



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

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Committee on the Elimination of Racial Discrimination

**Combined twenty-second and twenty-third
periodic reports submitted by France under
article 9 of the Convention, due in 2017** ***

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* The present document is being issued without formal editing.
** The annexes may be consulted in the files of the secretariat. They may also be accessed from the Committee's web page.



Introduction

1. On 28 July 1971, France ratified the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter “the Convention”), which was adopted by the United Nations General Assembly on 21 December 1965.

2. As recommended by the Committee on the Elimination of Racial Discrimination (hereinafter “the Committee”), the twenty-second and twenty-third reports of France have been combined into a single report.¹ France supports the submission of “simplified” national reports to the treaty bodies as part of the treaty body reform process. The chief purpose of the present report is thus to respond to the recommendations made by the Committee following its consideration of the combined twentieth and twenty-first reports of France (May 2015), by outlining subsequent developments in domestic law and practice and updating the information already provided.

3. This report brings together contributions from all the ministries concerned with the implementation of the Convention. The Government has also taken account of observations from the National Consultative Commission for Human Rights.

4. The present report is submitted late because of the presidential and legislative elections held in May and June 2017. It also seemed relevant to be able to reflect new directions in public policy against racial discrimination, including the new national plan to combat racism and antisemitism presented by the Prime Minister on 19 March 2018.

Part One: General comments

I. National authorities for combating racism and racial discrimination

5. The Defender of Rights and the National Consultative Commission for Human Rights have not undergone any institutional changes since the previous report of France.²

6. In 2016, the scope of action of the Interministerial Delegation to Combat Racism and Antisemitism was expanded to include hatred and discrimination against lesbian, gay, bisexual and transgender (LGBT) persons. It is now known as the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred. The addition of this new responsibility has had no effect either on the resources allocated by the State to combat racial discrimination, which remains a national priority, or on the implementation of the national plan to combat racism and antisemitism.

II. Information about the population (Committee recommendation No. 5)

7. The Government recalls that, as noted in its previous reports, the compilation of statistics disaggregated by racial or ethnic origin is prohibited by article 1 of the Constitution.³ Moreover, France does not recognize the existence within its territory of minorities with a legal status as such. This French concept of the Republic is based on the constitutional principles of the equality of citizens’ rights, which implies non-discrimination, and of the unity and indivisibility of the nation, encompassing both the territory and the population. The Government recalls that affirmation of an identity is the

¹ Concluding observations of the Committee, para. 26.

² See in this regard paras. 25–37 of the combined twentieth and twenty-first periodic reports, but note also Organic Act No. 2016-1690 of 9 December 2016 on the competence of the Defender of Rights to advise and protect whistle-blowers (<https://www.legifrance.gouv.fr/eli/loi/2016/12/9/2016-1690/jo/texte>).

³ “France is a Republic, indivisible, secular, democratic and social. It shall ensure the equality of all citizens before the law without distinction of origin, race or religion. It shall respect all beliefs ...”

result of a personal choice, not of a set of criteria that define, a priori, a particular group and that would necessitate a separate legal regime. Such an approach protects the right of every individual to embrace a cultural, historical, religious or philosophical tradition, or to reject it.⁴

8. With the encouragement of international bodies, France has sought to develop innovative solutions for assessing the population's enjoyment and exercise of human rights and fundamental freedoms or demonstrating the existence of discrimination, while respecting the values of the Republic.

A. Composition of the population: census data⁵

(a) Census

9. In December 2017, the total population of metropolitan France was 65.058 million.⁶ Including the overseas departments (Guadeloupe, Martinique, French Guiana, Reunion and Mayotte), the population was 67.201 million.⁷

10. As at 1 January 2014, 7.6 million persons in France, or 11.6 per cent of the population, were born abroad.⁸

(b) Situation of foreign nationals and immigrants in France⁹

11. In 2013, 4.1 million foreign nationals¹⁰ and 5.8 million immigrants¹¹ lived in France, representing 6.2 per cent and 8.9 per cent of the total population, respectively. In 2013, women accounted for 51 per cent of immigrants, compared to 44 per cent in 1968. Women accounted for the majority of immigrants born in Europe, apart from those born in Portugal. In recent years, the same has been true of immigrants born in Africa outside the Maghreb. Women were in the minority among immigrants from the Maghreb and Turkey, although the balance has been shifting since 1990.

12. In 2015, 113,608 people acquired French nationality,¹² which represents an increase compared with 2014: the number of acquisitions of nationality by decree and by declaration

⁴ See in this regard decision No. 2007-557 DC of 15 November 2007.

⁵ In the light of the constitutional provisions mentioned above, the data collected and included in the present report on foreign nationals and immigrants in France cannot be disaggregated by racial or ethnic origin.

⁶ Figures published by the National Institute for Statistics and Economic Studies (INSEE) on 3 January 2018, <https://www.insee.fr/fr/statistiques/serie/000436387>.

⁷ <https://www.insee.fr/fr/statistiques/serie/001641607>.

⁸ Source: INSEE. As at 1 January 2014, 65.8 million people lived in France, excluding Mayotte. Of these, 58.2 million were born in France.

⁹ Information from INSEE, *Tableaux de l'économie française*, 2017 edition, pp. 36–37.

¹⁰ Foreign national: a person who lives in France and is not a French national, either because he or she is a national of another State (exclusively) or has no nationality (as is the case for stateless persons). French nationals who have one or more other nationalities are considered in France to be French. A foreign national is not necessarily an immigrant, as he or she may have been born in France (as is often the case for minors). Unlike immigrant status, foreign national status does not always last for life: it is possible to become French subject to the conditions laid down by law.

¹¹ Immigrant: a person who was born abroad as a foreign national and lives in France. It includes some persons who have acquired French nationality since arriving in France. By contrast, it excludes French nationals by birth who were born abroad and now live in France and foreign nationals born in France.

¹² There are several ways in which a foreign national may acquire French nationality: by a decision of the public authorities (decree), in other words, naturalization (Civil Code, art. 21-15); by a declaration to the competent administrative authority by reason of marriage to a French spouse (Civil Code, art. 21-2), by reason of being the ascendant of a French national (Civil Code, art. 21-13-1), or by reason of being the brother or sister of a French national (Civil Code, art. 21-13-2); by a declaration to the competent court of minor jurisdiction, provided that the person meets certain conditions associated either with having lived as and being considered to be a French national for 10 years (Civil Code, art. 21-13) or, for minors only, with birth and habitual residence in France (Civil Code, art. 21-11) or with placement in care, simple adoption by a French national or placement with the child welfare service (Civil Code, art. 21-12); automatically, on reaching the age of majority, provided that certain

increased by 6.9 per cent and 9.4 per cent, respectively. Among the latter, the number of acquisitions by reason of marriage is increasing and the number of advance declarations (minors born in France to foreign parents) is falling. Moreover, the younger the age at which a person arrives in the country, the more likely he or she is to acquire French nationality. Among immigrants who arrived at a very young age, the acquisition rate is high; it stands at over 65 per cent after more than 27 years in the country. It is lower for those who arrived as adults. There is barely any increase in the acquisition rate after 27 years in the country (see also annex 3).

B. Sources of additional information

13. The lack of statistics disaggregated by racial or ethnic origin has not prevented the development of various tools, including some statistical tools, to better measure racism and racial discrimination.¹³

14. Beginning in 2008, the National Institute for Statistics and Economic Studies (INSEE) and the National Institute for Demographic Research carried out a survey aimed at identifying the impact of people's origins on their living conditions and social mobility, taking into consideration other sociodemographic characteristics such as social environment, neighbourhood, age, generation, sex and level of education (mobility and origins survey). The work was published in 2015.¹⁴

15. There are other sources of information that can be used to build up a more detailed picture of discrimination, including tests for discrimination; the study carried out by the Defender of Rights on the basis of individual complaints of discrimination; and the annual study of the representation of the diversity of French society on television, radio and other media carried out by the Supreme Audiovisual Council.

16. The legal framework governing statistical activities does not hinder the collection of detailed and accurate data on racist acts and the continued improvement of such data collection. Since 2013, the Ministry of Justice has been using data on judicial activities and convictions collected through a new decision support system¹⁵ and the national criminal records.¹⁶ These sources provide highly detailed statistics on convictions for offences of discrimination, according to the criteria established by law (sex, origin, pregnancy, beliefs, etc.). Since 2015, the Ministry of the Interior has also recorded all cases registered by the security services in relation to the commission of offences motivated by religion or origin.

17. Each year, France also publishes a detailed analysis of trends in the convictions and sentences handed down for racist or anti-religious acts. The analysis is transmitted to the National Consultative Commission for Human Rights, which publishes it as part of its annual report on racism, antisemitism and xenophobia.

conditions associated with birth and habitual residence in France are met (Civil Code, art. 21-7); or, also for minors, through a parent who acquires French nationality (Civil Code, art. 22-1). Where French nationality has been lost, it may be recovered by declaration or by decree (Civil Code, arts. 24-14, 24-1 and 24-2).

¹³ See the opinion of 22 March 2012 of the National Consultative Commission for Human Rights on "ethnic" statistics, in which the Commission advised against the collection of statistics disaggregated by ethnic origin while noting that it would be desirable to put in place "quantitative tools to improve the realization of the right to non-discrimination".

¹⁴ The mobility and origins survey concerns the population of metropolitan France as a whole with a particular focus on groups that might encounter obstacles in their lives as a result of their origin or physical appearance (immigrants and their descendants and persons from overseas departments and their descendants). The results of this work were published in 2015 as *Trajectoires et origines: enquête sur la diversité des populations en France*, edited by C. Beauchemin, C. Hamel and P. Simon (Paris, National Institute for Demographic Studies, Grandes Enquêtes collection, 2015). For a list of publications based on the survey, see https://teo.site.ined.fr/fr/donnees_et_resultats/publications/.

¹⁵ The system provides several methods for identifying those of the 5 million criminal cases handled by the justice system each year that involve offences motivated by the victim's actual or assumed membership or non-membership of an ethnic group, nation, presumed race or religion.

¹⁶ Before 2013, data on convictions were collected manually from public prosecutors' offices.

18. Yet another source of statistics is a victim survey entitled “Living environment and security”, which has been conducted since 2007 by INSEE in partnership with the National Observatory on Crime and Criminal Justice and, since 2014, with the Ministry of the Interior. The survey quantifies the number of persons who have reported being victims of racist, antisemitic or xenophobic violence, threats or insults, irrespective of whether they lodged a complaint. The survey is conducted among more than 17,500 households in metropolitan France. In 2018, discrimination offences will be included. The initial findings should be published in the late autumn of 2018.

Part Two: Response to the Committee’s main recommendations

I. Article 2 of the Convention

A. National plan to combat racism and antisemitism (Committee recommendation No. 6)

19. In 2015, combating racism and antisemitism was declared a “national priority concern”. The national plan to combat racism and antisemitism 2015–2017 (annex 4) was implemented during a state of emergency following a series of attacks in France. The Government endeavoured to mobilize as many civil society actors as possible in addition to administrative bodies and institutional actors. The plan set out 40 actions organized into four priority areas: mobilizing the nation; punishing every racist or antisemitic act and supporting victims; protecting Internet users from the propagation of hatred; and changing attitudes through communication, education and culture.

20. Increased resources have been allocated to support the plan: the budget of the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred, now under the authority of the Prime Minister, has been increased to 40 million euros over three years for the implementation of the plan, both in order to take action at the national level and to strengthen citizenship policies at the local level.

21. While the previous plan, for the period 2012–2014, was not subject to any specific evaluation, apart from the comments made by the National Consultative Commission for Human Rights in its annual report on racism, antisemitism and xenophobia, the plan for the period 2015–2017 was evaluated in a report submitted in December 2017 by the Inspectorate General of Administration and the Inspectorate General of Education and Research Administration. The Interministerial Delegation also requested an evaluation of the plan by the National Consultative Commission for Human Rights.

22. The comments made by these institutions, and the consultations that took place, provided the Interministerial Delegation with the input needed to develop a new national plan for the period 2018–2020 (annex 5), which was announced on 19 March 2018.

23. The plan for the period 2018–2020 has four objectives: combating hatred on the Internet; educating against prejudices and stereotypes; improving support for victims; and mobilizing new areas.

24. It provides for several measures, including regional plans to combat racism, antisemitism and discrimination and the establishment of a funders’ conference, involving the Commissioner General for the Equality of Local Authorities, the Interministerial Committee for the Prevention of Radicalization and Crime and the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred, in order to improve the consistency and transparency of public funding.

B. Dialogue with civil society actors and support for their work (Committee recommendation No. 21)

(a) Cooperation with civil society in the implementation of the plan

25. In 2016, the Government, acting through the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred, established partnerships with 38 national non-profit organizations and the main museums and memorial sites,¹⁷ setting aside a budget of 2.59 million euros for that purpose. In 2017, such aid was extended to 74 non-profit organizations, with a total budget of 3.21 million euros.¹⁸

26. In October 2015 and January 2017, calls were launched for local projects to strengthen the implementation of policies to combat racism, antisemitism and discrimination at the local level. The number of projects selected was 218 in 2015 and 548 in 2017. They include initiatives to provide education and in-service training, to combat discrimination and to support victims. The total funding for these projects amounted to 1.4 million euros in 2015 and 1.9 million euros in 2017. The Interministerial Delegation, for example, funded projects to deconstruct prejudices, particularly those against Roma, and promote memorial sites.¹⁹

27. On 6 November 2017, the Interministerial Delegation launched its third call for local projects, for 2018, to be funded in an amount of 2 million euros.

28. On 21 March 2017, the Interministerial Delegation launched an interactive online platform for partners in the fight against racism, antisemitism and anti-LGBT hatred, which makes the resources developed by non-profit organizations and institutions available to the public and professionals.

29. The Government has also supported large-scale civil society initiatives to educate and promote tolerance, including the “All Together against Hatred” campaign (see below).

30. Civil society actors are regularly asked to provide feedback on the implementation of the plan.

(b) Support for non-profit organizations providing assistance to victims of racism and antisemitism

31. France provides strong support to national and local non-profit organizations providing assistance to victims of racism, in order to ensure that such victims have access to the law and to justice.

32. The Ministry of Justice²⁰ has concluded several agreements with national non-profit organizations working to combat racism and antisemitism with a view to improving support for victims. As part of its efforts to expand access to the law and justice at the local level, the Ministry funds local initiatives implemented by non-profit organizations providing victim support and by departmental councils for access to the law (*conseils départementaux de l'accès au droit*).

33. Within their respective areas of activity, other ministries, such as the Ministry of the Interior, the Ministry of Sport and the Ministry of Education, support actors working to assist victims of racism and discrimination on the ground. The work done with civil society by the Commissioner General for the Equality of Local Authorities is described below.

¹⁷ These include the Shoah Memorial, the Camp des Milles Memorial Site, the National Immigration History Museum, the Camp de Rivesaltes Memorial and the Museum of Jewish Art and History.

¹⁸ For example, the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred provided financial support to the Remember association, which works to raise awareness of the collective memory of the history of immigration to France, improve the representation of persons from immigrant backgrounds and promote their culture.

¹⁹ For example, the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred has supported the association La Voix des Roms, Saint-Denis; the “Journées de la résistance” festival and commemoration; and artistic performances and a conference in commemoration of the uprising of the women of the Gypsy family camp in Birkenau on 16 May 1944.

²⁰ Access to the Law and Justice and Victim Support Service.

