



REPORT ON THE FIGHT AGAINST RACISM, ANTI-SEMITISM AND XENOPHOBIA





Shifts in tolerance reflect the way in which our society collectively forges its relationship to otherness. Whatever their social and political characteristics, citizens are ambivalent about such issues. Tendencies to be open or closed to others co-exist in each of us. The domination of one group over another depends on context, education and above all the stance taken by the political, media and social elite in terms of immigration and diversity and how they frame them.



Excerpt from the 2018 Report on the fight against racism, anti-Semitism and xenophobia



Appointed independent national rapporteur on the fight against racism in all its forms in 1990, the National Consultative Commission on Human Rights (CNCDH) submits an annual report to Government which provides an overview of racism, anti-Semitism and xenophobia in France, as well as the countermeasures implemented by the Republic's institutions and civil society.

Based on a critical analysis of these policies and the observations of international bodies, the CNCDH issues a series of recommendations aimed at improving knowledge, understanding and prevention of all forms of racism and discrimination.

The CNCDH endeavours to underpin its analyses and recommendations with a range of complementary tools. Surveys on current public opinion, Ministry of the Interior statistics on racist, anti-Semitic and anti-Muslim offences, Ministry of Justice statistics and the tolerance index as regards diversity, established by CNCDH partner researchers, are all examples of sources that are analysed in light of the myriad contributions from institutional, community and international stakeholders.



A few definitions

ANTI-SEMITISM

A systematically hostile attitude towards Jews, anyone perceived to be Jewish, and/or their religion.

RACIAL DISCRIMINATION

«Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life». [Article 1 of the United Nations Convention on the Elimination of All Forms of Racial Discrimination]

ISLAMOPHOBIA

A systematically hostile attitude towards Muslims, anyone perceived to be Muslim, and/or towards Islam.

PREJUDICE

Preconceived opinions which are adopted against a person, a group of people, their behaviour or lifestyle and which involve categorising them without basis or knowledge.

RACISM

Ideology based on the belief that there is a hierarchy between human groups, «races». By extension: a systematically hostile attitude towards a specific category of people.

XENOPHOBIA

Systematic hostility expressed towards foreigners and/or people perceived as foreigners.

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Key dates

15

JANUARY

INTERNATIONAL



15 JANUARY

Oral review of France as part of the Third Cycle of the UPR

GOVERNEMENT



2

MARCH

2 MARCH

Participation in the launch of the National Commission for Monitoring Slum Clearance (DIHAL, French Intergovernmental Delegation for Accommodation and Access to Housing)

21 MARCH

Submission of the 2018 report on the fight against racism to Edouard Philippe, Prime Minister

22 MARCH

Submission of the 2018 report on the fight against racism to Jean-Michel Blanquer, Minister of Education

16 MARCH

«The new forms of anti-racism in France» seminar

22 MARCH

Press conference to launch the 2018 report on the fight against racism

16

21

22

22

APRIL

4

MAY

4 MAY

Hearing by the Information Mission on the Fight against Racism and Anti-Semitism Online

23 MAY

Meeting with the President of the Republic's advisors on the theme of education for all

22 MAY

Adoption of the opinion «Combating abuse in the health service»

18

JUNE

29 JUNE

Presentation of the OHCHR Europe's report on the right to housing of Roma

14

14 JUNE

«Overseas: get ready for your rights!» symposium

29

EVENTS CNCDH



JULY - AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

17 23-25 27-29

14 20

17 SEPTEMBER

Action #LEcoleUnDroit with UNICEF France, CNDH RomEurope and some fifty associations

23-25 SEPTEMBER

Continuing professional development session on racism at the ENM (National School for the Judiciary)

27-29 SEPTEMBER

«Racism and racial discrimination from school to university» symposium, in partnership with the CNCDH

14 NOVEMBER

Presentation of the study «Des paroles et des actes. La justice face aux infractions racistes» (Words and deeds. How the justice system deals with racist offences), project by the Law & Justice Research Mission

20 NOVEMBER

Adoption of the opinion on racism and discrimination in sport

The tolerance index at its highest level



The longitudinal tolerance index was created in 2008 by Vincent Tiberj, a university professor associated with the Emile Durkheim Centre at Sciences Po Bordeaux. It is designed to measure overall changes in prejudice in mainland France since 1990. This index is based on the survey on current public opinion which the CNCDH has commissioned since 1990. This year, the survey was conducted from 6 to 14 November 2018 by the polling institute IPSOS, on a representative sample of 1,007 individuals. The results were analysed by the following researchers: Nonna Mayer, Guy Michelat, Vincent Tiberj and Tommaso Vitale.

NB: the closer the index is to 100, the higher the level of tolerance; the lower the score, the lower the level of tolerance.

The longitudinal tolerance index (LTI) shows that opinions regarding immigrants and minorities are becoming more tolerant. From November 2017 to November 2018, the index climbed 2 points. This improvement is not a one-off, but reflects a strong trend: **between 2013 and 2018, the LTI increased by 13 points, an altogether exceptional progression.**

Between 2009 and 2013, the index had steadily plummeted, reaching a very low level in 2013. The improvement in tolerance observed over the past five years is all the more remarkable in that it has occurred at

67 The tolerance index



+ 2 points between 2017 and 2018

+ 13 points between 2013 and 2018

It stands at:

79 for black people

77 for Jews

73 for Maghrebis

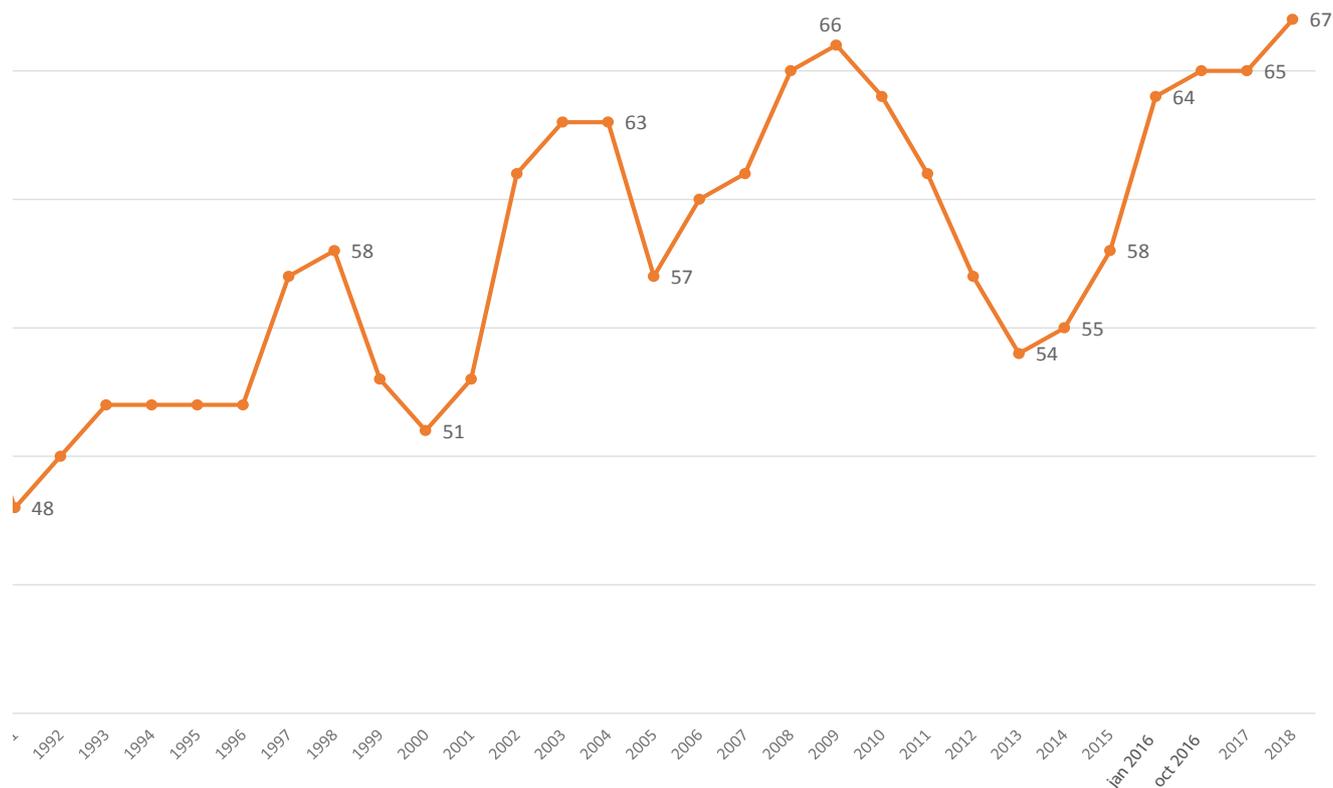
61 for Muslims

35 for Roma

a time when the terror threat and question of the reception of refugees continue to dominate the public agenda.

