



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

Distr.: General
18 May 2011
English
Original: French

Committee on the Elimination of Racial Discrimination
Seventy-seventh session

Summary record of the 2026th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 11 August 2010, at 3 p.m.

Chairperson: Mr. Kemal

later: Ms. Dah (Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Seventeenth, eighteenth and nineteenth periodic reports of France
(CERD/C/FRA/17-19; CERD/C/FRA/Q/17-19)

1. *At the invitation of the Chairperson, the delegation of France took places at the Committee table.*
2. **Mr. Pellet** (France) said that French society was based on the principle of the equality of all citizens before the law, without distinction of origin, race or religion – a principle that admittedly was not always respected as it should be and that therefore called for corresponding action. Against that backdrop, the Ministry of Immigration had opened a debate on national identity in November 2009 in response to concerns about the rise of certain sectarian tendencies, with the principle aim of closing the gap between formal equality and actual equality between citizens.
3. Aware that racism, racial discrimination and xenophobia were universal scourges, France participated actively, alongside other States, in the programmes of various European and international bodies. For instance, the director of the European Union Agency for Human Rights, which was doing remarkable work, would shortly pay France a visit that could lead to the adoption of measures with implications beyond France.
4. In France, efforts to combat racial discrimination were based first and foremost on a firm policy of integration designed to enable all legal immigrants to take their place in society. In the context of the debate on national identity, a government seminar had identified several ways to strengthen the integration of foreigners in the community. Firstly, the free training sessions offered to new immigrants under the welcome and integration contracts they signed upon arrival would be developed. Introduced in 2003, the contracts in question placed the emphasis on respect for the values of the Republic and would help to improve knowledge of the French language. Secondly, the operation involving the “opening of schools to the parents of foreign children”, which had been tried out successfully in 12 departments, would be extended. It aimed to provide better support to the parents of foreign or immigrant children, whether or not of French nationality, and to help them overcome their apprehensions about the education system. Thirdly, it was planned to make it easier for foreigners who had integrated exceptionally well to acquire French nationality. The plan was to reduce from five to two years the length of continuous presence in France required for persons who had rendered exceptional service to the country to obtain French nationality.
5. Combating discrimination in schools was another important aspect of the policy of integration. The circular distributed at the beginning of the 2009 school year made the rejection of discrimination and combating violence a priority and made it compulsory to include that principle in the internal regulations of educational institutions. Moreover, a mission entitled parity and the fight against discrimination, which was responsible for promoting education policies on discrimination, had been established in 2009 within the Ministry of Education. The principle of equal opportunity in the key area of education was a central pillar of the interministerial “hope for the suburbs” programme launched in February 2008, which aimed to help close the gap between “problem” neighbourhoods and the rest of the country. A series of measures had also been taken to respond to the difficulties encountered by pupils and their families: educational support; the establishment of *lycées d'excellence* (top secondary schools) in disadvantaged neighbourhoods; the implementation of pilot projects for academic success in 200 secondary schools; efforts to reduce school dropout rates; *internats d'excellence* (top boarding schools); and preparatory

classes for students from disadvantaged backgrounds hoping to enter the *grandes écoles* (elite higher education institutions).

6. Aware that the majority of complaints of discrimination made to the High Authority against Discrimination and for Equality were in the realm of employment, the Government considered it important to pursue an active policy of promoting access to work for all. In consultation with employers and trade unions, it had therefore devised a “diversity” label to help eliminate discrimination in all areas of human resources management in companies and public administration (with particular regard to recruitment and training). By 31 July 2010, nearly 580,000 workers were employed in 210 establishments that had been awarded the label. Another measure due to be introduced shortly was the anonymous CV, in accordance with a principle defined in an article of the Labour Code following the adoption of the Act on equal opportunities in 2008. Its implementing decree would be finalized after consultation with employers and trade unions.

7. With regard to exercise of the right to housing, the 2007 Act on the enforceable right to housing, which contained several measures to promote social harmony, constituted a major advance in social housing policy. It represented a milestone in that it instituted a judicial remedy procedure in addition to the amicable settlement procedure already in place, and designated an authority subject to an obligation of result. Since January 2008, departmental arbitration commissions had dealt with amicable petitions for the allocation of housing by persons qualifying for social housing. The commissions informed the prefect of those identified as priority applicants, to whom housing should be allocated as a matter of urgency. The innovative element of the Act was the possibility of appealing to an administrative court: a single judge ruled on the appeal within two months and could order the State to provide the complainant with housing if no suitable alternative had been found.

