



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

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Seventy-seventh session

Summary record of the 2027th meeting

Held at the Palais Wilson, Geneva, on Thursday, 12 August 2010, at 10 a.m.

Chairperson: Mr. Kemal

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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*)

Seventeenth to nineteenth periodic reports of France (continued) (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. Leyenberger** (National Advisory Commission on Human Rights) said that the National Advisory Commission on Human Rights (CNCDH) was one of the oldest institutions in France for the promotion and protection of human rights, as it had been set up in 1947 at the initiative of René Cassin. It was in conformity with the Paris Principles, and was responsible, under Act No. 90-165 of 13 July 1990, for submitting an annual report to the Prime Minister on action to combat racism, anti-Semitism and xenophobia in France – a mandate reaffirmed by Act No. 2007-292 of 5 March 2007.
3. The CNCDH, which had been involved in the preparation of the State party's report, had been invited to examine critically and comment upon the draft report prior to its submission to the Committee, and could make its comments known in the form of an opinion. The CNCDH was responsible for the follow-up of the Committee's concluding observations and general recommendations. In 2009, the CNCDH had for the first time published a work providing a systematic overview of the observations and recommendations made to France by United Nations bodies and by regional organizations such as the Council of Europe, which made similar recommendations.
4. Regarding the implementation of the Convention by France, he said that many of the questions posed by Committee members at the previous meeting coincided with the observations and recommendations of members of the CNCDH. On 21 March 2010, the Commission had submitted to the Prime Minister a key report on action to combat racism, anti-Semitism and xenophobia. A genuine barometer of public opinion in that regard, the report contained a number of recommendations to the French Government, in particular on the establishment of a national action plan against racism in accordance with the programme of action adopted by the World Conference against Racism in Durban. The French delegation's announcement the previous day that such a mechanism would soon be established was reassuring. In its report, the CNCDH had also recommended that the Inter-Ministerial Committee to Combat Racism should become the coordinating body for all Government measures to combat racism. Unfortunately, the Committee only met occasionally and did not fulfil the necessary oversight function.
5. Manifestations of racism on the Internet were a constant cause for concern for the Commission because, in France as elsewhere, the Internet had become the most accessible means of communicating racist and xenophobic ideas, perpetuating stereotypes and encouraging hostile feelings towards groups such as Jews, Muslims, foreigners and immigrants. The establishment of the reporting platform PHAROS by the Ministry of the Interior in January 2009 was a real step forward in identifying and condemning racism on the Internet. Nevertheless, in view of the nature and proliferation of incidents reported and the risks involved, specific and concerted action in that area should be a political priority for the French Government. The CNCDH reiterated its repeated recommendation to establish a public watchdog against racism, anti-Semitism and xenophobia on the Internet.
6. The recent debate in France over the wearing of the burka had generated some controversy. The Council of State had expressed reservations about the introduction of a general and unconditional ban on wearing the burka, as had the CNCDH, which considered that a general ban would be inappropriate given the difficulty of implementation and the

fact that few people wore such veils in France. The CNCDH had pointed out the existence of legislation regulating public security in some places and the need to support women victims of violence and to strengthen education and training, particularly in the field of human rights. A bill had been passed that prohibited concealing one's face in public places and a formal resolution had been adopted by all parliamentary groups in the National Assembly recalling the fundamental values of liberty, secularism, dignity and equality between men and women. The Commission had also stated its view on the recent bill on immigration, integration and nationality in an opinion dated 5 July 2010.

7. The Commission was concerned by official statements that were discriminatory against the Roma and travellers. He pointed out that in 2008 the CNCDH had published an in-depth study on the question containing a series of proposals on the avoidance of stigmatization or unwarranted generalization, and had recently issued a further communiqué.

8. Recent government proposals extending the cases in which an individual could be stripped of his or her French nationality, and abolishing the automatic granting of French nationality to minors born in France who had reached the age of majority if they had been convicted of an offence, were contrary to the principle of equality and would reinforce the stigmatization of French nationals of foreign origin. The Commission continually warned against individual or collective discrimination and rejected all community-based separatism. It considered that the utmost vigilance must be observed when the equality of all citizens, regardless of origin, was at stake.