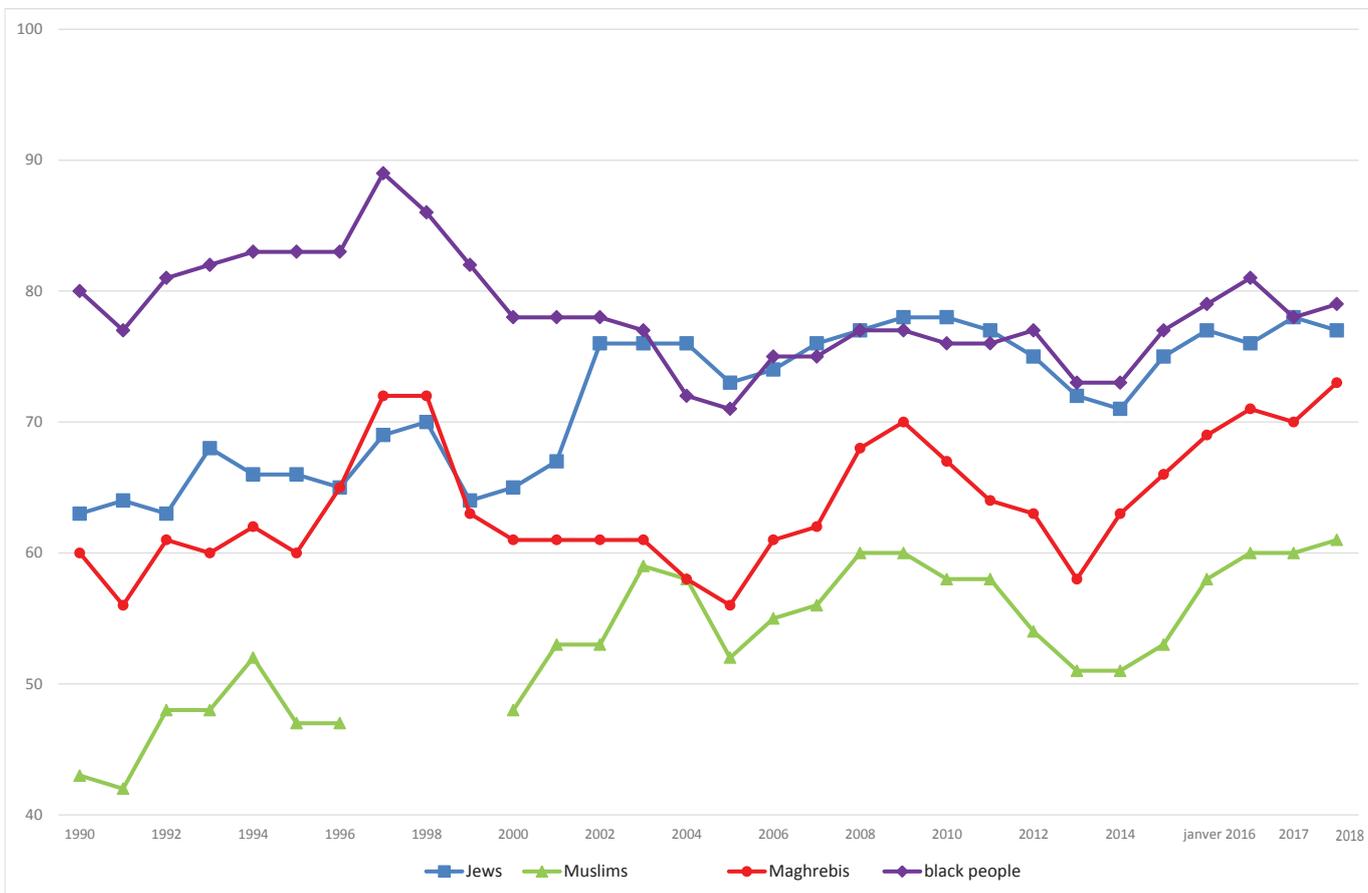
For black people, Roma and Jews, the 2018 index has changed little since 2017. Acceptance of Algerians, Moroccans and Tunisians – Maghrebis – has improved by 2 points, to reach the index's highest level over the whole of the period for this minority. 2018 is also a record year for the acceptance of Muslims and Islam (61). Intolerance of Roma remains particularly stark (35), with tolerance shown towards them changing little since November 2016.

The longitudinal tolerance index (1990 - 2018)

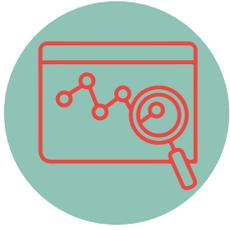


Source : CNCDH barometer, november 2018

Evolution in the tolerance index by minority from 1990 to 2018



Source : CNCDH barometer, november 2018



Anti-black prejudice: a new phenomenon in the longitudinal tolerance index



Along with the Jewish minority, the black minority has the best scores in the longitudinal tolerance index.

And yet, in the public arena, on social media and in everyday life, this minority bears the brunt of outright racism where they are made to feel inferior, on a par with animals. Skin colour is also a decisive discrimination factor on the job market.

To understand this paradox, this year's survey explores prejudice towards black people through new online experiments and questions (opinions on the slave trade and slavery, reactions to criticism of African first names, or the number

of black players in the French football team).

The findings confirm that, despite the insults and discrimination they endure on account of their skin colour, black people are perceived in a more positive light than most of the other minority groups, especially the Maghrebi minority.

It would seem that, of the various stereotypes that have stuck with us since colonial times, those depicting black people as harmless «big children» continue to dominate.





Predisposition to tolerance

Predisposition to tolerance is linked to various factors:

- political tendencies;
- perception of economic insecurity;
- knowledge and experience of other cultures;
- educational attainment.



Prejudice plays a decisive role in driving discriminatory practices, policies and narratives.

The CNCDH firmly believes that the fight against racism hinges on breaking down prejudice and preconceptions, from which none of us is exempt, against groups of individuals who are incorrectly «categorised».



Excerpt from the 2018 Report on the fight against racism, anti-Semitism and xenophobia

Evolution and structure of racially-motivated delinquency

There are various sets of statistics available from the different government departments. In this brochure, the CNCDH has chosen to present the statistics of the Ministries of the Interior and Justice.

THE MINISTRY OF THE INTERIOR'S STATISTICS

The trends observed by the SSMSI (Ministerial Statistical Department for Internal Security)

In 2018, the police and gendarmerie reported 5,170 crimes or offences committed on the grounds of origin, ethnicity, nationality, a claimed race or religion, across France. This is the third year in a row that this form of litigation has been on a downward trend (-4% between 2017 and 2018, -11% between 2016 and 2017 and -20% between 2015 and 2016).

The structure of racist litigation remains stable overall: in 2018, as in previous years, the vast majority (78%) of crimes or offences concerns provocations, insults or defamation. This is followed by threats and blackmail (11%), attacks against individuals (4%), discrimination (3%) and property crime (2%).

This form of litigation also includes attacks on places of worship and burial sites in France against Christianity, Judaism and Islam. After rising steadily between 2008 and 2016, trends reversed in 2017, falling by 7.5% compared with 2016 (with 978 cases recorded versus 1,057). This downward trend was confirmed in 2018 with a 0.5% dip compared with 2017 (973 cases).