8. The Act also provided for the establishment of a committee to monitor the application of the enforceable right to housing. Given that implementation of the Act had proven problematic in some areas where there was particular strain on the housing market, reinforcement measures had been taken to prevent evictions, in particular the Act on housing and efforts to combat social exclusion, of March 2009.

9. With regard to travellers and Roma, who undeniably encountered serious economic and social difficulties in France, the Government was determined to find solutions within the republican framework that took into account their specific lifestyles. The situation of travellers, for the most part French nationals, must be clearly distinguished from that of the Roma, who were foreigners, mostly from Romania and Bulgaria, and the lifestyles of the two groups were very different.

10. The number of travellers in France was estimated at 300,000, while 11 million Roma lived in Europe, 7 to 9 million of them in the European Union. Their socio-economic situation was precarious and integrating them was a challenge that France was endeavouring to meet at the national and European levels. In France it was felt that, in order to combat the discrimination suffered by Roma, it was vital to deal with the causes of the problem, namely the lack of integration of the communities concerned in their countries of origin. France and Romania were therefore working closely to integrate Romanian Roma in their country of origin. More generally, the aim was to ensure that Roma enjoyed decent conditions throughout the European Union.

11. Travellers were confronted by a variety of problems, resulting especially from their itinerant lifestyle. In September 2009, the National Assembly had set up a parliamentary group to review and modify legislation on their reception and living environment. The question of a review of legislation on travel permits and the travellers’ right to vote would be considered in the framework of the parliamentary group’s work. Since the establishment

of reception areas for travellers had been uneven across the departments, the Government would maintain its policy of developing such sites.

12. Given the importance of the duty of remembrance, the task of preventing and combating discrimination obliged France to look to its past and recognize its cultural mixity and the intolerable acts of discrimination perpetrated in the country down the centuries. This was the reason for the creation in Paris in 2006 of the History of Immigration Centre, a cultural institution highlighting the role of immigrants in the making of France. Previously, in July 2005, the President of France, Jacques Chirac, in a speech marking the fifty-third anniversary of the rounding up of Jews at the Vel d'Hiv cycling stadium, officially recognized for the first time on behalf of the State the shared responsibility of the French authorities for the atrocities committed on French territory during the Second World War. Since then, France had actively participated in other initiatives aimed at throwing light on the dark episodes in human history. At the Durban Review Conference in 2009, it had expressed the hope that the text would make mention of the victims of slavery, apartheid and colonialism, and it saw to it that it referred to the Holocaust; it was involved in the international action group on Holocaust remembrance, established in 1998; and in 2001 it had been the first country to recognize slavery as a crime against humanity.

13. With regard to the punishment of discriminatory acts, in 2009 the Ministry of Justice and Liberties had pursued the established criminal justice policy on combating racism and anti-Semitism, designed to provide a rapid and firm judicial response by specialized judges. The Minister of Justice had therefore asked public prosecutors to broaden the scope of the antidiscrimination units set up within French courts to cover all acts committed because of the victim's ethnic origin, nationality, race, religion or sexual orientation. The objective was to have specialized judges deal with all offences of a racist or xenophobic nature, to promote discussion between representatives of the public prosecutor's office, associations and the representatives of religious communities, and to encourage victims to voice their complaints and lay charges. However, despite the extensive partnerships established within the antidiscrimination units, the prosecution services highlighted the small number of complaints of discrimination and reported a reluctance of victims to lay charges. Since the number of criminal proceedings seemed disproportionate to the investments made, the prosecution services were looking at other ways of identifying discrimination offences.

14. Combating racial discrimination on the Internet was a priority for France. A comprehensive report on the question had been submitted in January 2010 by the Internet Rights Forum, which had advocated an action plan to bring together Internet stakeholders in order to increase understanding of the phenomenon, encourage its prevention and suppression, and promote international cooperation. At the international level, France had been one of the first States to ratify, in 2006, the Council of Europe's Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems and was urging the greatest possible number of States to do likewise. However, France was aware that those efforts should not lead to unlawful restrictions on freedom of expression, and the Minister of Foreign and European Affairs had therefore launched an initiative on the freedom of expression and the Internet.

15. France was aware of the difficulties in combating racial discrimination in its territory and the Government had decided, in accordance with its international commitments, to prepare a national plan to combat racism.