9. The Commission welcomed the role played by the High Authority to Combat Discrimination and Promote Equality (HALDE) ever since its establishment and hoped it would continue to expand its efforts to ensure that rights were effectively exercised. As a result of its work, greater account was taken of the diversity of French society by politicians, the media and large companies.

10. **Ms. Dubrocard** (France), responding to the question of whether the principle of the indivisibility of the nation was compatible with recognition of the diversity and distinctive identities constituting it, said that the principle of equality of all citizens before the law was the basis for France's policy of combating discrimination and, in particular, racial discrimination. France remained committed to the concept of one people embodying all its citizens, without distinction of origin, race or religion. That principle did not imply the negation of cultural, religious or linguistic differences between citizens.

11. The French Republican Pact was not synonymous with inertia. The Constitution of 1958 had been revised many times, and the revision of 23 July 2008, which was certainly one of the major such revisions, had included new provisions to strengthen the role of Parliament, reform the exercise of executive power and guarantee new rights to citizens by establishing a mechanism to monitor the constitutionality of laws at the initiative of individual citizens by creating the post of Defender of Rights.

12. She emphasized the revolutionary nature of the new mechanism to monitor constitutionality. Since 1 March 2010, any citizen could have a law repealed if it was incompatible with the rights and freedoms protected by the Constitution. In that way, the Constitutional Council had decided on 28 May 2010 that veterans' pensions should be the same for all, regardless of nationality.

13. France was a State founded on the rule of law where fundamental rights had been strengthened, in particular through the latest revision of the Constitution. Extensive case law protected rights and freedoms and the principle of equality, and strictly limited the action of the State in that regard.

14. As to the constitutionality of political statements concerning the forfeiture of French nationality by any person of foreign origin who offended against a person exercising public authority, she said that no law on the subject had yet been drafted but that, if it were to be, it would be examined by Parliament and would be subject to constitutional review like all French legislation.

15. The establishment of the post of Defender of Rights was in keeping with the concern expressed by the Committee in its concluding observations on France's previous periodic report regarding the proliferation of machinery to promote integration and combat discrimination and the risk of watering down the State party's efforts to combat racial discrimination and xenophobia (CERD/C/FRA/CO/16, para. 11). The post of Defender of Rights was intended to make the French system of protecting citizens' rights and freedoms more coherent by replacing a whole series of independent bodies responsible for such protection. Any individual who felt wronged by a government authority or service could file a complaint with the Defender of Rights, who would have the authority to look into the activities of individuals concerning the protection of children as well as any direct or indirect discrimination prohibited by law or by an international instrument that France had signed and ratified. The Defender of Rights would enjoy extensive powers to investigate and would be able to act *ex officio* and be heard by any court. His office could issue an injunction if its recommendations remained inoperative, and failure to respect its powers of investigation could result in penalties. The Defender would report on his activities to the President and to Parliament. So far, it was planned that his remit would cover those of the Ombudsman, the Children's Ombudsman, the National Commission on Security Ethics and the High Authority to Combat Discrimination and Promote Equality (HALDE). The representative explained that the law establishing the Defender of Rights was so far only a bill and would have to be considered by the National Assembly. Establishment of the post of Defender of Rights would give unprecedented scope to the French system for protecting rights and freedoms.

16. Regarding the upgrading of veterans' pensions, she noted that President Sarkozy had said on 13 July 2010 that some debts never died, announcing in the process that pensions for African veterans would soon be brought in line with those for French veterans. As of 1 January 2011, France's pension system would be in full conformity with its Constitution. As many as 30,000 people would benefit from the new legislation.