5 170 crimes or offences committed on the grounds of origin, ethnicity, nationality, a claimed race or religion



3rd year running concerning the drop in this form of litigation

of which

78% concern provocations, insults or defamation

11% 11% threats, blackmail

4% attacks against individuals

3% discrimination

2% property crime

Source: Ministry of the Interior, SSMSI, 2018

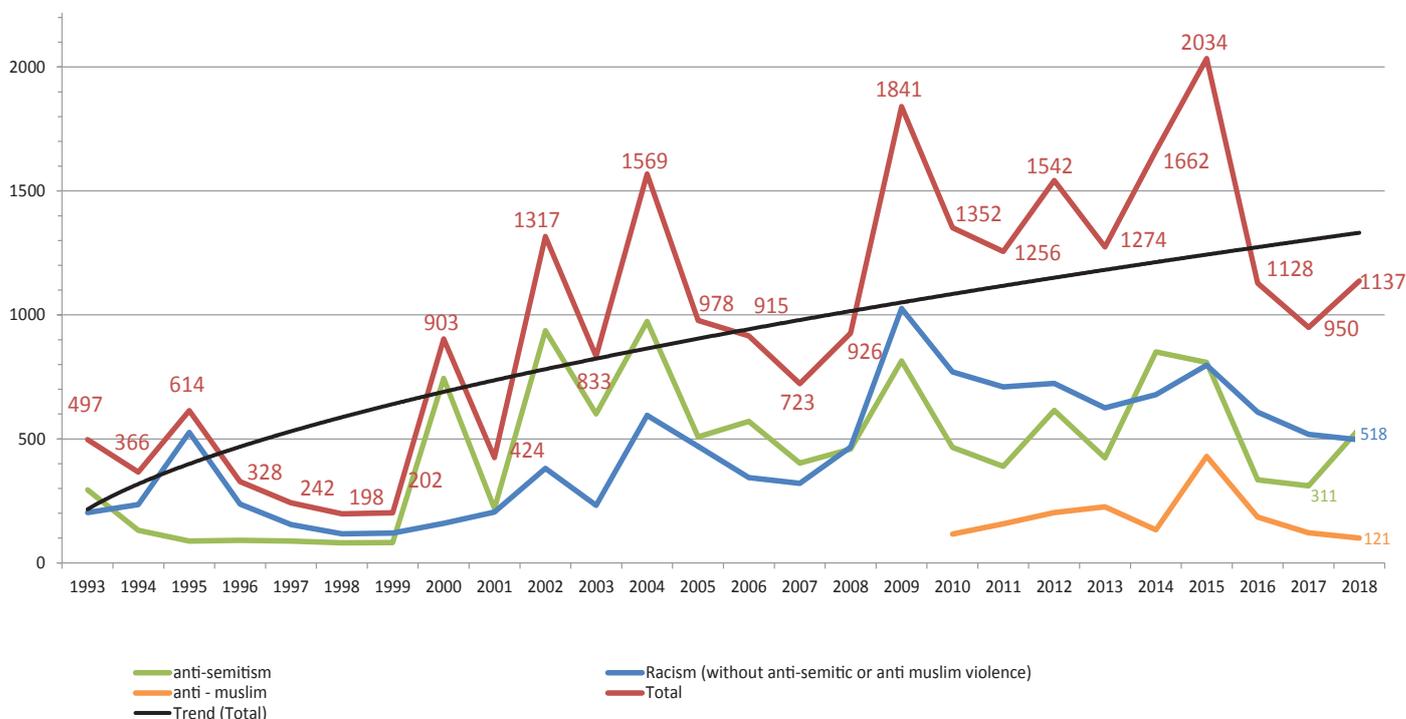
The trends observed by the Central Territorial Intelligence Service (SCRT)

After a fall by more than half in the number of cases recorded between 2015 and 2017, this year that trend has done a U-turn. The number of racist acts is now rising again, with nearly 20% more cases recorded between 2017 and 2018.

Upon closer analysis of this data however, it emerges that this upward trend does not apply across all categories :

- anti-Muslim acts are down this year (100 cases, so an 18% drop on 2017);
- the category of other «racist acts» is also down overall (to 496, which is 4% less than 2017);
- anti-Semitic acts have risen sharply, with 541 cases, and this 74% increase has had a significant impact on the overall upward trend in SCRT-recorded racist acts.

Evolution in SCRT-recorded racist acts



Source: Ministry of the Interior, / SCRT, 2018



«Anti-Christian» category:

The Ministry of the Interior has decided to create a new category of acts, and since 2017 has recorded «anti-Christian acts».

These records were forwarded to the CNCDH for the first time in 2018, together with the data collected in 2017. This year, 997 actions and 66 threats were recorded, making for a total volume of 1,063 (compared with 1,038 cases in 2017).

The nomenclature used by the Ministry of the Interior/SCRT is the following :

- «Actions»: homicides, attacks and attempts, fires, damage, violence and assault (whatever the total incapacity for work granted).
- «Threats»: remarks, threatening behaviour and abusive displays, inscriptions, leaflets and letters.



The SCRT's figures are based on feedback from its territorial representatives*, its local partners** , the media and associations representing the Muslim and Jewish religious communities with whom they have a partnership. **As such, these figures are not exhaustive and may be prone to bias**, resulting, for example, from the choice of associations represented or the vague classification adopted, which comprises 4 categories: «anti-Muslim», «anti-Christian» or «anti-Semitic» acts or threats, and the category «other racist acts».

Depending on the categorisation chosen, the figures may be interpreted differently – not least because the «other racist acts» category is very broad and may overlap with acts that are also religiously motivated.

* These include: Département-level services, various local offices and branches in several gendarmeries.

** These include: police stations, gendarmerie brigades, police prefectures and specialist associations.

THE MINISTRY OF JUSTICE'S STATISTICS - THE CRIMINAL LAW RESPONSE IN 2017

In 2017, 6,122 cases involving one or more offences committed on the grounds of the victim's origin or religion were referred by public prosecutors' offices, which represents a 22% drop in cases and 20% fewer perpetrators than in 2016. The Ministry of Justice believes this decline may be linked to the new version of the CASSIOPÉE software, set up in December 2016.

The CNCDH posits that it may also reflect a decline in citizens' confidence in institutions, and will keep a close eye on the statistical trends presented next year.

The criminal law response rate was 85% in 2017, which is higher than in 2016 (83%). And yet it should be pointed out that this rate is still lower than the criminal law response rate for general litigation, which was 87.6% in 2017. For the CNCDH, this difference is a sign that establishing an anti-racism criminal policy is still proving difficult.

The rate of cases dismissed by the public prosecutors' offices is very high and represents one in two cases. The Ministry often cites the impossibility of prosecuting perpetrators to explain this rate. 77% of cases are dismissed because the offence is not adequately characterised. This begs the question of how investigations are conducted and in what way the racist motive is taken into consideration when the offence is reported.

41% of implicated persons faced legal proceedings and 59% an alternative to legal proceedings, whereas alternatives to going to trial account for 37% of referrals where general litigation is concerned.

Regarding sentences, in 2017, sentences were handed down for 565 racist offences; this number has been relatively stable over the past five years. There is a high rate of acquittal, which can be explained by the difficulty in demonstrating the racist motive, which leads to «requalifications» by the court. What this means is that some offences will be punished without the aggravating circumstance of racism ultimately being retained.

6 122 cases involving one or more offences committed on the grounds of the victim's origin or religion



22% drop in cases.
20% fewer perpetrators, compared with 2016.

85% criminal law response rate (proportion of cases resulting in legal proceedings or an alternative measure)

41% legal proceedings

37% alternatives to going to trial

9% of cases lead to sentences on the grounds of racially motivated offences

Source: «Living Environment and Security» survey, INSEE, ONDRP, SSMSI, 2018

Recommendations

The CNCDH recommends **taking advantage of the wide range of possible sentences provided for by the Criminal Code, in order to better fit the punishment to the offence and its perpetrator's personality.**

The CNCDH recommends promoting alternative sentences to prison with a genuine educational aim, which is particularly necessary in this type of litigation, such as citizenship courses for example. In this regard, as a national human rights institution and national rapporteur on the fight against racism, the CNCDH could help to design and even facilitate citizenship courses. (Priority recommendation no. VIII).



In order to **prevent and combat hate speech online**, the CNCDH recommends that the legal provisions on cracking down on illegal content online be put effectively into practice. Moreover, it recommends bolstering the tools for preventing and combating hate online.





