

New French law treats juvenile offenders as adults

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On July 5, the new French minister of justice, Rachida Dati, presented a bill on the Prevention of Delinquency to the Senate. It was voted through and will go before the National Assembly on July 17.

The controversial new law, rejected by magistrates and social workers' organizations, applies automatic minimum sentences for repeat offenders for both serious and petty crimes. Juvenile offenders 16 years of age will now be treated as adults.

Posing as the defender of crime victims, Rachida Dati claims a clear mandate from President Nicolas Sarkozy's election program for "a criminal law policy which acts as a deterrent." She declared, "We must give a firm answer to exasperated French people whose obsession is the legitimate demand for security and tranquility."

Dati, a lawyer, has been an advisor to Sarkozy since 2003 and a UMP member since 2006. She described the law as aimed at "hardened delinquents" and denounced as "a distortion" criticism that the consequences would lead to an increase in the number of prisoners. This is contradicted by judges and magistrates, however, who are already predicting an explosion of the prison population.

While the average sentence for a frequent minor offence is presently 5.7 months imprisonment, the new law mandates one-year sentences for juveniles. According to Justice Department figures cited by Dati, juvenile crime has increased by 40 percent in the last five years. At present, the French prison population totals 64,000, 12,000 more than the number of available places. This figure includes 3,150 16- and 17-year-olds.

The new law will severely limit the discretion left to judges when sentencing. A judge's sentence that takes into account the offender's personality and circumstances of the crime must now be based on "an

exceptional guarantee" that the offender can be rehabilitated into society.

The hard line adopted by the new justice minister has come under fire from the legal profession and even from her own staff. Her principal private secretary, Michel Dobkine, resigned his post on July 7 citing "strictly personal" reasons. This was followed a few days later by three other high-ranking members of her staff, one of whom was responsible for the "legal rights of juveniles."

Sarkozy has given her his full backing. "I have spoken to Rachida. I have given her my total confidence," he said. He dismissed the resignations as "part of ministerial cabinet life." However, according to trade union sources reported in *Libération*, "Things are going badly at the moment" and "reflect a certain unease."

Former Socialist Party Minister of Justice Robert Badinter criticized the law in the Senate—turning to, of all people, former British Prime Minister Tony Blair as a moral reference. "Tony Blair said that you had to be tough on crime and tough on the causes of crime," Badinter said. "You have forgotten that the second part is inseparable from the first....We know that the breeding ground for repeated offences is prison overcrowding."

According to Badinter, "The opposite of recidivism is successful rehabilitation." What the Socialist Party means by this was revealed in the election program of its candidate Ségolène Royal in the recent presidential elections. She advocated sending youth offenders to the army for boot-camp type rehabilitation.

Professional workers—from lawyers, judges, juvenile psychiatrists to social workers—are strongly opposed to the new legislation. An "Adolescents are not Adults" appeal has been launched, which states that of "15,000

youth between 16 and 17 are questioned by police several times a year. Most of these adolescents have had no education since the age of 14. Without qualifications, they can't get a first job. Considered of no use to society, humiliated by repeated failure, they hang around, provoke and together commit most of their offences.”

The appeal terms the “automatic” incarceration of juveniles “a dead end.” One possible scenario facing a youth could be the “theft of a mobile phone, which after two similar previous offences could lead a 16-year-old to serving a two-year prison sentence.” The appeal for signatures calls for a “concerted effort by all parties from government to professionals to debate and assess the previous legislation in order to arrive at a program of rehabilitation for young offenders.”

The sincerity of the appeal completely underestimates the new French government put in place by the president, Nicolas Sarkozy. Prior to his election, Sarkozy enjoyed the closest relations with the police and sections of the state apparatus. The new law introduced by his hand-picked justice minister makes clear that “law and order” policies will be a hallmark of his regime.



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