17. With regard to determining the ethnic composition of the population, she pointed out that article 1 of the Constitution stipulated that the Republic should "ensure the equality of all citizens before the law, without distinction of origin, race or religion". In practice, the French approach therefore postulated that the affirmation of an identity was the result of a personal choice, not of a set of criteria that defined, *a priori*, one group or another and would necessitate a separate legal regime. Such an approach protected the right of every individual to embrace a cultural, historical, religious or philosophical tradition, or to reject it. France had always stressed that point in international forums, pointing out the unintended consequences of an overly rigid approach to the protection of minorities, including any attempt to define general criteria for being a member of a minority or even to compile registers of people from minorities. That approach, though far from settled, was based on an ongoing national debate, of which the most recent highlight had been the submission on 17 December 2008 of the conclusions of the Advisory Committee on the Preamble to the Constitution (the "Veil Committee"), which had determined that the current constitutional framework could not be regarded as an obstacle to the implementation of ambitious affirmative-action measures that could benefit, among others, people of foreign origin who were insufficiently integrated in French society.

18. The Constitutional Council had moreover stated in its Decision No. 2007-557 of 15 November 2007 that while the objective data used for studies regarding the diversity of

people's origins, discrimination and integration could not be based on ethnicity or race, they could, for example, be based on name, geographic origin or nationality prior to French nationality, and that those elements made it possible to acquire a detailed understanding of the population and its needs. Taking such criteria into account, together with the interviewees' feeling of belonging; could produce results comparable to those made possible by use of an ethno-racial frame of reference. Her Government therefore deemed it unnecessary to adopt a new law to determine the scope and structure of racial discrimination in the country.

19. **Ms. Smirou** (France) said that despite the Government's proactive measures to combat racist and anti-Semitic acts of violence, including compiling a transparent and exhaustive inventory of such acts in order to evaluate the phenomenon more fully, racist and anti-Semitic acts remained too common in France. At the start of 2010, the Government had designated a prefect, Michel Morin, to be responsible for coordinating the activities of the relevant authorities and making proposals to improve statistical knowledge of anti-Semitic and racist acts. Mr. Morin would submit his proposals within the next few months.

20. The Ministry of the Interior had established a partnership with bodies representing the Jewish and Muslim communities, in particular the Protection Service for the Jewish Community (SPCJ) and the French Muslim Council (CFCM). In June 2010, the Ministry had signed a framework convention with the latter to ensure better statistical monitoring of hostile acts against Muslims in France. The police and the gendarmerie kept monthly reports of racist and anti-Semitic acts, which were consolidated nationally by the Ministry of the Interior and cross-checked against information from Jewish and Muslim organizations. Between 1 January and 31 May 2010, the Ministry had recorded 380 racist and xenophobic acts and 222 xenophobic acts, which represented a 22 per cent decrease in racist acts and a 61 per cent decrease in xenophobic acts compared to the same period in 2009. The number of convictions for acts of racism was continually increasing, but that trend was related more to a better grasp of the phenomenon and a significant increase in the number of complaints lodged than to an increase in racist acts. The average term of unconditional imprisonment handed down in such cases reflected the seriousness with which such acts were regarded by the courts.

21. As the head of her delegation had explained the day before, France made a distinction between travellers and the Roma, the former being almost all French citizens (300,000 to 400,000 people). The term "traveller" was an administrative term that made it possible to avoid distinctions between French citizens in terms of their origin and to accurately describe the itinerant way of life of that particular group. The Roma were usually sedentary people coming from Central and Eastern Europe, mainly Bulgaria and Romania.

22. In the autumn of 2009, the High Authority to Combat Discrimination and Promote Equality (HALDE) had written a special report on the right to vote and the issuing of travel permits for travellers. It had called for abolition of the requirement for travellers to apply for a travel permit from the police or the gendarmerie every three months. The requirement in question, stipulated by the law of 3 January 1969, was justified by the fact that travellers had no permanent home or address, and it was in return for the very great freedom of movement that travellers enjoyed. The Government had announced that travel permits would be maintained, but that the conditions under which they were issued would be re-examined in cooperation with the National Advisory Commission on Travellers established in June 2010. Some travellers considered travel permits to be a symbol of their identity. HALDE had also recommended revising the 1969 law to guarantee travellers non-discriminatory access to the right to vote. Travellers had the right to vote and could register to vote under two different systems. One system allowed them to choose the commune where they wished to register, provided they had lived there for three years, while the other

system enabled individuals without a fixed address to register in a commune where they had been registered in an authorized facility for at least six months. A discussion on harmonizing voting provisions would be held in the coming months in cooperation with the National Advisory Commission on Travellers.

