



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2930th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 November 2022, at 10 a.m.

Chair: Ms. Shepherd

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The meeting was called to order at 10.05 a.m.

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

Combined twenty-second and twenty-third periodic reports of France (continued)
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1. *At the invitation of the Chair, the delegation of France joined the meeting.*
2. **Mr. Amir** (Country Rapporteur) said that he wished to know what legislative and other measures the State party was taking to guarantee access to education and health care for Roma persons and whether Roma history and culture were included in school curricula.
3. **Mr. Diaby** (Country Task Force) said that he would appreciate an explanation as to why the State party considered the use of the term “Indigenous Peoples” (“*peuples autochtones*”) to run counter to the constitutional principles of indivisibility and why it had not adopted a comprehensive, uniform policy towards Indigenous communities.
4. He would be grateful to know what progress had been made in implementing the emergency plan for French Guiana and what challenges remained. The Committee would like to find out whether the area of land assigned to Indigenous Peoples had totalled 400,000 hectares, as provided for in the plan. He was curious to know what steps the State party had taken to recognize and respect the rights of the Indigenous Peoples of French Guiana, including their right to their ancestral lands and to resources traditionally used by them, as well as their right to free, prior and informed consent in respect of measures likely to affect them. In that connection, he was keen to learn how many consultations had been held with the Grand Customary Council on projects or proposals that were liable to affect the environment or habitat of American Indian and Bushinengue peoples, and whether the opinions of those peoples had been properly taken into account. The Committee would be interested to hear whether Operation HARPIE, which aimed to combat illegal gold mining, had improved the environment and the living conditions of Indigenous Peoples. Regarding the State party’s commitment to ensuring that Indigenous languages were present and recognized in schools, he wished to know how many people in the education system spoke such languages.
5. It would be of interest to find out what measures the State party was taking to guarantee the rights of Indigenous Peoples in New Caledonia, in particular their economic, social and cultural rights, their right to self-determination and their right to the land and resources traditionally used by them. The delegation might wish to provide information on the implementation status of the New Caledonia education project and on the extent to which Indigenous Peoples were represented at the various levels of the education system. He wondered what the participation rate had been in the referendum on self-determination in New Caledonia.
6. The Committee would appreciate more detailed information on the implementation of the “Mayotte 2025” strategy document and on the enjoyment by the people of Mayotte of the rights enshrined in the Convention. In particular, the Committee would like to know the extent of the complementary universal health coverage provided for under the Act of 28 February 2017 on planning for substantive equality overseas and what measures the State party was taking to integrate the State medical aid system in Mayotte.
7. The Committee would welcome detailed information on the prevention of illegal administrative practices relating to school registration since the adoption of Decree No. 2020-811, of 29 June 2020. It would also like to have more information on the repeal of derogating provisions relating to identity checks. It would be of interest to find out what measures the State party was taking to align the system in overseas territories dealing with the stay of foreigners with that of mainland France. A number of overseas territories evidently aspired to full sovereignty. He wondered what steps the State party was taking to enable self-determination for all overseas territories and departments.
8. He was curious to know what measures the State party had taken to improve access to the right to asylum and to enhance procedures for receiving migrants, asylum-seekers and refugees and to promote their social integration and the integration of stateless persons,

including in respect of their access to housing, employment, education and an adequate standard of living. The Committee would like to learn how many asylum applications had been processed since the reform of the asylum system, what percentage of applications had been refused, what the main reasons for those refusals had been and what remedies were available to applicants. It would be useful to know how many stateless persons there were in France and whether the State party planned to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. How many of the 10 proposed actions in the Global Action Plan to End Statelessness 2014–2024 had the State party implemented? The delegation might describe the efforts the State party was making to protect unaccompanied migrant children and asylum-seekers, how it ensured the emergency temporary reception of such persons and whether it applied the principle of presumption of minority to all minors seeking protection. The Committee would be interested to find out what steps the State party had taken to implement effectively the guarantees provided for by domestic and international law for the assessment of asylum applications.