The PRINT project

For more effectively cracking down on offences committed online

In view of the widespread scale of online hate, the CNCDH praises the roll-out of the PRINT project (which stands for Preventing Racism and INTolerance), jointly coordinated by the Ministry of Justice and Interministerial delegation to the fight against racism, anti-Semitism and LGBT hate (DILCRAH).

This project should lead to joint discussions with Germany on the harmonisation of law enforcement options for preventing racially motivated and xenophobic acts, so as to improve the criminal law response against such conduct. It should also enable the legal systems and judicial practices of several EU countries to be compared and analysed, in terms of how reports are collected, the investigation methodology, judicial responses and the liability regime applicable to tech giants for offences committed online.

Massive under-reporting of racism



i

The «Living Environment and Security» survey

This crime victimisation survey is aimed at assessing and describing the offences which may have been committed against households and individuals. Since 2007, it has been conducted on an annual basis by the National Institute of Statistics and Economic Studies (INSEE), in partnership with the National Observatory on Crime and Criminal Justice (ONDRP) and the Ministerial Statistical Department for Internal Security (SSMSI) among a representative sample of the French population.

This survey rounds off the data provided by the Ministry of the Interior and sheds light on offences that are not recorded.

In 2017

1,1 millions

victims have been the target of at least one crime of a racist, anti-Semitic or xenophobic nature (so 1 person in 45)

476 000

victims have experienced discrimination of a racist, anti-Semitic or xenophobic nature on at least one occasion (so 1 person in 110).

Source: «Living Environment and Security» survey, INSEE, ONDRP, SSMSI, 2018

Racism in all its forms affects the daily lives of many people in France.

Those who fall victim to physical violence are in the minority as racism usually manifests itself in subtler ways: hostile and suspicious looks in the street, denied entry to nightclubs, checks carried out on young people on school outings, insulting and inappropriate remarks, “notes” in classrooms, difficulties finding accommodation or employment, etc.

Racial profiling by police is regarded by the population as a form of racist expression on the part of the public authorities, and runs counter to French law and the international conventions on human rights. It is partly responsible for the worsening relations between the police and the population.

The associations interviewed describe a form of trivialisation and of habituation on the part of victims faced with these everyday expressions of racism. Such incidents, which have a real impact on people’s lives, are thus very seldom reported and tend to be eclipsed by a few very violent and highly mediatised acts.

The Ministry of the Interior’s figures only account for a tiny proportion of the racist acts committed in France, as unlawful acts are vastly under-reported («dark figure») and reveal the distance we still have to go in terms of reception and guidance of victims.



On average, between 2012 – 2017 :

1/75 Around 1 in 75 victims claims to have been the target of insults of a racist nature.

1/400 Around 1 in 400 victims claims to have been the target of threats of a racist nature.

1/1000 Around 1 in 1,000 victims claims to have suffered violence of a racist nature.

2% of victims report racist insults to the authorities.

17% of victims report racist violence or threats to the authorities.

Source: «Living Environment and Security» survey, INSEE, ONDRP, SSMSI, 2018

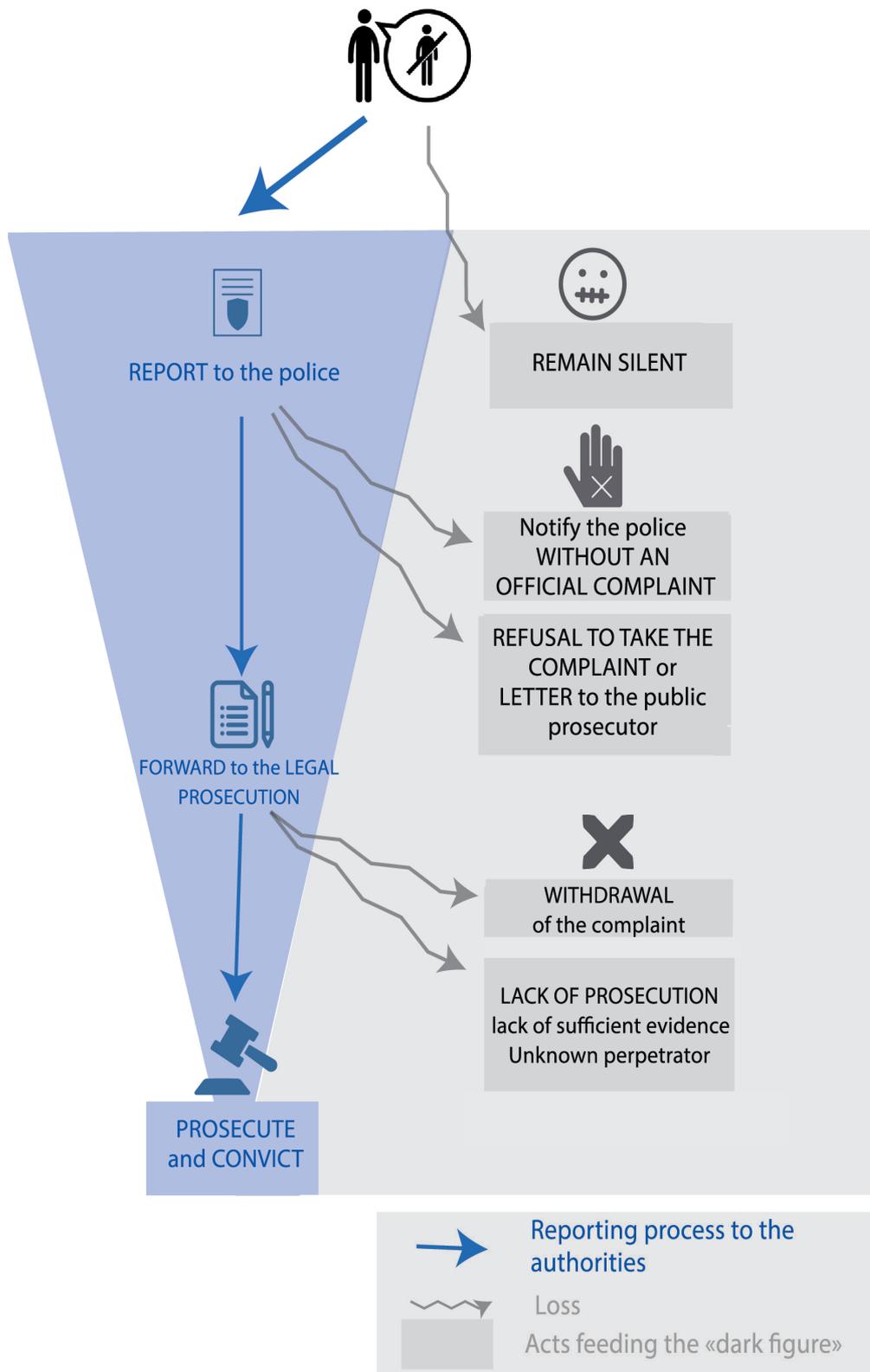
Training for law enforcement and magistrates in the specifics of racist litigation

Every year, the CNCDH gives a continuing professional development session at the National School for the Judiciary (ENM) for magistrates and investigating officers on racism and discrimination.

This year, the Ministries of Justice and the Interior, in cooperation with the DILCRAH and the Memorial Site of Les Milles Camp, have organised a six-month pilot scheme aimed at training gendarmes, police officers and magistrates in improving the way victims are received, collecting reports, fostering investigations and increasing conviction rates. It is being rolled out in the jurisdiction of the Aix & Marseille courts.

The goal is to create a network of investigating officers and magistrates who are specialised in the specifics of racist litigation.

Understanding the «dark figure»



Main recommendations

In order to fight effectively against the massive under-reporting of racism, the CNCDH underscores the **need to train gendarmerie and police staff in the specific issues associated with racist litigation**, so that victims are able to express themselves fully and gain a clear idea of what legal proceedings entail, to prevent them from being discouraged and ensure they follow the proceedings all the way through.



The CNCDH encourages the **continued trial of the online pre-reporting tool**. But it cautions that under no circumstances must this become a compulsory stage in getting a report registered or a substitute for physical reception.



The CNCDH recommends that gendarme and police chiefs give investigating officers **clear instructions and meaningful guidance to ensure that law enforcement discontinues the practice of «mains-courantes», which merely involves the taking of simple statements of facts rather than the recording of official reports**. Public prosecutors should **issue an express written reminder to investigating officers that the criminal law procedure does not recognise this practice and that investigation services are required to officially record reports**.

The CNCDH recommends that the prohibition on merely taking simple statements of facts when racist offences are reported be clearly displayed in gendarmerie brigades and police stations, to ensure the public is given full information.



The CNCDH reiterates its recommendation on the **need to extend group action to all forms of discrimination, without restricting it to a specific type**. It recommends appraising group actions initiated on the grounds of the Act of 18 November 2016, in a bid, where necessary, to improve the system so as to make it fully effective.



Anti-Semitism

The perception of Jews in public opinion

According to the longitudinal tolerance index, Jews have been the most highly regarded community in public opinion since the early 2000s.

However, there is observable persistence of old prejudices rooted in the belief that Jews have too much power, a particular link with money and a double allegiance (towards Israel and France).

Fear of crime is noticeably growing among Jews, and this perception is particularly marked in France compared with other European countries. At the same time, the rise in anti-Semitic acts reminds us, this year yet again, that trends in terms of racist prejudices and of acts do not always tally and are driven by separate rationales.



Anti-Semitic acts

Unlike prejudice, the rise in anti-Semitic acts observed appears to have more to do with the upheavals in the Israeli-Palestinian conflict since the 2000s (Second Intifada).

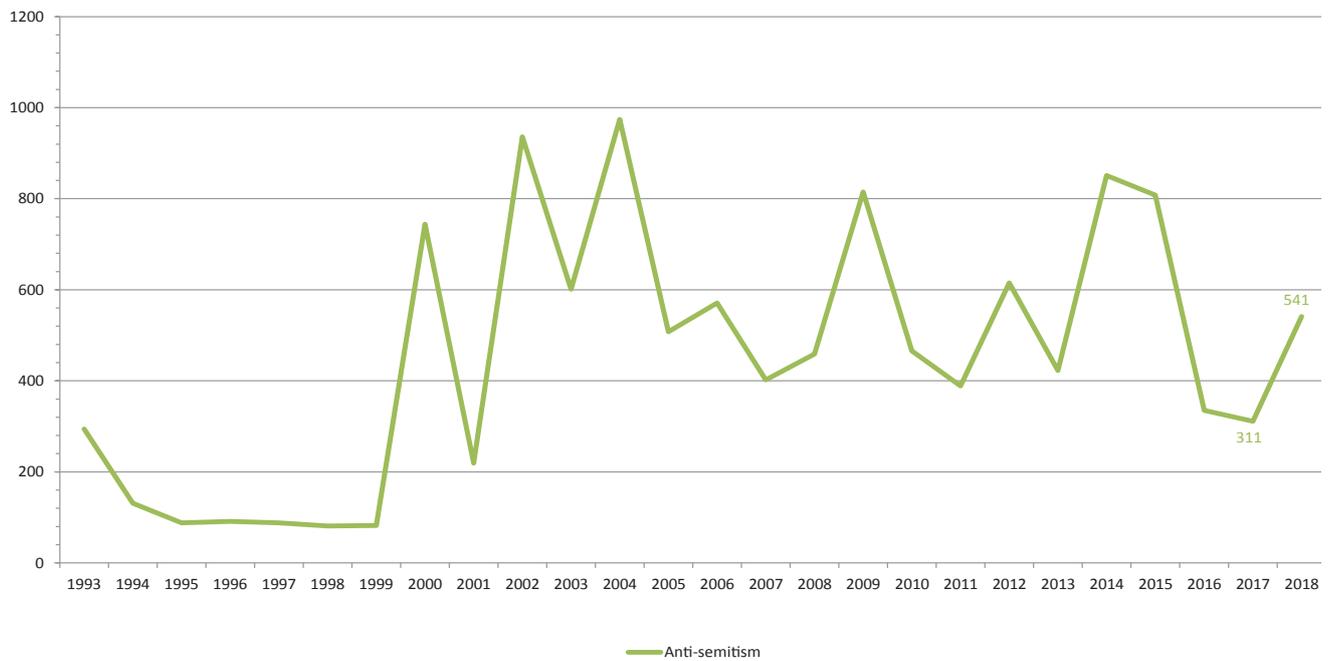
After falling significantly for four years running (since 2014), particularly thanks to the protection apparatus set up by the public authorities as part of the Vigipirate plan, the number of anti-Semitic acts recorded by the SCRT has risen sharply this year, from 311 in 2017 to 541 in 2018 (+74%).



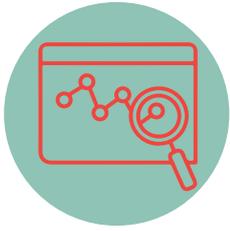
Is this a new wave of anti-Semitism?

The results qualify the theory of a «new wave of anti-Semitism» apparently taking the form of anti-Zionism and fanned by the hard-left. The Israeli-Palestinian conflict leaves public opinion indifferent, with negative perceptions still dominated by old stereotypes to do with money and power, especially on the far-right. Although the hard-left does not subscribe to this thinking, it is more critical of Israel. Owing to the low number of respondents to the CNCDH-commissioned survey on current public opinion, it is not possible to delve further into the hypothesis of an anti-Semitism specific to Muslims.

Evolution of anti-Semitic threats and violence from 1993 to 2018



Source : Ministry of the Interior /SCRT, 2018



The importance of furthering research for a clearer understanding of racism

On 11 February 2019, the Minister of the Interior announced a 74% increase in anti-Semitic acts between 2017 and 2018.

The CNCDH gives a reminder that it is very difficult to quantify the racist phenomenon and impossible to gain a detailed grasp of it solely on the basis of the Ministry of the Interior's data, which combine different types of data.

Providing an overview of racism in France today is a necessary, albeit complex and tricky operation, requiring a cross-linking of sources, approaches and viewpoints (academia, public authorities and activists).

Given the fresh upsurge in anti-Semitic violence, the CNCDH regrets the fact that the public authorities did not realise just how necessary research is in order to better grasp what is behind this resurgence and adapt public policy accordingly.

The CNCDH maintains that it is the State's responsibility to explore research options that can inform a targeted public policy capable of preventing and combating racism effectively and sustainably.



Vigilance as regards the definition of anti-Semitism proposed by the IHRA

On 20 February 2019, the President of the Republic announced that France would adopt the definition of anti-Semitism set by the International Holocaust Remembrance Alliance (IHRA).

The European Parliament is urging Member States to adopt the IHRA's following working definition* :

«Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities».

The rest of this text then contains several references to the State of Israel, and as such strays somewhat from its primary purpose.

The CNCDH reiterates that it is not in favour of this transposition in France:

- It goes against French constitutional law to make such a distinction between forms of racism, since French law upholds an overall and universal definition of racism; such singling out of anti-Semitism as regards other forms of racism may **cast doubt over the republican framework** and encourage other groups of victims of racism to clamour for similar recognition in turn;
- this risks **undermining the universal and indivisible approach to fighting racism** which should prevail, especially amid escalating identity assertions;
- the CNCDH stresses the vigilant stance that must be taken so as **not to confuse racism with the legitimate criticism of a State and its policy**, which is a fundamental democratic right.

*The definition in its entirety:
www.holocaustremembrance.com/media-room/stories/working-definition-antisemitism

Islamophobia

Although it has improved steadily over the last few years, the perception of Islam and Muslims remains a source of significant tension for part of society.

Shifting prejudices towards Islam and Muslims

Overall, recent evolutions in opinions of Muslims tend towards less rejection. The negative perceptions of a section of French society continue to be driven by their idea of a conquering religion and the sense that some Muslim practices are not very compatible with «community living». This results in a degree of discomfort with regard to the cultural and religious practices most visible in the public sphere. However, although arguments based on an alleged conflict of values are often raised, the CNCDH survey reveals that, contrary to what might appear, aversion to Islam does not actually seem to be related to any stronger attachment to the principle of secularism, women's rights or acceptance of sexual minorities – quite the reverse, in fact.



81% OF SURVEY RESPONDENTS BELIEVE «FRENCH MUSLIMS SHOULD BE ALLOWED TO PRACTISE THEIR RELIGION UNDER GOOD CONDITIONS».



+ 13 POINTS SINCE 2013



Anti-Muslim acts

There is a general downward trend, with a return to the levels observed prior to the peak in 2015. The total number of SCRT-recorded acts in 2018 is 100 (which is 18% less than in 2017) – the lowest, in fact, since this service began recording anti-Muslim acts. Upon closer analysis of these acts, it emerges that «actions» have fallen by 38.4% over 2018 amid a 12.2% rise in «threats» compared with 2017.

The associations also decry a form of Islamophobia whereby Muslims are perceived to be potential terrorists, an excessive security policy and the pervasiveness of cyberhate.

Perceptions of Muslim practices that may prove problematic in France for living in society



AROUND 3 IN 5 RESPONDENTS (59%) RECKON THAT WEARING A VEIL IS NOT COMPATIBLE WITH FRENCH SOCIETY. THIS PERCENTAGE RISES TO 85% WITH RESPECT TO THE FULL ONE-PIECE VEIL.



AROUND 2 IN 5 RESPONDENTS (42%) CONSIDER THAT THE BAN ON SHOWING AN IMAGE OF THE PROPHET IS NOT COMPATIBLE WITH FRENCH SOCIETY.

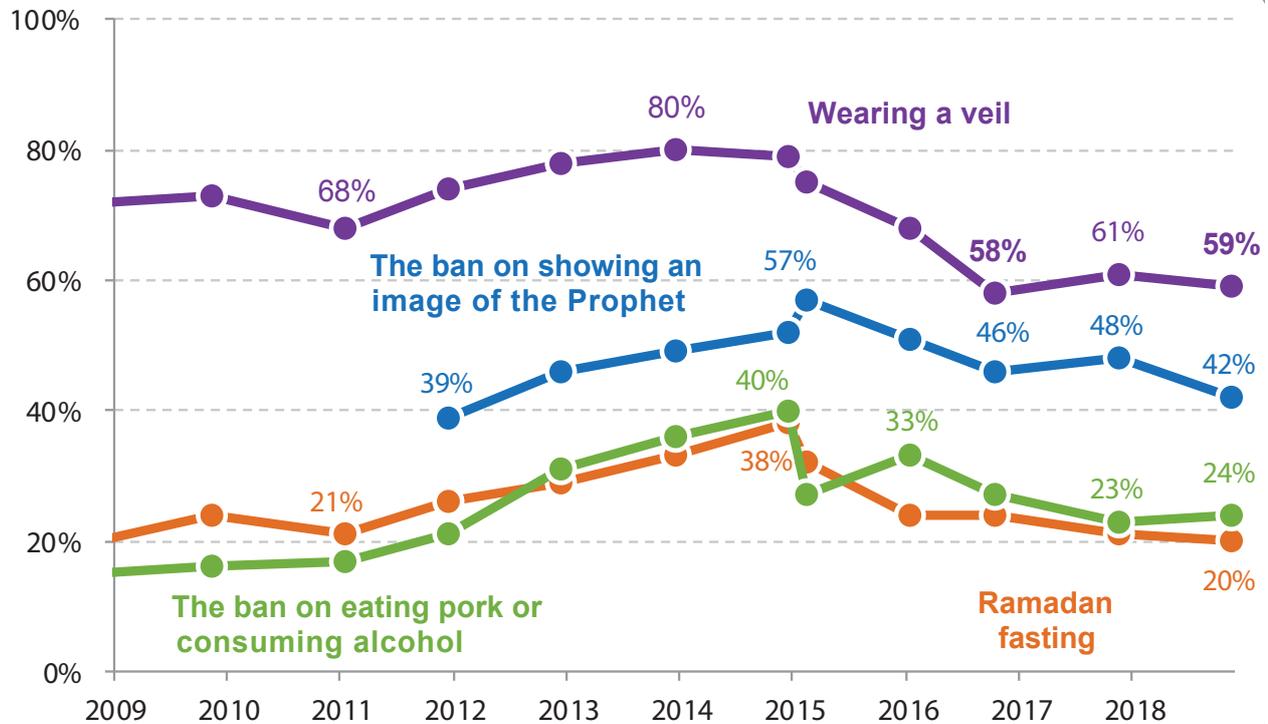


A FIFTH OF RESPONDENTS (20%) ARE OF THE OPINION THAT THE RAMADAN FAST IS NOT COMPATIBLE WITH FRENCH SOCIETY.



AROUND A QUARTER OF RESPONDENTS (24%) FEEL THAT THE BAN ON EATING PORK OR CONSUMING ALCOHOL IS NOT COMPATIBLE WITH FRENCH SOCIETY.

Evolution in the perception of religious practices as regards their compatibility with French society



Source : CNCDH barometer, 2018



The importance of the way the media and politicians frame information



The findings of the researchers who contributed to the drafting of the annual report on the fight against racism clearly show that, rather than the events themselves, it is the way in which events are interpreted by the political sphere and the media that directly sways people's opinions. They therefore have a particularly significant responsibility in shaping a dominant narrative.

During the 2005 riots in the suburbs, the media and public debates homed in on the issue through the lens of the Muslim religion, overlooking other angles that could have been taken for covering and interpreting these events, such as police harassment, social inequality or urban relegation. This selective focus

had major repercussions on the rise in Islamophobia across certain strata of public opinion, ultimately bringing the longitudinal tolerance index down by 6 points.

On the other hand, the January 2015 terror attacks were an opportunity for a positive response, not least thanks to the «I am Charlie» movements which advocated tolerance, freedom of speech and a refusal to lump together distinct ideas, rather than rejecting Islam and immigrants.





Making sport accessible to all, without distinction

Access to sports facilities is particularly difficult for Muslim women, many of whom are denied entry on account of wearing a veil.

Customs bearing on meals, dress, male/female separation in shower areas and changing rooms all make it difficult for people to play sport in the way they would like – and even impossible in some cases; at the same time, the design of dedicated sports facilities may be seen as an expression of identitarian and often religious closure, and draws controversy for that reason. It is therefore urgent that consideration be given to this matter so as to promote sports practices that are accessible to all and inclusive for all, as stipulated in the *Act of 20 July 1998 on combating exclusion*.

> www.cncdh.fr/fr/actualite/avis-sur-la-lutte-contre-le-racisme-et-les-discriminations-dans-le-sport



Racism strongly correlated with rejection of immigrants

Aversion to Islam is often coupled with distrust of immigrants. In this particular configuration, immigrants are held responsible for the current economic and social situation, and even for insecurity, and part of public opinion accuses them of not respecting “French traditions” and customs.

At the same time, converging sources testify to the fact that immigrants are over-represented among victims of racist acts, and highlight the ramifications that national and migration backgrounds have on inequality of access to social resources (employment, accommodation, etc.).

Enrolment in school

An educational system which still does not guarantee access to school for all, without distinction of origin

Non-enrolment in school concerns a broad spectrum of children: Roma children or children perceived as such, children of Travellers, children living in slums or squats, unaccompanied minors and children living in Overseas France, especially French Guiana and Mayotte.

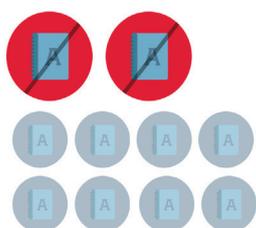
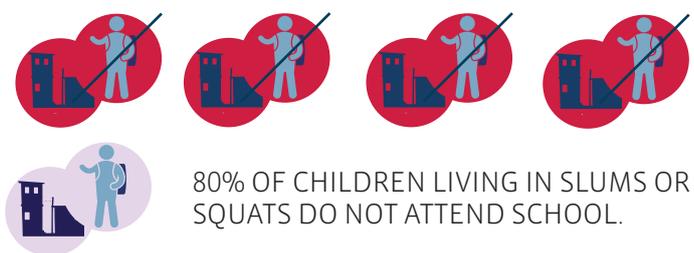
Three types of barriers restrict these children's access to education:

- **difficulties reaching a precise estimation of the number of children not enrolled;**
- **administrative barriers and difficult access to school and lessons :** refusal on the part of some mayors to enrol these children in their municipality's schools, the distance of schools from communities, expulsions which lead to the children dropping out for varying lengths of time, physical barriers to schooling directly to do with their living conditions (purchase of clothing, canteen costs, etc.), etc.;
- **schemes for accommodating children whose mother tongue is not French are often hugely over-subscribed**, sometimes resulting in long waiting lists for enrolment and place allocation; when school places are allocated, they are sometimes in unsuitable classes. Schemes derogating from the ordinary rules, such as the grouping of children living in slums within dedicated premises, outside of any school, are discriminatory and stigmatising.

