

French government launches new legal attacks on young people

Marianne Arens
19 August 2002

Under the newly-elected right-wing Gaullist majority, the National Assembly has passed a law that sets aside constitutional safeguards, some of which have been in force since the French Revolution.

A draft bill submitted by Justice Minister Dominique Perben—"Law for the orientation and programming of the justice system"—had already been passed by the Senate on July 26. On August 3, it was brought to the National Assembly, where in a special sitting before the summer recess it was debated and even harsher measures were introduced. Following recent French elections the National Assembly is dominated by a strong right-wing majority.

The following aspects of the new law are particularly noteworthy: Special courts are being established in the suburbs, presided over by lay judges (so-called "neighbourhood judges"), who can punish minors accused of committing criminal offences more effectively and more rapidly. In future legal proceedings anonymous testimony will be permitted. Moreover, youths found guilty of criminal offences will be severely punished, while the families of juvenile delinquents will have their child benefit stopped. The judiciary will be provided with extraordinary new financial resources.

In the past, only specially qualified judges conducted legal proceedings against minors. Now, however, 3,300 new "neighbourhood judges"—appointed by presidential decree—will be employed in working class neighbourhoods and areas where social tensions run high. The only precondition is that the "judges" must be between 30 and 75 years old and have successfully completed eight semesters of legal studies. Included could be retired lawyers or paralegals who have no experience in handling children and young people.

In addition, the laws dealing with youth crime are being toughened substantially: Young people who insult their teachers can be punished with six months imprisonment and a 7,500 euro fine, placing teachers on an equal footing with police officers as representatives of state authority. Those caught spraying graffiti must pay a 3,750 euro fine in addition to completing community service.

In future, 13-year-olds can be interned for up to a half year if they are considered to be "underage repeat offenders". New closed educational establishments are being created, which are nothing more than prisons for children and teenagers. In the past, young people could not be arrested before reaching their sixteenth

birthday.

This removes a legal principle that had been established in 1791, during the French Revolution: that people only reach the age of criminal responsibility when they are 16. In 1906, the age was raised to 18. In the 1945 constitution the principle was established that educational measures must have priority over punishment. This is all being thrown overboard today. The new law clearly shows what a farce it was when Jacques Chirac swore to uphold the "values of the Republic" when he was re-elected as president on May 5.

The law authorises the use of so-called "educational measures" for 10- to 13-year-old children: for example, the court could ban a child from certain locations or from meeting certain people.

The families of juvenile delinquents who are detained in closed institutions can in future have their child benefit stopped. This double punishment was previously advocated by the right-wing extremist National Front of Jean-Marie Le Pen. "The parents must take their responsibility", runs the justification for this measure. It has evoked criticism from the Human Rights League, whose spokesperson defined it correctly as the "logic of punishment and war against the poor".

The use of anonymous witnesses is being expanded. Anonymous testimony will now be permissible for criminal offences that are punishable with three years imprisonment and more.

In the National Assembly, the official reasoning for this was that "crimes committed in residential areas, where witnesses fear reprisals and would otherwise remain silent, will now come to trial." This means that in future a person can be accused and condemned on the testimony of an ominous "Mister X", whose face is never known, and who thus cannot be cross-examined. This opens the door for widespread denunciations and is reminiscent of the methods of authoritarian police states.

The Human Rights League said such regulations should not even have been debated at all, since they contravene both internationally guaranteed children's rights, and European and universal human rights conventions. Michel Tubiana, president of the Human Rights League, commented, "Contrary to what the European Convention for the Defence of Human Rights says, the [new] law generalizes a practice that does not guarantee the right to a defence, by preventing a defendant from confronting his or her accuser or submitting the witness to cross-examination in court."

While the elementary rights of the accused are being ground into the dirt, the protection of victims is to be allegedly improved. In

future, every victim who files criminal charges will be provided with an attorney free of charge. The protection of victims is being abused in order to involve the state in even the smallest offences.

The fact that the new law makes the arrest of suspects—both young people and adults—much easier also means reversing a regulation that was only introduced two years ago. In 2000, the Jospin government, under pressure from the European Union, passed a law with the votes of the opposition guaranteeing the presumption of innocence until guilt is proved. The new law goes in exactly the opposite direction. Sentences passed in the new fast-track proceedings and the harsh punishments meted out for petty offences will only swell prison numbers.