9. He would welcome the State party's comments on the views expressed by United Nations special rapporteurs on a recently enacted law whose aim was to "strengthen respect for the principles of the Republic", namely that it did not appear to meet the requirements of international human rights law, non-discrimination and equality of all before the law. In addition, it would be useful to the Committee to know to what extent civil society had contributed to the preparation of the State party's report, whether the State party had run any campaigns to raise awareness of the Convention since its previous review in 2015 and, if so, to whom such campaigns had been addressed.

10. The Committee would also like to know what measures the State party planned to take to ensure that artificial intelligence tools, including algorithmic profiling systems, did not compromise the right to freedom from discrimination and the right to equality before the law. In the wake of a series of high-profile events that had contributed to tarnishing the reputation of the Chechen community in France, directly associating it with terrorism and urban violence, the delegation was invited to describe the measures the State party was taking to prevent widespread discrimination against Chechen persons. Lastly, he wondered what steps the State party had taken to mark the International Decade for People of African Descent, which was drawing to an end, and to make reparations for slavery.

11. **Mr. Rayess** (Country Task Force) said that he would like to know how many complaints of racial discrimination had led to decisions not to prosecute and how many appeals against such decisions had been lodged with the public prosecutor's office. He would also like to know how many claims for damages in criminal proceedings had been brought before an examining judge in cases discontinued by the prosecutor's office, and of those claims, how many had resulted in decisions to discontinue proceedings, and how many had been referred to the competent courts by the examining judge. The Committee would be interested to hear what steps the State party was taking to separate the powers of the police from those of the criminal investigation service so as to ensure that the criminal justice system functioned as effectively as possible. Lastly, he would welcome the State party's response to reports that administrative courts did not systematically place the burden of proof on the State to demonstrate that a particular sanction, such as an expulsion order, was justified.

12. **Mr. Guissé** said that he wished to know why the State party distinguished between foreign nationals ("*étrangers*") and immigrants ("*immigrés*") in the statistical data provided in paragraph 11 of the periodic report. To his mind, the meaning of those terms overlapped significantly. He wondered if the distinction distorted immigration statistics in the country.

13. **Ms. Ali Al-Misnad** said that the State party did not appear to have conducted awareness-raising campaigns on negative attitudes towards immigrants, particularly persons from Arab and African countries. Indeed, hatred of immigrants had reportedly been harnessed by candidates to win votes in recent elections.

14. **Ms. Stavrinaki** said that the term "foreign national" seemed also to apply to stateless persons. She would be interested to hear about the lessons learned by the State party during the coronavirus disease (COVID-19) pandemic with regard to access to health services, particularly for groups affected by racial discrimination and in relation to discrimination linked to digital technologies.

15. **Ms. Esseneme** said that she would appreciate responses to the questions that she had posed at the previous meeting concerning the discrimination suffered by Muslims and the excessive number and treatment of fixed-penalty, on-the-spot fines imposed by the police on members of vulnerable groups. The legal basis for the police's practice of simply recording incidents as police reports rather than receiving formal complaints of offences was a circular issued by the Ministry of the Interior. That practice was thus administrative in nature. She wished to know whether it would be proscribed in cases of racial discrimination, as it had been for cases of domestic violence. It was her understanding that the criminal investigation branch of the police fell under the responsibility of prefects. If so, she would welcome clarification of the role of the public prosecutor.

16. **Ms. Tebie**, noting that the State party had recently signed an agreement with the Government of the United Kingdom to prevent crossings of the English Channel by migrants, said that she would like to know how it differed from the numerous agreements with the same aim signed previously by the two Governments. What drove that dangerous form of migration and what measures had been adopted to address its root causes?

17. **The Chair** said that she would welcome clarification of the current official name of French Guiana, which had reportedly recently changed names. She wished to know what active steps the State party was taking in relation to reparations, particularly for contemporary wrongs that were related to historical wrongs, as in the case of climate change, which had particularly serious effects on people living in the Caribbean region.

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

18. **Ms. Elizéon** (France) said that the Government funded the Foundation for the Remembrance of Slavery, which undertook a range of activities to promote the remembrance of slavery and trafficking in persons. The Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred was working with civil society to organize an event to mark the International Decade for People of African Descent. Departmental prefects were responsible for reviewing the legality of the action taken by local authorities and could thus compel a local authority to, for example, enrol a Roma child in school, or they could overrule local authorities and insist that protection should be provided to unaccompanied minors. The process of reviewing the legality of action by a local authority began with negotiation and mediation, which were preferred to legal proceedings as a means of conflict resolution.