16. **Mr. Prosper** (Country Rapporteur) welcomed France's decision to prepare a national plan to combat racism and noted with satisfaction that the State party had a broad range of legal and technical tools to combat racial discrimination. France was a great country that had made a rich contribution to humanity and whose influence had been considerable. The slogan of the French Republic, "Liberty, Equality, Fraternity", had given

rise to great hopes through the world, but there was a clear contradiction between the image conveyed abroad and the reality at home. Many immigrants appeared well integrated in French society but it was generally recognized that there was little ethnic diversity among the most privileged groups of society and the influential economic and political sectors. He noted that there had been political moves to strip some French nationals of foreign origin of their newly acquired citizenship and that some communities had voiced concerns about racial profiling, the denial of French citizenship and problems in obtaining housing and health care. He was concerned about a real lack of political will at the highest levels of the State to provide equal opportunities for all and to address the concerns of each and every citizen. He urged France to make the ideals of liberty, equality and fraternity a reality.

17. **Mr. Avtonomov** said he would like more information on France's ethnic make-up and underlined the importance of data on ethnic origin for the adoption of preventive measures to improve the socio-economic situation of underprivileged groups. The gathering of such data would also help the authorities better understand certain problems before acts of violence like those mentioned in paragraph 25 of the report took place. He also wished to know more about the distinction made between travellers and Roma and, in particular, if the Roma came from central and eastern Europe, whether they were nomadic and if their children had access to education. The number of camps available to travellers and Roma was insufficient. He requested more details on travellers' right to vote, bearing in mind the problems they had in registering on the electoral roll. Finally, he asked whether Mayotte was a department of France and whether the inhabitants of that overseas territory had been consulted in a referendum.

18. **Mr. Saidou** expressed concern at the upsurge of racist acts and xenophobia in the State party. Recent statements by French politicians gave the impression that the authorities had little regard for the law in France. He was concerned that there had been no follow-up to recommendations by the High Authority to Combat Discrimination and Promote Equality and the National Consultative Commission on Human Rights, particularly with regard to discrimination. He wondered whether the establishment of a Rights Defender's office might not encroach upon the work of those two bodies and if the Interministerial Committee against Racism and Anti-Semitism had been set up. He also asked how France would implement a decision by the Constitutional Council in May 2010 to bring the pensions of veterans from France's former African colonies into line with those of veterans of French nationality.

19. He asked why French citizens belonging to minorities required travel permits to travel within France, when freedom of movement was enshrined in the Constitution. He also wished to know how access to health care and education in the overseas departments and territories compared with the situation in metropolitan France and whether France was a party to the Extractive Industry Transparency Initiative, under which the management of a country's natural riches and resources for the benefit of its citizens was the responsibility of sovereign governments, which they assumed in the interest of national development.

20. **Mr. Amir**, recalling the principle of the equality of all before the law proclaimed in the French Constitution, asked if security measures adopted recently by the authorities were legal and constitutional. Referring to recent statements on the Roma and travellers by the French President, Mr. Sarkozy, he wondered how the State could legally contemplate expelling persons from Romania and Bulgaria, which were member States of the European Union. He was extremely shocked to learn that in 2010 France drew distinctions between French people and French people of foreign origin, as though some were first-rank and others second-rank citizens.

21. He also asked if the time had not come for France to apologize to Algeria for the 45,000 men who had fought for France and been executed upon returning to their country.

22. **Ms. Dah** welcomed the fact that the French delegation was composed of more women than men and expressed her appreciation of the Country Rapporteur's brief but instructive presentation.

23. It was difficult to speak of France, since it was at once too well known and too unfamiliar, especially since it had strayed from the landmarks of the past. Like the French themselves, the Committee wondered where the future of France lay.

24. More specifically, she wished to know what the State party had done to act on recommendations contained in paragraphs 23 and 24 of the Committee's previous concluding observations (CERD/C/FRA/CO/16) regarding the promotion of schooling in ethnic languages, particularly Arabic, Amazigh and Kurdish, and the issue of equal pensions for veterans of foreign nationality.

25. On the subject of overseas territories, she said that paragraphs 126 to 164 of the report were very general and reminded the delegation that France, as a State party to the Convention, was obliged to give a full account of the situation in the territories under its jurisdiction. In 2009, riots in all France's overseas territories had gone beyond the initial social demands that had sparked them and acquired an ethnic connotation. Clearly, France's plurality and principles were in bad shape.