23. **Ms. Dime Labille** (France) said that the issue of school attendance among traveller and Roma children in practice posed difficulties, even though there was a panoply of laws regulating access to school, and even though the French authorities had introduced significant measures to ensure that all children attended school, which was free and compulsory in France for children under 16 years of age. There were no less than 42 mobile school units in France, though the goal was still to establish linkages with normal school courses. Teachers were trained to assist children and families from the traveller community. Foreign children were given classes in school to teach them the basics of the French language. Associations representing travellers were involved in all the measures introduced by the French authorities.

24. **Ms. Roussel** (France) said that the Act of 5 July 2000 on the reception and housing of travellers had clearly defined the obligation of the State and local authorities regarding the creation of reception sites for travellers and had made it possible to take better account of travellers' needs in that regard and to designate locations where sites would be constructed. So far, two thirds of the needs identified had been financed by the State and half of the planned sites had been set up. In 10 years, the Government had spent no less than 300 million euros on creating the sites and over 20 million euros annually on maintaining them. Much remained to be done to mobilize the local authorities that had not yet fulfilled the obligations defined in the Act. There were significant differences between departments regarding the reception and accommodation of travellers, as well as the amount travellers were charged to park at the sites. Those issues were being examined through a close partnership between the Government and the National Advisory Commission on Travellers, which had representatives in all departments. The trend for travellers to become semi-sedentary or sedentary was related to the ageing of itinerant families and the high demand for education and health services.

25. **Ms. Doublet** (France) said that Roma coming from Romania or Bulgaria, both of which had been members of the European Union since 1 January 2007, enjoyed freedom of movement and residence throughout the whole Union. However, the membership treaties of those two countries allowed for a seven-year transitional period (ending in 2013) during which Member States could restrict the employment of nationals from the two countries. France applied that restriction, as did nine other countries in the Union. Also, in accordance with European law, any Member State could terminate a Community citizen's right of residence if the person was unemployed or without resources and if he or she was an unreasonable burden on the social assistance system. All the returns of Romanians or Bulgarians by the Government were voluntary ones and always involved individualized procedures. Assistance could be provided for reintegration in the country of origin, and over 7,000 Romanians had received humanitarian assistance in 2009 in the context of voluntary return.

26. **Mr. Bride** (France) said that the bill making Mayotte a department of France would be considered by the Senate in a preliminary reading on 18 October 2010 and would probably be adopted before the end of the year. Thus, the department of Mayotte, which would have the status of both a department and a region, should be established in March 2011. The process of restoring lands to the Kanak tribes in New Caledonia, prescribed in the 1998 Noumea Accord and undertaken by the Rural Development and Land Improvement Agency, was in practice lengthy and difficult. The difficulty arose from the need to register all the lands of New Caledonia and then demonstrate that Kanak tribes had indeed been dispossessed of lands belonging to them.

27. France did not recognize the concept of “indigenous peoples”. Article 6 of the Declaration of the Rights of Man and of Citizens of 1789 stated that the law must be the same for all and that there must be no distinction between citizens except that of their virtues and talents. Article 1 of the Constitution of 1958 stipulated that France should ensure the equality of all citizens before the law, without distinction of origin, race or religion. Thus the principle of indivisibility of the Republic was enshrined at the pinnacle of the French legal order. France recognized only one French nationality and proclaimed French to be “the language of the Republic”, which in no way prevented the recognition of Caledonian citizenship or the fact that the inclusion of regional languages as part of French heritage had been enshrined within the Constitution three years previously.