19. An investigation into the death of Adama Traoré had been launched, and although she could not comment on ongoing legal proceedings, it was public knowledge that 10 forensic examinations had been carried out; the parties to the case were able to review the case file, were involved in all stages of the proceedings and had access to all legal remedies. Cognizant of the risks to fundamental rights posed by artificial intelligence, the Government played an active role in developing regulations at the international level, including in the recent adoption of European Union legislation on digital services that introduced regulations for digital actors, and in the drafting of an instrument in the Council of Europe on the same subject.

20. It was important to distinguish between Travellers, who had a nomadic or semi-nomadic way of life, and the Roma community. Significant progress had been made with regard to Travellers during the reporting period, including the abrogation of the special administrative status previously applied to them, commemoration of the thousands of Travellers who had been imprisoned in internment camps between 1940 and 1946 and the re-establishment of a consultative commission for Travellers, which included working groups on caravans and education. More than 75 per cent of the planned permanent halting site places had been created by late 2021, although that figure fell to 54 per cent for temporary halting site places. A circular had been issued to departmental prefects in an effort to make further improvements.

21. The majority of the Roma community in France were citizens of the European Union. The evacuation of the slums in which many Roma persons lived was undertaken only after a legal or administrative decision had been issued and did not target particular groups. Furthermore, alternative accommodation must be offered. The Government had adopted a comprehensive approach to eradicating the precarious situation of the Roma community through action on social reinsertion, child protection, rehousing and public security. As a

result, 3,000 fewer persons lived in the slums, and more than 3,200 Roma children had been enrolled in school. A statement of good faith could now be used as proof of residence for the purposes of school enrolment. The term “Indigenous People” was incompatible with the French Constitution owing to the Constitution’s definition of the French Republic, and therefore its people, as indivisible. For that reason, all State action to address racism, antisemitism and discrimination based on origin applied equally to the entire population.

22. **A representative of France** said that the scope of the study previously known as the “Living environment and security” survey had been broadened significantly to include 200,000 participants. It would provide a more accurate analysis of the situation of different groups and in different areas and of the number of persons who had been subjected to racism. The term “foreign national” referred to a person of foreign nationality residing in France. Most foreign nationals had been born abroad, although some had been born in France. “Immigrant” meant a person residing in France who had been born abroad with a foreign nationality. While some immigrants were also foreign nationals, around 37 per cent had acquired French nationality. The term “immigrant” was commonly used for statistical purposes and facilitated analysis of that group’s integration, trajectory and circumstances.

23. **A representative of France** said that of the over 7,700 complaints of racism and discrimination received by public prosecutor’s offices in 2021, some 50 per cent had been dismissed, compared with 68 per cent for all types of complaint. Cases were dismissed when proceedings could not be launched, for example when there was insufficient evidence that a crime had been committed. Of the complaints that had not been dismissed, 49 per cent had been referred to the criminal courts, resulting in over 1,300 convictions, and 51 per cent had been resolved by alternative means, such as through the use of training courses or awareness-raising measures by means of visits to sites commemorating incidents related to racism or discrimination. The activities of the criminal investigation police were directed and reviewed by the public prosecutor, who also periodically evaluated officers’ performance and examined inculpatory and exculpatory evidence before deciding whether to prosecute. Prefects did not intervene in any of those activities.

24. The police never of their own initiative took police reports instead of receiving formal complaints. However, when victims refused to lodge formal complaints, the police would be left without any record of the incident in question if they could not file a police report. In the case of domestic violence, it was prohibited to file a police report. If the victim refused to file a formal complaint, the investigating officers could gather information on the incident for submission to the public prosecutor, who could subsequently open an investigation even in the absence of a formal complaint from the victim. The filing of police reports was not intended as a replacement for formal complaints, but the police reports served the purpose of placing the specifics of an incident on record when the victim decided not to pursue the matter. Fixed-penalty, on-the-spot fines had originally been introduced to deal with common offences that could be determined objectively, such as traffic violations, squatting or trespassing. Recipients could appeal the fines and have their cases examined by a court, and no particular category of offender was targeted.