26. The French Constitution distinguished between overseas departments and regions (art. 73), overseas communities (art. 74) and New Caledonia (part XIII of the Constitution), which constituted a special category. Two kinds of personal status existed alongside one another in those territories: civil status under ordinary law, governed by the provisions of the Civil Code, and personal status under local or customary law. However, the notion of customary law was linked to a concept of indigenous peoples, which France did not recognize any more than it recognized ethnic, religious or linguistic minorities, since the "principles of the equality of citizens and the unicity of the 'French nation' set out in the Constitution preclude the recognition of collective rights that are conferred on a group by reason of the community they form" (CERD/C/FRA/17-19, para. 132). Yet that, had not prevented France from observing the principles applicable to indigenous peoples, especially in New Caledonia.

27. With regard to land rights in New Caledonia, she noted the increased efforts by the French authorities on the subject of land redistribution to the Kanaks since the Noumea Accord of 5 May 1998, in terms both of recognizing their rights to the land and of remedying past injustices. She regretted that the subject had not been touched upon in the report, since it was an essential and unavoidable element in the future management of France's regional and territorial policy. While welcoming the fact that the Government had finally decided to prepare a national action plan to combat racism and discrimination in line with the Durban Declaration and Programme of Action, she wished to know whether the new mechanism would contain a section on the rights of indigenous peoples.

28. *Ms. Dah (Vice-Chairperson) took the Chair.*

29. **Mr. Ewomsam** welcomed the measures taken by the French authorities to ensure that the administration of justice worked well and was especially pleased by the establishment of antidiscrimination units in major courts (CERD/C/FRA/17-19, para. 172), the setting up of local networks to combat discrimination, run by the public prosecutor's offices with the main purpose of highlighting instances of discrimination, and the creation of two statistical tools allowing the judicial authorities to gauge and evaluate the effects of criminal policy in regard to combating racial discrimination (para. 32).

30. However, the results of France's policy on racism and racial discrimination were clearly not commensurate with the efforts made, as evidenced by the persistence of latent racism and the significant upsurge in racism and xenophobia in France.

31. He noted with surprise in the periodic report that France had committed itself to respecting the Durban Declaration (CERD/C/FRA/17-19, para. 53), adopted at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in South Africa in August 2001, and welcomed the fact that the State party had accordingly decided to establish a national action plan to combat racism, even if he found it disconcerting that France had been so tardy in doing so.

32. He regretted that France's security policy singled out immigration as the source of all trouble and added that a speech made by Mr. Sarkozy in Grenoble, France, in July 2010, in which he spoke of stripping French citizenship from anyone of foreign origin who endangered the life of police officers, not only discriminated against French citizens of foreign origin but also constituted an incitement to hatred. The support shown by the majority of the population for that position, as revealed in a recent survey, was especially serious and worrying. Given that the Constitution did not recognize the existence of ethnic minorities, it was astonishing that entire ethnic communities should be stigmatized because of the criminal behaviour of one of their members.

33. **Mr. Diaconu** said that France had a legislative and institutional framework enabling it to prevent and counter discrimination effectively and maintain law and order. The number of racist acts seemed to have fallen since 2007 but while the state of inter-ethnic understanding had clearly deteriorated, there were no statistics in that regard for 2009.

34. With regard to the Roma, it was particularly worrying that isolated acts had led the authorities to adopt political measures outside the country's legal and constitutional framework, stigmatized entire communities and stoked the fires of prejudice against them.

35. Certain French laws were clearly discriminatory, including the Act of 3 January 1969 relating to itinerant traders and persons moving around France for more than six months with no fixed abode or residence (CERD/C/FRA/17-19, para. 98), which made travel permits obligatory for such persons and limited the right of travellers to be registered on electoral rolls and, therefore, their right to vote. Why were such laws still in force and what was their place in the legal system, having regard to the principle of the equality of all before the law?

36. Concerning New Caledonia, he wished to know if there were any complaints based on article 15 of the Convention, on the right of the inhabitants of trust and non-self-governing territories to petition, had been lodged in that territory.

37. Noting that surveys to assess the ethnic make-up of the population in France could not be based on the ethnic origin or race of those questioned, but rather on previous nationality, he asked whether it might not be simpler to ask interviewees what language they spoke rather than their nationality of origin. It was equally surprising, if not contradictory, that a State which did not recognize the existence of ethnic minorities granted special rights to certain indigenous peoples living in its territories. The Committee on the Rights of the Child and the Human Rights Committee had recommended to France on several occasions that it recognize ethnic, religious or linguistic minorities in order to conform fully with article 27 of the International Covenant on Civil and Political Rights, which stated: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

38. With regard to the implementation of article 3 of the Convention, the report under consideration confined itself to referring to the consequences of apartheid but failed to mention racial segregation. He would like to know if cases of racial segregation had been reported in France and, if so, whether measures had been taken or were envisaged to remedy the situation.