28. The legal impossibility of recognizing the concept of “indigenous peoples” in no way signified uniformity or the denial of diversity. The Constitution distinguished overseas departments and regions from overseas collectivities such as Mayotte and French Polynesia, which had varying statuses that took account of their specific interests within the Republic and accorded them varying degrees of autonomy. Overseas collectivities could establish norms, including legal norms, to be applied within their territory. Thus, French Polynesia and New Caledonia had exclusive authority for health services.

29. France did not recognize the concept of “ethnic, religious or linguistic minority”, but it did however recognize overseas populations and did not deny them the right to their own cultural life or the right to practise their own religion or use their own language. Therefore, France in no way denied diversity, and it respected distinctive local identities. Proof of that was the fact that two kinds of personal status coexisted in Wallis and Futuna Islands and in New Caledonia and Mayotte, one regulated by the Civil Code and the other by local or customary law. Furthermore, the French Government recognized traditional leaders in French Guyana.

30. He agreed that in overseas France there were many difficulties in ensuring equal enjoyment of the right to health for all citizens. He explained that: health infrastructure deteriorated more quickly there than in Metropolitan France because of the climate; French Polynesia was as large as Europe, which gave rise to additional costs – for example in transporting patients; and there were more births in Mayotte than anywhere else in France because many foreign patients went there to give birth, especially from the Comoros.

31. In French Polynesia and New Caledonia, the local governments were responsible for providing health services, which tended to pose problems with regard to harmonizing the various health policies.

32. Following the serious incidents that had disrupted certain overseas departments in 2009, on 19 January 2009 the French Government had launched the National Consultations on Overseas France — a vast undertaking involving thousands of anonymous participants, local elected officials and professionals — and had convened an inter-ministerial council on overseas France, which had adopted 137 varied and specific measures deriving from the consultation process. The measures had included: appointing a subprefect in each overseas department and in Mayotte with responsibility for social cohesion; a commitment to halve over a 10-year period the disparity in illiteracy rates between overseas France and Metropolitan France; an attempt to integrate the history and cultures of overseas departments and territories more closely in school curricula; and the declaration of 2011 as the Year of Overseas France.

33. The French Government was firmly committed to combating racism at sporting events, especially football matches. The Ministry of the Interior, the Ministry of Justice and the State Secretariat for Sports were all concerned about that issue, as were the professional football league and the French Football Federation. The various stakeholders in the world

of football also met monthly to discuss the issue within the Joint National Committee for Security and Organization in Stadiums (CNMSA).

34. In addition to the laws prohibiting racial crimes and offences in general, article L 332-7 of the Sport Code criminalized the introduction, wearing or display of racist or xenophobia signs, insignia or symbols at a sports venue or sporting event, and article L 332-6 of the Code made it a criminal offence to encourage by whatever means spectator hatred or violence towards a referee, player, or any other person or group of persons at a sports venue or during a sporting event. Those offences, including incitement to racial hatred, were punishable by imprisonment, a fine and a ban on attending the stadium.

35. The Ministry of Justice had produced a methodological guide to the kind of racist offences committed at sports venues, for use by judges, police officers and those involved in sport. Instructions dated 27 October 2009 and 9 August 2010 also reminded prosecutors of their duty to effectively combat all forms of racism during sporting events. French law provided for the disbanding of associations of violent supporters by administrative decision, as had recently been done in the case of a Paris Saint-Germain Supporters' association.

36. **Mr. Trapp** (France) said that his Government considered that the wearing of the burka did not come within the Committee's remit, which dealt with racial discrimination, not religious discrimination. In the view of his Government, discussing that issue within the Committee would involve a dangerous equation of race and religion. However, since discriminatory acts could be motivated by different concomitant factors, such as race and religion, race and gender or race and disability, his delegation agreed to discuss the issue, after first stating its position of principle.

37. The fact that secularism was a founding principle of the country did not exempt the French Government from safeguarding freedom of conscience or from combating discrimination on the ground of religion or belief. In State schools, the display of certain religious symbols was not incompatible with secularism; the only prohibition concerned the display of conspicuous signs, proselytizing and the wearing of clothing that prevented participation in sports and physical education classes or practical work.

38. Following wide-ranging discussions, the "act concerning the wearing of symbols or clothing indicating religious affiliation in State primary, middle and secondary schools, in application of the principle of secularism" had been adopted on 15 March 2004. Private secondary schools and higher education establishments were not affected by the act, and discreet symbols were allowed. Furthermore, the act did not target any particular faith and did not include a list of prohibited religious symbols. It was for school principals to decide on a case-by-case basis whether a particular form of behaviour was contrary to the principle of secularism and, if so, to talk to the student concerned and his or her parents to explain to them that changing the behaviour in question did not mean renouncing one's beliefs. In the absence of conciliation, the act provided for individual penalties that could eventually involve expulsion if the disciplinary council so decided. Such a decision to expel a pupil was subject to the scrutiny of an administrative judge, who must ensure that it was in accordance with the law. In such cases, the academic authorities would examine with the student ways in which he or she could pursue his or her education, either through private schooling or through the National Centre for Distance Learning (CNED), because the expelled student could not be deprived of the right to education.

39. In July 2005, one year after the act had entered into force, 90 per cent of the 639 students who had come to school on the first day of the 2004/05 school year wearing a conspicuous religious symbol had chosen to comply with the act following a meeting with the principal. In total, only 47 of the 2 million pupils enrolled in French schools that year had been expelled. On the first day of the 2008/09 school year, no student had been subject to any disciplinary measure. Furthermore, since the act had entered into force, the 31

appeals lodged with administrative courts calling for permanent expulsions to be repealed had all been rejected, and the European Court of Human Rights had declared inadmissible several complaints against France regarding the expulsion of students in application of the act.

40. The act banning concealment of the face in public had been adopted by the Council of Ministers on 19 May 2010 and then by the National Assembly on 13 July 2010. It was the result of a long legislative procedure and the work of a parliamentary task force comprising 32 Members of Parliament, who had heard evidence from representatives of human rights associations and of the Muslim faith in France, among others. The consultations in question had revealed a consensus on two points: firstly, the burka was not a religious requirement but rather a cultural practice, and secondly, it was contrary to the values of the French Republic. The Government had drafted the bill in order to defend and promote the dignity of women — the veil precluding their emancipation by cutting them off from society — and to ensure the maintenance of public order and safety by seeing to it that everyone in society acted with their face uncovered. The bill did not therefore target a particular religious practice or religious community, and in that regard it was in conformity with France's international obligations.

41. **Ms. Dah** said that she was concerned by the idea that the institution of the Defender of Rights, which was about to be established, was intended to cover the collective remits of the Children's Ombudsman, the National Commission on Security Ethics (CNDS), the High Authority to Combat Discrimination and Promote Equality (HALDE) and the Ombudsman and that it would in practice have less power than those four institutions taken separately.

42. She did not understand why travellers, who were not criminals and were for the most part long-standing French citizens, were required to go to the police station every three months to receive a travel permit but were not required to carry identity documents. She wondered if it would not be more logical to replace the travel permit with a national identity card, which was the document French nationals were most often required to show in everyday life.

43. **Mr. Pellet** (France) said that in its consideration of France's fifteenth and sixteenth periodic reports, the Committee had expressed concern about the risk of overlap in the activities of the various institutions responsible for defending human rights. It was precisely to increase visibility that his Government was in the process of establishing a single body responsible for coordinating action in that field. He assured the Committee members that the work of HALDE was seen as very positive and that their concern that the powers of the various existing organizations might be watered down would be taken into account.

44. The questions relating to travellers, particularly regarding their travel permits and identity documents, would be discussed in the coming months by the National Advisory Commission on Travellers, which comprised 30 members including 10 State representatives, 10 representatives from local authorities and 10 representatives of travellers. The Committee would be kept informed of the outcome of those discussions.

45. **Ms. de Broca** (France) said that the post of Defender of Rights had been established in 2008 in order to strengthen the defence of rights, and that the current restructuring was in no way aimed at weakening the existing system of protection.

46. **Mr. Avtonomov** wished to know whether the reform of the Code of Criminal Procedure, under which the investigating magistrate would be abolished, would have any special consequences for the investigation of offences related to the Convention. He also asked whether the legal provisions regarding travellers also applied to the many people who lived on houseboats.

47. **Mr. Grandsire** (France) said that the reform of the Code of Criminal Procedure was currently under review and that ways of replacing the investigating magistrate while retaining sufficient guarantees of independence in the handling of cases were under consideration. Under the current system, a very small percentage of investigations, less than 5 per cent, were conducted by the investigating magistrate. If the new provision was adopted, the prosecution would be responsible for conducting investigations, and there were plans to establish a judge responsible for the investigation and for safeguarding freedoms, who would ensure that criminal proceedings were properly conducted. For the moment, it would be premature to give any further details about the project.

48. He said that the way offences related to the Convention were treated would probably be partly modified, but in the same way as for the other procedures. There was therefore nothing procedurally unique in the new arrangement.

49. **Mr. Amir** said that stripping an individual of their nationality fell under the section of the Civil Code devoted to “birthright citizenship” or *jus soli* and that it was only applied in particular cases. He asked whether the articles relating to *jus soli* would be amended and emphasized that, if so, it should be done in accordance with the Constitution, because provisions on nationality were constitutional in nature.

50. Regarding the forfeiture of French nationality by nationals of foreign origin convicted of polygamy or incitement to female genital mutilation, as well as by offenders of foreign origin who had made an attempt against the life of a police officer or gendarme, he considered that the establishment of a mandatory sentence of 30 years’ imprisonment for killing a police officer or gendarme was already a very strong measure, and he asked what the nationality of those offenders would be once they were released from prison, and in particular whether those who had been stripped of their nationality would be returned to their country of origin or whether consideration would have to be given to granting them the status of stateless persons. He also wondered whether the security measures concerned would really be dissuasive and serve to counteract crime, and whether the State party also planned to balance those measures with actions to support the social and economic reintegration of offenders.

51. **Ms. Dubrocard** (France) said that she was not in a position to reply to the question on loss of nationality because that law had not yet been drafted, so there was no text to refer to. She indicated, however, that article 25 of the Civil Code already provided for the option of stripping individuals of their nationality in the case of serious offences, provided that it would not make the offender a stateless person. *Jus soli* in France was therefore not incompatible with forfeiture of nationality. Regarding reintegration measures, while she considered the question not directly relevant to the discussion concerning the Convention, she said nonetheless that the new Prison Act introduced a range of alternatives to imprisonment and was more geared to the reintegration of offenders.

52. **Mr. Ewomsan** said that he would like further information on the distribution of land in New Caledonia, because according to information from civil society organizations it seemed that such distribution was carried out on a discriminatory basis, allotting 7 hectares to Kanaks for every 100 hectares to Europeans.

53. **Mr. Pellet** said that his delegation was able to reply to Mr. Ewomsan’s question but that it would be passed on to the relevant French authorities.

54. **Mr. Diaconu** said that granting more scope to minorities in French society would in no way compromise the unity of the State and would make for greater equality among all citizens. Regarding the Roma, returning them to Romania would not solve the issue because there were some 2 million Roma in Romania who would come to take their place. A European-wide solution must therefore be found for the entire Roma population.

55. **Mr. Lindgren Alves** said that the results of the implementation of the act concerning religious symbols seemed satisfactory, according to the report by Mr. Régis Debré.

56. **Mr. Saidou** asked whether the delegation had any statistics on convictions or criminal sanctions imposed on law enforcement officers, particularly police officers, for discriminatory acts.