25. **Ms. Elizéon** (France) said that the use of fixed-penalty, on-the-spot fines for setting up camp illegally on property belonging to others did not exclusively target Travellers. Such fines could not be imposed in municipalities that failed to provide halting sites, as required.

26. **A representative of France** said that a law of 7 February 2022 had supplemented the existing rights of persons claiming to be unaccompanied minors to shelter and material assistance. Such persons were now accorded a recuperation period, including emergency accommodation and a health check, before their status as a minor was assessed. It also provided for the phasing out, over 2 years, of the use of hotel accommodation for them.

27. The presumption of minority status was not recognized as such in French law. The evaluation of a person’s claim to be a minor was based firstly on the civil status documents issued by the country of origin. Those documents were presumed to be valid. A forensic medical exam could be used only as a last resort, when no other data was available, but it could not be the only evidence cited in determining a person’s age.

28. **A representative of France** said that a plan to strengthen provisions for asylum-seekers and refugees had been implemented. It guaranteed access of unaccompanied

minors to the asylum procedure, harmonizing and simplifying the process by which their asylum applications were recorded. Training initiatives had been set up across France for professionals working with children, in partnership with the Office of the United Nations High Commissioner for Refugees. Measures had also been taken to help re-establish communication between unaccompanied minors and their families.

29. **A representative of France** said that each of the 13 elements of overseas France formed an integral part of France, which meant that the people living in those territories enjoyed exactly the same rights as any other French citizen. That said, each territory had a status and benefited from policies and laws established specifically to suit its particular situation, reflecting the diversity, aspirations and customs of the different populations. A wide variety of public services were brought on a regular basis by canoe to isolated Indigenous populations that could be reached only by river.

30. Funding had significantly increased for the advisory bodies set up to enable the local populations in French Guiana and New Caledonia to convey their opinions on the issues that affected them. The situation in Mayotte differed from that of French Guiana and New Caledonia, as its inhabitants were not considered to be an Indigenous community in the same way as people in French Guiana or New Caledonia. Nearly all the measures of the emergency plan for French Guiana, which represented a total cost of €1 billion, had now been implemented, in close partnership with the various stakeholders. All health measures were in place, and €285 million had been earmarked over five years to help build schools. A tax and social pact had also been launched.

31. Regarding the return of 400,000 hectares of land requested by the Indigenous populations in French Guiana, a decisive step had been taken with the pending creation of the tripartite public body for cultural and environmental cooperation (EPCCE). It would work with Amerindian populations to identify the land that would be handed over. As far as consultation procedures were concerned, the Grand Customary Council had taken several recent initiatives and now boasted stronger legal, economic and social powers with which to defend the interests of Indigenous populations. In addition, protocols for consultations with local populations similar to those that existed in other South American countries had been put in place.

32. A department tackling illegal gold panning and fishing had been set up, bringing together all stakeholders, including representatives of the environmental and health services and the military. Although the three referendums on self-determination set up by the Nouméa Accord had produced results that opposed independence, dialogue was still taking place on the subject, with the most recent political meetings taking place in October 2022 in Paris.

33. The delegation could not comment on action taken related to health and education in New Caledonia, as those areas were controlled by the local administration.

34. Various ongoing initiatives in Mayotte were helping to reinforce and accelerate the convergence process that had been undertaken for the period 2019–2023 throughout France. All the relevant themes were being covered, including territorial cohesion, mobility, innovation and social cohesion. Particular efforts were being made to remove differences in the provision of health insurance that currently existed between Mayotte and mainland France. That included the establishment of supplementary health insurance, along with other social benefits such as paid paternity leave, which had recently been introduced for employees and self-employed persons.

35. **A representative of France** said that statistics relating to penalties handed down to members of the internal security forces for professional misconduct were available to the public on the website of the Inspectorate General of the National Police.

36. Decisions on the closure of places of worship under the provisions of the 2017 Act on strengthening internal security and counter-terrorism were justified by reasons of incitement to discrimination, hatred or violence towards a person or group of persons. In addition to the conventional appeal process, which was based on grounds of abuse of power, a second type of appeal could be filed. After a place of worship was notified of a decision to close it, it had 48 hours to file a suspensive appeal. Twelve decisions to close places of worship had been taken under the 2017 law, with one remaining open on appeal.

