not been implemented.

2. *In its report on France (sixth monitoring cycle), ECRI recommended that the French authorities introduce an effective system of recording identity checks by law enforcement officers, as part of a policy aimed at strengthening mutual trust between them and the public and their co-operation in the fight against discrimination.*

The authorities have informed ECRI that the following measures form part of the efforts made to ensure that identity checks carried out by law enforcement officials are not discriminatory: the ethical requirements set out in the Internal Security Code, the possibility of reporting breaches of ethical standards during identity checks through various reporting mechanisms, the systematic wearing of the ID and organisation reference numbers (RIOs) by law enforcement officials, and the use of body-cams during "identity checks that generate tension". In this connection, the authorities take the view that issuing receipts to the individuals checked – which was mentioned several times in the past as a means of recording identity checks – is difficult to implement and could be counterproductive.

Furthermore, a review of identity checks by the National Police Ethics Evaluation Committee (CEDPN) led to the submission of a report to the authorities in 2023 by the Director of the National Police Inspectorate General (IGPN). In particular, the report recommended that: i) it be mandatory for the reasons for the identity checks always to be announced to the individuals concerned; ii) it be mandatory for body-cams always to be switched on during identity checks; and iii) a system be

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<sup>1</sup> [French Strategy](#) for 2020-2030 in response to the recommendation by the Council of the European Union on Roma equality, inclusion and participation, January 2022, p. 29.

<sup>2</sup> In [Opinion No. 2019-04](#) of 14 November 2019, the National Consultative Commission on Travellers called for caravans to be recognised as a "form of housing".

introduced to record identity checks by means of a box to be ticked in the files used most frequently in public places, indicating that the files were consulted in the course of identity checks.

ECRI notes the work being undertaken. Nevertheless, it regrets the fact that the authorities have still not introduced an effective system of recording identity checks carried out by law enforcement officials. In this connection, ECRI notes that following the class action brought in 2021 (see paragraph 112 of ECRI's sixth report on France), the *Conseil d'État* ruled that the existence of a practice of discriminatory identity checks could not be regarded as being confined to isolated cases and also highlighted their harmful impact on the individuals concerned. It also noted the "lack of administrative recording of the identity checks conducted throughout the country and the resulting inability to determine their number and the reasons for them."<sup>3</sup> In 2023, as an order of magnitude subject to the necessary reservations, the Court of Auditors put the total number of identity checks carried out by law enforcement officials in public places or during traffic checks in France in 2021 at around 47 million.<sup>4</sup>

ECRI recalls that a system of recording identity checks needs to be introduced with a view to strengthening mutual trust between law enforcement officials and the public. Furthermore, if it is to be effective, such a system should apply to all the individuals concerned, not just the authorities. Such recording is essential to ensure that individuals whose identity is checked are able to exercise their right to an effective remedy if they believe they have been subjected to discriminatory checks. ECRI also recalls that the data gathered under the system must be used solely for preventing and combating discrimination of any kind, while complying with international standards governing the collection of personal data.

In the light of the above, ECRI concludes that its recommendation has not been implemented.

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<sup>3</sup> Conseil d'État, [Decision No. 454836](#), 11 October 2023, § 24.

<sup>4</sup> Court of Auditors, [Identity checks: a widespread practice with unclear objectives](#), December 2023, pp. 10, 29.