In Overseas France, Mayotte and French Guiana in particular, there is a dire lack of school infrastructure and dedicated staff.

To make up for this, temporary and ill-suited solutions are sometimes found, such as the rotation system between pupils who either attend school in the morning or the afternoon, in intensive sessions of a few hours. Children belonging to stigmatised groups (such as the Amerindian and Bushinengue communities in French Guiana) or foreign groups or which are perceived as such are the most at risk, with schooling priority given to other children.





ACROSS OVERSEAS FRANCE, 20.2% OF 17-18 YEAR OLDS ARE CONSIDERED TO BE ILLITERATE



WHEREAS THIS FIGURE STANDS AT 3.6% IN MAINLAND FRANCE.

Main recommendations

The CNCDH calls for **coordinated action ensuring that all children are schooled, regardless of their actual or assumed origin**, pursuant to the applicable laws and commitments made by France when ratifying the International Convention on the Rights of the Child in 1990.

The Ministry of National Education should look to the specific and additional recommendations set out by the CNCDH in its 2018 racism report for guidance.

The CNCDH calls on the public authorities to implement the targeted recommendations outlined in its opinion dated 6 July 2017 *on the effectiveness of the right to education in Overseas France* to **ensure that said right is indeed effective there**.

[> www.cncdh.fr/fr/publications/avis-sur-leffectivite-du-droit-leducation-dans-les-outre-mer-regard-particulier-sur-la](http://www.cncdh.fr/fr/publications/avis-sur-leffectivite-du-droit-leducation-dans-les-outre-mer-regard-particulier-sur-la)



The Government instruction aimed at giving fresh impetus to the clearance of illegal camps and slum areas

Forming part of the five-year strategy for housing first and the fight against homelessness (2017), the Government instruction of 25 January 2018 develops an approach geared towards combating extreme insecurity, irrespective of the origin of individuals, unlike the more «ethnic» approach to «Roma» integration adopted by the European Commission. In connection with this instruction, a working group on access to education for children living in illegal camps or slums is due to be launched. The CNCDH, which is involved in this work, hopes to see concrete action coming about as swiftly as possible.



Action #LEcoleUnDroit

In an opinion piece published on the website of the Libération newspaper in September 2018, the CNCDH, Unicef France, CNDH RomEurope and some fifty organisations urged the Government to take measures to guarantee access to school for all children.

Some of the measures recommended, especially to avoid excessive enrolment refusals by simplifying administrative procedures, have been adopted by the French National Assembly as part of the bill «for schools that build confidence».

The CNCDH calls on the public authorities to support two other measures :

- creation of a national observatory on non-enrolment in school;
- recognition of educational mediation to reduce the distance between families, the school and all of the stakeholders concerned.

> www.liberation.fr/debats/2018/09/17/rentree-scolaire-de-trop-nombreux-enfants-a-la-porte-de-l-ecole_1678655

International bodies' attitude

France has committed to complying with most European and international instruments promoting human rights and combating racism and must act in conformity to these instruments and report to international monitoring bodies regarding them.

Recommendations in the context of the Universal Periodic Review (UPR)

In the context of the Universal Periodic Review, France has been issued 297 recommendations.

Nearly 80 of these bear on the fight against discrimination, racism, anti-Semitism and xenophobia. Through these recommendations, the States have encouraged France to:

- Continue and step up the fight against racism, xenophobia and discrimination in all its forms (legal and institutional framework, preventing and combating direct and indirect racism in education, improving prosecution rates of perpetrators and bolstering human and financial resources);
- Press on with training and raising awareness in questions to do with racism and discrimination;

- Strengthen legislative and political measures and awareness efforts so as to crack down on hate speech and ensure effective law enforcement measures in this regard, both within the political arena and on social media;
- Tackle «police racism» and violence which may result therefrom (not least by ending the abusive and discriminatory practices observed during police identity checks and, when these are proven, by vigorously prosecuting them);
- Ensure that the Roma community has equal access to fundamental rights (access to water, health, housing and education).





2018 : a pivotal year for France in terms of international deadlines



In October 2018, France submitted its 22nd and 23rd periodic reports to the Committee on the Elimination of Racial Discrimination (CERD). These reports were initially expected in August 2017.

The human rights situation in France has been reviewed by the Human Rights Council as part of the Third Cycle of the Universal Periodic Review (UPR), which took place on 15 January 2018 in Geneva, Switzerland.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

France was subject to the interim follow-up process for the two priority recommendations made by the Council of Europe's European Commission against Racism and Intolerance (ECRI): combating racial and homo/transphobic prejudice, and taking immediate steps to ensure that no legitimate residence application made by vulnerable groups is refused.

Main recommendations

The CNCDH recommends that the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pay an official visit to France. The last such visit dates back to October 1995.



To ensure the necessary protection and promotion of the right of native communities to maintain, develop and pass down to future generations their own identity whilst guaranteeing treatment for their members on an equal footing with all citizens, the CNCDH recommends that France ratify Convention no. 169 of the International Labour Organisation (ILO) on indigenous and tribal peoples.





The CNCDH's role in the Universal Periodic Review (UPR)

In the same way as all other National Human Rights Institutions (NHRIs) with United Nations' 'A' status accreditation, the CNCDH's role in the UPR draws on its threefold remit with regard to the State: advice, scrutiny and monitoring.

It works with the State on drafting its national report, submits a contribution to the Human Rights Council and coordinates the involvement of civil society which may also, through its representatives, submit a written contribution to the review.

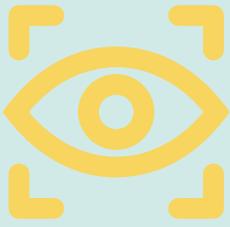
The NHRI and the main civil society representatives are given the opportunity of making general comments during the adoption of the final report, at a dedicated session of the Human Rights Council.

In line with what it had done for the two previous cycles, France is expected to submit a mid-term report on its progress in this regard. It will draft this in 2019.

The CNCDH will watch over all of these stages closely and should be involved not only in drawing up the mid-term report but also throughout the implementation of the recommendations issued following the third cycle of the UPR.

To find out more, you can consult France's contribution:

www.cncdh.fr/fr/publications/contribution-de-la-cncdh-lexamen-periodique-universel



Opinion on racism and discrimination in sport

adopted by the Plenary Assembly of 20 November 2018

Ambivalence of sporting culture: inclusion and exclusion

Solidarity, team spirit, fair play, surpassing oneself and overcoming differences for the sake of the game are all upheld as moral and social values at the heart of sporting culture. In reality though, sport at all levels, international and local alike, is ambivalent: on the one hand it sparks a strong sense of belonging and shows of solidarity between athletes, and on the other it fuels rejection of the Other, the opponent and the «weak».

What is more, since sport was traditionally considered «man's business» and a show of «virility», it has still not shaken off prejudice against women, LGBT people and persons with disabilities.

Competitive sport: a closed ecosystem

The CNCDH is deeply critical of a form of trivialisation of demeaning and discriminatory words and behaviour. Mindful of avoiding any scandal that might tarnish their reputation and undermine the trust of their financial backers, professional sports clubs deny, or at the very least downplay, the existence of practices or incidents of a racist or sexist nature. Victims seldom dare to speak out and reach out to a third party, so crushed are they by the feeling of guilt

that their action might harm their team, club or federation. Although federations say that they are intent on combating discrimination, their efforts remain superficial and are not addressing the fundamental problems. The CNCDH firmly believes that if we are to prevent racism and discriminatory practices in the sports sphere, it must be freed from the «clique» mentality that prevails and, instead, be coordinated at each level, local and national alike, with citizenship policies.