37. The law to strengthen respect for the principles of the French Republic was not intended to stigmatize any category of person. It had been introduced as part of a global strategy combating separatism in all its guises, in order to impede any initiatives that ran contrary to the founding principles of the French Republic and to amplify actions taken to promote equal opportunities across the entire country. It represented a new front, opened in 2017, in the struggle against separatism.

38. Referring to the “*notes blanches*” (briefing memos drafted by the intelligence services), she said that judges could use “*notes de renseignement*” (information memos) to help inform their assessment, subject to critical analysis. There was also long-standing and ongoing jurisprudence according to which the probative value of such briefing memos was dependent on the precise circumstantial evidence that they contained. Respect for the adversarial principle was ensured, as the memos were issued prior to the hearing, thus giving the people in question the opportunity to dispute their content.

39. A national scheme had been set up for the reception of asylum-seekers and the integration of refugees. The accommodation capacity of reception centres had been doubled between 2015 and 2022. There were now 300 new places for women victims of domestic violence and 200 for lesbian, gay, bisexual, transgender and intersex asylum-seekers. A temporary protection system had been set up in response to the influx of persons fleeing the conflict in Ukraine. The policy for integrating refugees and asylum-seekers was based on the Republican Integration Contract, which helped evaluate the needs of individuals and provide guidance for their social and professional direction. New arrivals attended a compulsory four-day civics training course covering many aspects of life in France and were provided with between 100 and 600 hours of language lessons.

40. There was also a comprehensive and individualized support programme for refugees, which had an annual budget of €100 million and was present across the whole country. Refugee integration activities employing community actors received some €80 million in support from the State and further support through the European Asylum, Migration and Integration Fund.

41. To support the integration of women migrants, training was provided to persons working in the asylum system to help them identify vulnerable individuals, and communication campaigns were conducted. A welcome booklet had been published for Ukrainian refugees and measures had been introduced to help women refugees who had suffered sexual violence in the context of the conflict in Ukraine to make statements to the French police. The Government was aware of the risk posed by human trafficking as a result of the displacement of refugees from Ukraine and was working to make it known.

42. **A representative of France** said that a new regulatory reference framework had been introduced in recent years instituting mandatory training for teachers on the values of the French Republic, with a particular emphasis on combating discrimination. In February 2022, a new training master plan had been published, including a specific section on combating racism and antisemitism. The aim was for the programme’s 1,300 trainers to provide all of the country’s 1.1 million education employees with a first round of training within four years. A further training programme from 2020 offered guidelines on how schools should raise pupils’ awareness of racism and set out the national response of the education department to racist or antisemitic acts committed in school settings.

43. Educational commitments were being kept in French Guiana, including on pay, a doubling of the number of mother-tongue teachers and the construction of new school buildings. Close attention was also being paid to the teaching of Creole in French Guiana.

44. **Mr. Diaby** said that he would appreciate information on measures to tackle the underreporting of racist acts and thus ensure that they were addressed by the authorities. He wondered what steps the State party had taken to build consensus between persons involved in the criminal justice system on the reform of the criminal investigation police. The Committee would be interested to know how the State party intended to put a stop to the practice by its intelligence agencies of drafting the intelligence briefing memos known as *notes blanches*, which might lead to measures against individuals of certain backgrounds based on a presumption of guilt, in violation of their human rights.

45. If he understood correctly, war veterans who originated from the country's former colonies received smaller pensions than their counterparts from France. The Committee would like to know what measures would be taken to remedy that situation. He would also be grateful for an update on the situation relating to the Montagne d'Or mining project in French Guiana, which endangered the rights and the lives of Indigenous Peoples and had been the subject of a letter sent by the Committee under its early warning and urgent action procedure. It would be useful to the Committee to hear an estimate of the number of stateless persons in France and to find out whether France planned to ratify the Convention on the Reduction of Statelessness. How many campaigns had been conducted to raise public awareness of the Convention on the Elimination of Racial Discrimination?

46. The Committee welcomed the State party's efforts to remedy historic injustices, such as the adoption of the Act of 21 May 2001, which recognized the slave trade and slavery as a crime against humanity, and the return of stolen artworks to Benin. In that context, he was curious to know whether the State party might develop mechanisms for the payment of reparations for slavery and colonialism.

47. **Mr. Rayess** said that the delay in resolving the case of the death of Adama Traoré was unacceptable and troubling, as the proceedings had apparently been blocked by the prosecution service. He encouraged the State party to take measures to unblock the proceedings as soon as possible. He also wished to remind the delegation that, in countries with historic ties to France and whose citizens had contributed to its development, measures such as mosque closures in France were perceived as being motivated by religious intolerance and contributed to a sense of rejection.

48. **Ms. Elizéon** (France) said that her delegation would provide information in writing on the rights of Indigenous Peoples threatened by extractive activities and on the question of reparations for slavery and colonialism. Regarding the underreporting of racism, the new national plan to combat racism and antisemitism, due to be launched in December 2022, would include measures and indicators designed to bring the number of complaints into line with the number of victims of racism, xenophobia and religious intolerance estimated by the victimization survey conducted by the National Institute of Statistics and Economic Studies. The measures were still being finalized, but they would likely include improvements in the training of police officers and gendarmes.

49. The judicial investigation into the death of Adama Traoré, which had been entrusted to three investigating judges, continued, and therefore the prosecution service could not be accused of blocking the proceedings. She was not at liberty to disclose details regarding the progress of the investigation, although some information, including a statement released by the Paris prosecutor's office in June 2020, was publicly available.

50. Individuals who were the subject of a *note blanche* briefing memo were permitted to access the document as soon as it was cited by a judge during legal proceedings. They were also able to dispute its content, either in writing or during the hearing.

51. The Government had not conducted any major campaigns to raise awareness of the Convention or broader anti-racism efforts under the current national plan to combat racism and antisemitism. However, it planned to conduct such a campaign in the framework of the new edition of the plan.

52. **A representative of France** said that in 2021 there were approximately 2,000 stateless persons in France. Most were from Western Sahara or Mauritania.

53. **Ms. Esseneme** said that she was concerned that only a very small proportion of the appeals that had been lodged against administrative closures of mosques had been successful. She, too, would welcome further information on the reform of the criminal investigation police. The proposed legislation placing it under the authority of the prefectures ran contrary to the principle of separation of powers, and police officers and officials in the justice system had protested against the reform. Furthermore, the Committee had been informed that Travellers, migrants and other vulnerable persons were particularly likely to be given compulsory on-the-spot fines for offences such as trespassing. She wondered whether French criminal procedure provided for suspects to have a choice between paying the fine and going to court to contest it.

54. **Ms. Tlakula** said that the Committee would appreciate disaggregated data on the enrolment of Roma children in schools and the employment of Roma women and other minority women.

55. **Mr. Amir** said that he was grateful to the delegation for its expertise and its organized approach to the constructive dialogue. He trusted that the information exchanged between the Committee and the delegation would be widely disseminated in the State party and that the Committee's concluding observations would lead to concrete measures for the elimination of racism and racial discrimination in France and elsewhere.

56. **Ms. Elizéon** (France) said that France was fully committed to the fight against all forms of racial discrimination. That commitment had its origins in the founding of the French Republic, which since its inception had affirmed the equal rights of man. Given that such principles must be applied not just in law but in practice, and that public policies should be delivered in a way that effectively benefited individuals, the new national plan to combat racism and antisemitism would contain practical measures, including the compulsory training of officials and better support and information for victims, to enable them to report racism and discrimination. The plan would also seek to combat discrimination on grounds of origin, notably in terms of access to employment and housing, and to ensure that the plural history of France was taught in schools from an early age, recognizing the contribution that people of foreign origin had made to the country's economic, social, cultural and political development. The plan, while respecting the universality of the struggle for human rights, would not prevent the adoption of targeted measures to ensure that specific vulnerable groups could fully enjoy their rights. By applying a universal model that refused to distinguish on the basis of origin, the Government focused on that which united society: thirst for liberty, equality before the law and fraternity as human beings. As the Latin poet Terence had written, "I am a man, and nothing human is foreign to me".

The meeting rose at 12.55 p.m.