57. **Ms. Smirou** (France), responding to Mr. Saidou, said that the Ministry of the Interior did not have data on such convictions, but it did possess data on administrative disciplinary sanctions against police officers. However, they covered all breaches of professional standards by police officers and were not confined to acts of violence, possibly of a discriminatory nature. In 2008 there had been 3,423 disciplinary measures against police officers, including 163 for violent conduct (14 resulting in dismissal or similar measures against the officer in question, and 4 resulting in compulsory retirement).

58. **Mr. Grandsire** (France) said that the Ministry of Justice's databases did not contain the data the Committee had requested. He could however state that there had been 678 convictions for acts involving a racist offence in 2008, but the data in question concerned the entire population, not just police officers.

59. **Mr. Pellet** (France) said that the latest issue of the national gendarmerie quarterly magazine entitled "Liberté, Égalité, Diversité", a copy of which he handed to the Chairperson, included articles on discrimination and on HALDE, which showed that efforts were being made to generate awareness among law enforcement officials on issues related to discrimination.

60. **Mr. Thornberry** said he wished to know what the Government's responsibilities were regarding the provision of education and other basic services for Roma living in France. He also asked the delegation to clarify France's position on the concept of "indigenous peoples", which it rejected despite the fact that it had voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples.

61. **Ms. Dubrocard** (France) said that French institutions took care of Romanian or Bulgarian Roma and treated them as foreigners arriving in France. The State party's report described the arrangements and specific measures taken to cater for new arrivals, including those to enable foreign children to attend school and learn the French language.

62. **Ms. Dime Labille** (France) drew attention to the "Roma integration villages", an experimental French initiative that could serve as an example for Europe and could be expanded within France, as a number of departments were interested in the concept.

63. **Mr. Pellet** (France) said that France was aware that its position on the concept of "indigenous peoples" was in the minority within the United Nations and had chosen not to oppose the very broad consensus reached during the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. That said, his Government was endeavouring to explain the other measures it had taken to promote the rights of indigenous peoples. It was therefore committed to its position while accepting the possibility of shifting its stance in that regard.

64. **Mr. Calí Tzay** recalled that France had undertaken to impose sanctions on Ricardo Cavallo for human rights violations committed in Argentina. He found it paradoxical that the Government could contemplate withdrawing the nationality of French citizens of foreign origin when it had not been able to adequately punish Ricardo Cavallo, and he asked for information on developments in that case.

65. **Mr. Prosper** (Country Rapporteur) welcomed the many positive elements highlighted during the dialogue with the delegation but pointed out that the Committee's

role was also to make critical observations in a constructive spirit. He noted that discussions of a technical nature had focused on the various instruments set up in France to combat discrimination, but he thought that it would be useful in future to discuss the very nature of the discrimination problems and to describe those problems in detail, specifying which groups were victims of discrimination. In that regard, the French Government should definitely reconsider its position on statistics, the purpose of which was not to place such discrimination in a worse light but to understand its nature and scope so as to be able to respond appropriately. He therefore encouraged the State party to provide the Committee with more disaggregated statistics and to determine which groups suffered most from discrimination and why.

66. He welcomed the draft national plan to combat racism that had been announced and looked forward to receiving more information on that subject. The plan would probably pose a challenge that the Government would have to take up if it wished to provide solutions to the difficulties involved in harmonizing administrative approaches and processes, and if it was to arrive at a consensus within French society on the exact nature of the problems. The plan should also tackle issues such as ways to change the behaviour of those who discriminate, the problems of integrating immigrants and new arrivals, and the issue of the Roma and travellers, and it should also encompass questions relating to the overseas departments and territories.

67. **Mr. Pellet** (France) said in conclusion that his Government was aware of the difficulties that had been raised, that it was open to discussion on how to resolve those problems, and that it remained committed to the idea of rejecting any community-based separatism. The Committee's observations would be very useful in the context of preparing the national plan to combat racism and identifying ways and means of bringing about progress and change, since there was strong political resolve in France to advance along the path of combating discrimination.

The meeting rose at 1.05 p.m.