Two further parliamentary amendments were not approved, however, but are symptomatic of the atmosphere in which the law was passed. The first would have required the national anthem (“The Marseillaise”) be compulsorily taught in primary schools. The second called for the reestablishment of what is tantamount to *lese-majesté*: making insulting the president punishable by an 80,000 euro fine plus two years imprisonment.

Spending on the judicial system between 2003 and 2007 will receive an additional 3.65 billion euro, with 10,100 new jobs being created within law enforcement.

In the parliamentary debate, the right-wing majority were by no means united. Above all the UDF of François Bayrou argued against the new law, without voting against it, however. “All in all, this law was inevitable,” said UDF representative Pierre Christophe Baguet. His criticism was that the law did not go far enough and did not advocate educational measures in schools. In addition, he endorsed a type of judicial reconciliation facility between offenders and victims.

Even some delegates of the president’s UMP party raised critical voices: According to *Le Monde*, Xavier de Roux, a deputy from Charente-Maritime, dubbed the measure a “monstrosity” and Claude Goasguen added, “Since 1789, even the most authoritarian regimes did not dare to introduce such a thing.” Nevertheless, both voted for the law, apparently to “give a public signal”.

The Socialist Party (PS) voted against the law and threatened to bring a case before the constitutional court. André Valini, the PS faction speaker, announced “frontal, total and considered opposition” from the PS, and warned “more violent crimes could be generated by harsher punishments”.

However, the Socialist Party’s opposition is thoroughly implausible. In the election campaign, PS presidential candidate Lionel Jospin’s programme had called for the same proposals against juvenile offenders. Moreover, the PS has prepared the ground for these measures. The PS’s “Law concerning everyday security”, introduced by the Jospin government, had already considerably limited fundamental rights and had introduced imprisonment for petty offences such as riding public transport without a ticket. After the September 11 events, Lionel Jospin’s justice minister, Marylise Lebranchu, had permitted the use of anonymous testimony, even if only as an exception and in special cases.

The proposal for neighbourhood judges, like the neighbourhood police, had roots in measures proposed by the Socialist Party. Julien Dray, a former member of the Pabloite Ligue Communiste

Révolutionnaire, and who sits today on the PS national executive committee, endorsed the introduction of such fast-track and lay courts, as a vice-president of the Ile de France regional council.

As far as the trade unions are concerned, Justice Minister Dominique Perben had already included them in the preparation of the law. In his speech he explained, “I would like to say that due to the urgency of the action—in contrast to what one reads and hears here and there—I sought consultation about the text beforehand: I received personally more than 60 delegations, among them 29 from the trade unions. From these hearings, several suggestions flowed into the draft bill which I submitted.”

The new law introduces a new concept for the administration of justice which confers far greater weight to state repressive measures—as was previously done with the extension of police powers. Measures that had already been prepared and introduced individually by the Jospin government are now being generalized and raised to a new principle.

The state is entitled to control the everyday lives of workers and youth in the smallest detail. Denunciations are encouraged; the security needs of older people are being abused, in order to introduce a stool-pigeon culture. Moreover, the working class and poor are being doubly punished if they come into conflict with the law.

At the same time, the position of working class youth is being substantially worsened by another legal measure: the so-called “*Contrat-Jeunes*” Law. Introduced in July by Labour Minister François Fillon, this envisages sending 250,000 unqualified young people to work for two to three years as low-wage workers in small and medium-sized business, where they would not receive an education or apprenticeship but be exploited as cheap labour without any rights, while the employers are freed from tax contributions.

In this situation, the new law also represents the fear of the bourgeoisie of new unrest, such as that which developed in May-June 1968 or in December 1995. Ultimately, the same politicians who say youth should face “zero tolerance” have raised their own parliamentary allowances and call for an amnesty for their own numerous corruption affairs.

That their fears of social upheaval are entirely justified could be seen last April, when tens of thousands of young people spontaneously took to the streets in the hours and days following the first round of the presidential election, in opposition to Le Pen.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact