



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-sixth session
21 February-11 March 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

FRANCE

1. The Committee considered the fifteenth and sixteenth periodic reports of France, due on 27 August 2000 and 2002 respectively, submitted as one document (CERD/C/430/Add.4), at its 1675th and 1676th meetings (CERD/C/SR.1675 and 1676), held on 22 and 23 February 2005. At its 1698th meeting (CERD/C/SR.1698), held on 10 March 2005, it adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the report submitted by the State party in accordance with the guidelines for the presentation of reports, as well as the additional information provided by the high-level delegation orally and in writing.

B. Positive aspects

3. The Committee takes note with satisfaction of the many legislative measures designed to strengthen efforts to combat racial discrimination, in particular the Act of 16 November 2001 concerning measures to combat discrimination, the Social Modernization Act of 17 January 2002, the Act of 9 March 2004 on the adaptation of the system of justice to developments in the area of crime, and the Act of 30 December 2004 setting up the High Authority against Discrimination and for Equality.

4. The Committee welcomes the measures taken to prevent the spread of racist messages on the Internet, in particular the adoption of the Act of 21 June 2004.
5. The Committee welcomes the fact that, under the Act of 10 December 2003, persecution of asylum-seekers need no longer come from the State.
6. The Committee also welcomes the fact that, since the adoption of its ruling dated 1 June 2002, the Criminal Division of the Court of Cassation has allowed the practice of discrimination testing as a form of evidence in the area of racial discrimination, and encourages the State party to promote more frequent recourse to it.
7. The Committee welcomes the measures designed to rationalize the institutional framework for efforts to combat discrimination.
8. The Committee welcomes the role played by the National Consultative Commission on Human Rights in efforts to combat racial discrimination, and encourages the State party to take the Commission's views on the matter more into account.
9. The Committee also takes note of the expanded report of the Court of Audit on the reception of immigrants and the integration of population groups of immigrant origin (November 2004).

C. Concerns and recommendations

10. While it takes note of the establishment of an Observatory for Immigration and Integration Statistics in July 2004, the Committee shares the view expressed by the Court of Audit in the above-mentioned report that efforts to combat discrimination have suffered and still suffer from inadequate statistical coverage.

The Committee recalls its general recommendation XXIV concerning article 1 of the Convention, as well as its general recommendation XXX on discrimination against non-citizens, and invites the State party to harmonize and refine its statistical tools to enable it to draw up and implement a comprehensive and effective policy to combat racial discrimination.

11. While noting the reactivation of the inter-ministerial committee on integration since April 2003 and the recent establishment of the High Authority against Discrimination and for Equality, the Committee is concerned at the proliferation of machinery and the risk of watering down the State party's efforts to combat racial discrimination and xenophobia.

The Committee encourages the State party to ensure greater coordination of the activities of the competent authorities in this area; to specify the role and resources of the High Council on Integration; to clearly define the functions of the High Authority, in particular vis-à-vis the Ombudsman and the National Consultative Commission on Human Rights, and to provide this new body with all necessary resources to enable it to perform its task effectively.

12. While taking note of the Act of 1 August 2003 on general principles and planning for cities and urban renewal, the Committee remains concerned at the unfavourable situation faced by immigrants and population groups of immigrant origin in the field of housing.

The Committee calls on the State party to strengthen its policy for the integration of immigrants and population groups of immigrant origin, especially in the field of housing, and draws its attention to the Committee's general recommendation XIX on article 3 of the Convention and general recommendation XXX on discrimination against non-citizens. The Committee invites the State party to follow the recommendations in this area as set out in the report of the Court of Audit, referred to in paragraph 9 above.

13. The Committee is also concerned at the unfavourable situation faced by immigrants and population groups of immigrant origin in the field of employment and education, despite the State party's substantial efforts in this area.

The Committee encourages the State party to follow the recommendations set out in the Court of Audit's report on employment and education for immigrants and population groups of immigrant origin. The Committee draws the State party's attention to its general recommendation XXV on gender-related dimensions of racial discrimination, and also invites it to bear more specifically in mind, in all measures which are adopted or planned, the situation of women, who sometimes fall victim to twofold discrimination.

14. Despite the State party's efforts, the Committee remains concerned at the situation of non-citizens and asylum-seekers in holding centres and areas and delays in processing applications from refugees for family reunification.

The Committee recommends to the State party that it should strengthen the supervision of police personnel responsible for the reception and day-to-day monitoring of holding centres for non-citizens and asylum-seekers; improve the conditions in which such persons are held; operationalize the national committee to monitor holding centres and premises and holding areas; and process applications from refugees for family reunification as speedily as possible.

15. The Committee remains concerned at the fact that only French may be used in applications for asylum.

In order to allow asylum-seekers to exercise their rights fully, the Committee invites the State party to lay down that asylum-seekers may be assisted by translators/interpreters whenever necessary, and/or to agree that applications for asylum may be written in the most common foreign languages.

16. While it appreciates the State party's oral and written responses to questions relating to the situation of travellers, the Committee remains concerned at delays in the effective application of the Act of 5 July 2000 on the reception and housing of travellers and the persistent difficulties travellers encounter in such fields as education, employment and access to the social security and health system.

The Committee reminds the State party of its general recommendation XXVII on discrimination against Roma and recommends that it should step up its efforts to provide travellers with more parking areas equipped with the necessary facilities and infrastructures and located in clean environments, intensify its efforts in the field of education and combat the phenomena of exclusion of travellers more effectively, including in the fields of employment and access to health services.

17. The Committee shares the concerns expressed by the delegation relating to the increase in racist, anti-Semitic and xenophobic acts.

The Committee encourages the State party to apply more effectively the existing provisions designed to combat such acts; to grant adequate compensation to victims; to create greater awareness on the part of law enforcement personnel; and to step up its efforts in the field of education and training of teachers in tolerance and cultural diversity.

18. The Committee takes note of the information supplied by the State party on the implementation of the Act of 15 March 2004 governing the wearing of symbols or clothing denoting religious affiliation in State primary and secondary schools, in pursuance of the principle of secularism.

The Committee recommends to the State party that it should continue to monitor the implementation of the Act of 15 March 2004 closely, to ensure that it has no discriminatory effects and that the procedures followed in its implementation always place emphasis on dialogue, to prevent it from denying any pupil the right to education and to ensure that everyone can always exercise that right.

19. While the Committee views as encouraging the efforts being made by the State party to create awareness among members of the security forces and other public officials of efforts to combat discrimination, it is concerned at allegations of persistent discriminatory behaviour towards the members of certain ethnic groups on the part of such personnel.

The Committee recommends to the State party that it should take the necessary preventive measures to halt racist incidents involving members of the security forces. It should also ensure that impartial investigations are carried out into all these complaints, and that any punishments imposed are proportionate to the gravity of the acts committed.

20. The Committee considers, as it has done in previous conclusions relating to the State party, that the prohibition of attempts to justify crimes against humanity, and of their denial, should not be limited to acts committed during the Second World War.

The Committee encourages the State party to criminalize attempts to deny war crimes and crimes against humanity as defined in the Statute of the International Criminal Court, and not only those committed during the Second World War.

21. While the Committee notes the State party's efforts to transpose into domestic law European Council directive 2000/43/CE of 29 June 2000, implementing the principle of equal treatment between persons irrespective of their racial or ethnic origin, it is concerned at the fact that the concept of indirect discrimination is applied only in matters of employment and housing.

The Committee recommends to the State party that it should take all necessary legislative steps to ensure the general application of the concept of indirect discrimination.

22. The Committee is concerned that for some local population groups in its overseas communities, the fact that they do not have a full command of French constitutes an obstacle to their enjoyment of their rights, particularly the right to access to justice.

In order to enable all those under the jurisdiction of the State party in its overseas communities to exercise their rights fully, the Committee recommends to the State party that it should take all appropriate steps to ensure that local population groups in overseas communities who do not have a command of French benefit from the services of translators/interpreters, especially in their contacts with the system of justice.

23. The Committee notes shortcomings in the teaching of the languages of certain ethnic groups - particularly Arabic, Amazigh or Kurdish - in the education system.

The Committee encourages the State party to promote the teaching of the languages of these groups in the education system, as proposed by the Stasi Commission in its report.

24. While the Committee takes note of the measures taken to settle the question of foreign veterans' pensions, it remains concerned at the continued differential treatment of such persons as compared with veterans who are French nationals.

The Committee encourages the State party to find a definitive solution to the question of foreign veterans' pensions by applying the principle of equal treatment.

25. The Committee recommends to the State party that it should widely distribute information on available domestic remedies against acts of racial discrimination, the legal means available for obtaining compensation in the event of discrimination, and the procedure governing individual complaints under article 14 of the Convention, which France has accepted.

26. The Committee encourages the State party to consult with civil society working in the area of combating racial discrimination in the elaboration of its next periodic report.

27. The Committee recommends to the State party that it should make its periodic reports readily available to the public from the time they are submitted, and similarly publish the Committee's present conclusions.

28. While recognizing the work already accomplished in this field, the Committee recommends to the State party that it should take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the provisions of the Convention in

the domestic legal order, in particular in respect of articles 2 to 7, and include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

29. Pursuant to article 9, paragraph 1, of the Convention, and article 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of its implementation of the recommendations contained in paragraphs 13, 14 and 16 above, within one year of the adoption of the present conclusions.

30. The Committee recommends that the seventeenth to nineteenth periodic reports of the State party, due on 27 August 2008, should be submitted as one report and constitute an updating of the issues raised during the consideration of the present reports and of all the points raised in the present concluding observations.