39. **Mr. Huang Yong'an** regretted that, in spite of the establishment of the Ministry of Immigration, Integration, National Identity and Mutually-Supportive Development, immigrants and migrant workers, particularly those from Africa and Asia, continued to suffer discrimination. He would like to know what measures had been taken to improve the living conditions and basic rights of those persons and especially of the approximately 20,000 Chinese who had protested on 20 June 2010 in Paris against the poor living conditions and insecurity that were their daily lot.
40. He added that Chinese people had been harassed when the Olympic flame had been taken through Paris and that those events, which had been reported in the Chinese media, had tarnished France's image in that country.
41. **Mr. Lindgren Alves** asked how nomads in France identified themselves, whether they preferred to be known as travellers, Gypsies, Roma or tziganes and whether they had their own language or spoke only French.
42. With reference to the Besson Act and in particular the proposed new types of housing (paragraph 101 of the periodic report), he asked how the concept of nomadism could be reconciled with that of "anchorage" on so-called family sites, which amounted to a switch from an itinerant to a sedentary lifestyle.
43. Finally, he would like to know what had been the outcome of the Act that regulated, in line with the principle of secularism, the wearing of signs or garments by which pupils conspicuously indicated a religious affiliation in primary schools, middle schools and State secondary schools since it had entered into force in 2004.
44. Referring to paragraphs 11 and 12 of the report, **Mr. Murillo Martínez** requested more information from the delegation on whether the committee established to review the preamble to the French Constitution had found that the fundamental rights recognized under the Constitution needed to be supplemented with new principles and, if so, to what extent. He especially wished to know if the work of that committee had led in practice to an extension of the rights of minority groups and the adoption of corrective measures aimed at improving their lot.
45. He would also like an explanation from the delegation of what had led to the outbreak of violence in cities in 2005, which seemed to betray a deep-seated unrest in French society and had been widely reported in the local and international media. Had steps been taken to ensure that such events did not reoccur?
46. Welcoming the decision to establish a national action plan against racism and all forms of discrimination, he asked what events the State party planned to stage in the framework of the International Year of Disabled Persons.
47. **Mr. Lahiri** considered that France, which refused categorically to contemplate differential treatment of its citizens on the basis of ethnic origin, or even to identify people from different population groups, should perhaps reconsider its position. The keeping of statistics disaggregated by ethnic origin, language or religion facilitated the detection of discrimination and the adoption of appropriate and targeted measures. The Committee had to remind States parties constantly that denying the existence of discrimination merely by refusing to measure its extent did not make that discrimination any less real, and that equality of treatment in situations of inequality itself constituted a form of discrimination.
48. **Mr. Kut** wished to know if the upsurge of racist talk in French political debate was seen by the State party as a serious problem and whether the authorities planned to do anything about it.

49. He also asked how the draft bill on the deprivation of French citizenship could be constitutional and compatible with the founding principles of the French Republic and what was meant by the term “French of foreign origin”.

50. **Mr. Peter** asked the delegation what measures had been taken by the Government to combat racism in sport, particularly in football.

51. Referring to Act No. 228, of 15 March 2004, which prohibited the wearing of signs or garments by which pupils conspicuously indicated a religious affiliation in primary schools, middle schools and State secondary schools, and the draft bill banning the wearing of the full veil, which was due to be considered by the National Assembly in autumn 2010, he wondered what might be prohibited next in France. He drew the attention of the delegation to the fact that such measures could be interpreted as repeated and systematic attacks on France’s Muslims, who made up 10 per cent of the population.

52. **Mr. Thornberry** wanted to know if the children of Roma and travellers were victims of hostile behaviour in schools and regretted that political attitudes towards members of the Roma community had hardened in France.

53. The legality of the decision to prohibit the wearing of the full veil would have to be considered in the light of the Convention, as it could constitute a form of indirect discrimination if it affected a particular ethnic group disproportionately. He would like to know if the Act of 2004 on the wearing of signs or garments by which pupils conspicuously indicated a religious affiliation in primary schools, middle schools and State secondary schools had affected enrolments in State schools or deprived any children of their right to education.

54. The debate on secularism and republican values should not be allowed to divert attention so as to focus on philosophical theories rather than social realities and the situation of human rights in the country.

55. **Mr. Prosper** (Country Rapporteur) summed up the main questions to which the delegation was expected to reply in the following session.

The meeting rose at 6 p.m.