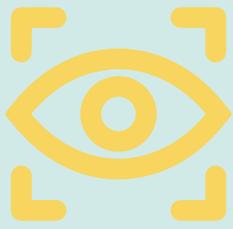
Towards sport that is broadly inclusive: educate, train and raise awareness

Our understanding of sport should encompass all of its dimensions (generational, social and civic), and no longer be restricted to the final score. Such a paradigm shift requires action on the part of public and private stakeholders, the media, clubs, federations and National Education. Because the media has an influence on social interactions, the CNCDH recommends that it promote mixed and alternative sports (such as the Gay Games or «fair» sport). The CNCDH also reiterates the importance of rooting out any language or behaviour that might spread prejudice, especially against women, LGBT people and persons with disabilities, and of punishing any slip-ups. National Education must set store by

cooperation, working together and mutual assistance, and that is why the CNCDH recommends that the Ministry reform the Sports & Education programmes such that sport is seen and experienced as a driver for social interaction, one that is accessible to all and diverse in its forms (sport as a source of well-being, sport for fun, competitive sport and so on). The CNCDH would like to see all sports stakeholders (journalists, coaches and youth workers in clubs, teachers and associations) mobilising in an effort to develop training and so help adopt exemplary behaviour in word and deed. The CNCDH commends the wealth of initiatives being rolled out by associations and a number of local authorities, and calls on the public authorities to draw inspiration from these innovative measures to craft more comprehensive policies.



> www.cncdh.fr/fr/actualite/avis-sur-la-lutte-contre-le-racisme-et-les-discriminations-dans-le-sport



«The new forms of anti-racism in France today» seminar

organised by the CNCDH on 16 March 2018

In light of the diversification in the landscape of French associations over the past decade or so, it struck the CNCDH as essential to understand what is going on regarding current anti-racist movements, whether newly emerging or long-standing. To that end, the Commission organised an internal seminar on «the new forms of anti-racism in France today», on 16 March 2018. It heard from four associations which claim to take a unique approach to anti-racism: Conseil représentatif des associations noires de France (CRAN), Comité Marche du 23 mai 1998 (CM98), Lallab and Collectif contre l'islamophobie en France (CCIF). Before the seminar, it had asked them three questions: What are your main goals? What are you doing to achieve them? How do you position yourself in comparison with other organisations?

Scholars working on anti-racism and members of the CNCDH also took part in the debate.

Differences in approach to the universality of rights

One of the key points to emerge from the discussions concerned the approaches to the universality of rights. None of the participants cast doubt over the notion itself, but they all defended the need for a specific approach. Some considered there to be a difficult relationship between so-called

universalistic associations and the others, while others praised more converging approaches. Over and above the need to defend rights attached to a characteristic – colour, religion, sexual orientation, etc. – the subject of equal rights garnered unanimous support from all those present.

Convergences, divergences and risks of competition

Historical claims for remembrance purposes, identity assertions and sometimes the resolve to promote a form of «positive discrimination» can fuel movements where anti-racist efforts become fragmented, or even devoid of any meaning.

Intersectionality, highlighted during the debates, lies at the heart of next-generation associations' concerns. These associations bring together a fairly young audience, mostly women, who are wary of a universality which, in their minds, risks ignoring them in what makes them specific.

The relationship with the State, a controversial subject

Among the key points highlighting the divisions between the stakeholders is the role they attribute to the State in terms of racism and discrimination. The expression «State racism» elicits contradictory views and influences activist practices. Depending on whether it is deemed «neutral», «racist», or implementing policies with questionable effects in terms of access to rights and equality before the law, there will be different expectations of a State apparatus, and different means of action will be employed. Use of such terms as «racist State» and «State racism» challenge the accountability of the public authorities in certain practices of their institutions and officials. For some, it is possible to speak of a racist State or State racism from the point of view that the State is accountable for its practices, institutions and officials. For others, this notion is flawed, since the Rule of Law exists in France, grounded in equality of citizens. The issue of historical recognition for remembrance purposes, which the State is expected to demonstrate with respect to colonisation, slavery and forced labour, was also discussed.

These arguments aside, all of the participants agreed on the major role played by public authorities: they have a duty to be exemplary.

Legitimisation strategies

The strategies developed by next-generation associations to exist, grow and weigh in on the public debate are wide-ranging. They claim to speak on behalf of a specific identity - «black people», «Muslim women», «descendants of slaves», «Muslims». The associations believe that this firm foothold in their experience affords them genuine authenticity. These associations have also taken critical approaches as regards national history as it is told or as they consider it to be told. Such criticism can reinforce the sense of belonging and identity claimed within the national community. This attitude employs legitimisation strategies that can cultivate difference or uniqueness. In this context, anti-racist stakeholders organise «non-mixed meetings» so as to help individuals sharing a community of interest or destiny, and exposed to the same discrimination and violence, to speak out. Such meetings are denounced at regular intervals as evidence of «reverse racism» or «anti-white racism». And yet they are instrumental in enabling some to speak out and can come hand-in-hand with «mixed» community-based practices that involve all members indiscriminately.

This debate has opened up new outlooks and discussions for the CNCDH which it intends to pursue in the years to come.

Rights and duties in the fight against racism

Freedom of expression and opinion are fundamental rights, which are essential to democracy and pluralism. However, speech must remain responsible: not everything can be said or written. The right to express oneself ceases when abuse starts. [Article 10 of the European Convention on Human Rights; Article 11 of the 1789 Declaration of the Rights of Man and of the Citizen]

French law punishes public defamation of a racist nature, public insults of a racist nature, public incitement to racial hatred, public endorsement of war crimes or of crimes against humanity, the denial of crimes against humanity, non-public insults of a racist nature, non-public defamation of a racist nature, non-public incitement to racial hatred, racial discrimination as well as racist motives for certain ordinary law crimes and offences, regarded as aggravating circumstances.



Sanctions can particularly be issued in the form of fines, or even imprisonment. [Act on the Freedom of the Press of 29 July 1881; provisions of the French Criminal Code]

Any individual who is the victim of an offence of a racist nature is entitled to file a complaint at a gendarmerie or police station; the officer at reception is required to accept the individual's complaint. [Article 15-3 of the Criminal Procedure Code]

Any internet user may report content on the Internet which it considers illegal by using the Ministry of the Interior's reporting platform, "Pharos", or other platforms provided by commercial internet providers, or even by requesting the assistance of competent associations. [www.internet-signalement.gouv.fr]





COMMISSION NATIONALE
CONSULTATIVE
DES DROITS DE L'HOMME

RÉPUBLIQUE FRANÇAISE

Independent national rapporteur for nearly 30 years

Appointed independent national rapporteur on the fight against racism in 1990, the National Consultative Commission on Human Rights (CNC DH) submits an annual report to Government which provides an overview of racism in France, as well as the countermeasures implemented by the Republic's institutions and civil society.

Ministry of the Interior statistics, Ministry of Justice statistics, surveys on current public opinion, analyses by CNC DH partner researchers and the longitudinal tolerance index in particular, which has been analysed since 2008, are all examples of sources that are compared with the myriad contributions from institutional, community and international stakeholders, with a view to getting as clear an idea as possible of the forms that racism takes in France.

The CNC DH assesses the public policy being implemented and is involved in monitoring France's compliance with its international commitments in terms of eliminating racial discrimination. Based on a critical analysis of these policies and the observations of international bodies, the CNC DH issues a series of recommendations aimed at improving knowledge, understanding and prevention of all forms of racism.

Situational analysis of racism in France in 2018

2018 was marked by an overall rise in racist acts reported to law enforcement. This increase is to be put into perspective through a detailed analysis of these figures and in light of an overall downward trend in racist acts reported since 2015. In addition, it can be observed that the tolerance index has climbed two points this year.

The racist phenomenon in France calls for a high level of vigilance, however, for it remains vastly under-reported and often manifests itself in subtle forms of rejection that are not always easy to characterise, or denounce by its victims.

Les Essentiels

Committed to bringing the key findings of its reports within the reach of the widest possible audience, the CNC DH has developed the "Les Essentiels" collection.

In this brochure, it presents an instructive summary of the main trends that the CNC DH has observed regarding the fight against racism in all its forms in France.