



NEWS REPORT

Date:	4 June 2010
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Title:	Bill on the Defender of Rights
Country:	France
<u>Context</u>	
Issue at stake:	In first reading the Senate amended the bill to create the Defender of Rights in order to absorb the HALDE
Ground of discrimination:	all
Source:	legislation
Field:	all
Legislative provisions:	Bill creating the Defender of Rights

Content

On 2 and 3 June, the Senate discussed the adoption of the bill relating to the Defender of Rights, a new institution provided for by the Constitution following the revision of Article 71-1. The Defender of Rights insures that the State and bodies exercising its prerogatives respect individual rights and liberties.

This provision initially allowed a reform of the Mediator of the Republic in order to enlarge the scope of its attributions. However, in the course of the adoption process, the Government and the majority in the Commission of the Senate responsible for the Bill, proposed further amendments in order to incorporate a number of independent public authorities dealing with fundamental rights, such as the Defender of the Child, the Commission for the deontology of security and finally the HALDE. The Commission of the Senate did not provide justifications for this proposal other the objective of efficiency. However, some commentators suggest that the government and the Senate want to eliminate these independent authorities.

The Defender of Rights has legal personality, and is appointed by the President of the Republic. Claims of citizens against the state regarding access to and the functioning of public service can be submitted to the Defender of Rights, as well as complaints relating to children rights, abuse



of violence by security forces and discrimination. For each of his activities relating to deontology of security and discrimination, a specific deputy is nominated by the Prime minister. In addition, two specialised advisory commission are put in place, one for deontology of security and one for discrimination. As regards the Defender of the Child, the deputy keeps the title and acts alone with the support of his or her staff.

The amendment was voted on 2 June in first reading by the Senate. Second reading by the National Assembly should take place in autumn.

Internet link source and additional information:

Senate legislative file:

Law on the defender of rights : <http://www.senat.fr/dossierleg/pjl08-611.html>

Organic law on the defender of rights: <http://www.senat.fr/dossierleg/pjl08-610.html>

<http://www.senat.fr/petite-loi-ameli/2009-2010/483.html>