(c) Mobilizing higher education and research

34. The Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred is helping to fund several projects, including a research project entitled “Religion, discrimination and racism in schools”, conducted by a team from Lyon 2 University, and a project to produce higher education resources.²¹

35. The Ministry of Justice is funding a team of researchers in sociology and political science at Université Paris-Ouest, Nanterre-La Défense and the Institut des sciences sociales du politique working on a project entitled “Words and Actions: Racist Offences and the Justice System”. The project concerns the handling of racist offences in the justice system.²²

36. Nearly 100 racism and antisemitism focal points have been designated at higher education and research institutions. The Ministry of Higher Education, Research and Innovation and the standing conference of university presidents provided them with two opportunities to meet each other and members of the Interministerial Delegation in December 2016.

C. Application of the Convention at the local level (Committee recommendation No. 4)

37. The Committee is concerned that some territorial units (*collectivités territoriales*) are apparently not complying with the Convention, including in their interactions with foreign nationals.

(a) Transfer of powers to territorial units

38. The international conventions ratified by France and French laws and regulations apply to territorial units, which must implement them in the exercise of their powers.

39. Through prefects, who serve as its representatives at the local level, the State retains “responsibility for national interests, administrative oversight and compliance with the law”.²³ It is the responsibility of State representatives to verify whether actions taken by territorial units comply with the laws and regulations in force (review of legality). If irregularities are discovered during such a review, a prefect may refer the action that he or she deems illegal to the administrative court. This ensures uniform compliance with standards throughout the country and the equality of citizens before the law in the context of the decentralized organization of the Republic.

40. The administrative court considers that failure to carry out a review of legality in the event of repeated and manifest unlawful actions constitutes gross negligence and engages the responsibility of the State.

41. Any person who considers himself or herself injured by an act of a municipal authority may request its annulment by the administrative court or apply for the adoption of interim measures. On 26 June 2017, for example, after migrants and non-profit organizations had filed an urgent application for the adoption of interim measures to protect a fundamental freedom,²⁴ the interim measures judge of the Lille Administrative Court ordered the prefect of Pas-de-Calais and the municipality of Calais to install several water and sanitation facilities and to organize travel, for migrants who wished to undertake it, from Calais to reception and guidance centres with spare places elsewhere in France. The

²¹ For example, the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred supports the Matrice research excellence team, which is conducting a project to study the relationships between individual and collective memory and between the psychological and social aspects of memory.

²² Its first interim report was submitted to the Ministry of Justice on 6 October 2017. The final report is expected in October 2018.

²³ Constitution, art. 72.

²⁴ The procedure is defined in the Code of Administrative Justice, art. L.521-1 et seq. (see in particular art. L.521-2).

Council of State confirmed this decision, finding that deficiencies with respect to sanitation and access to drinking water subject migrants to inhuman or degrading treatment.²⁵

42. The State is in all cases responsible for the reception and housing of asylum seekers. This principle was reaffirmed by the Act of 29 July 2015²⁶ on the reform of the asylum system. If municipalities participate in this policy by providing accommodation for asylum seekers, the State then takes responsibility for financing it. Thus, municipalities do not incur costs associated with the provision of assistance for asylum seekers.

(b) Government action to combat racism and racial discrimination at the local and regional level

43. The Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred operates through a network of focal points in all ministries and secretariats of State and through a local and regional presence that facilitates the emergence of analysis and initiatives at that level. The plan for the period 2015–2017 thus provided for the establishment of an operational committee against racism and antisemitism in each department and the adoption of local plans.

44. Operational committees against racism and antisemitism have already been set up in 90 departments. They exist in all regions, including in overseas France. Local plans to combat racism and antisemitism have been adopted in 13 departments,²⁷ and a number of municipal and inter-municipal plans have also been put in place.²⁸ These various plans provide for measures such as strengthening victim support and access to the law, and mobilizing leisure and social centres.

(c) Territorial unit resources

45. Article 72-2 of the Constitution provides as follows: “Territorial units shall have sources of revenue of which they may dispose freely within the conditions laid down by law”.

46. These sources of revenue, including tax receipts, must account for a significant proportion of the overall revenue of each category of territorial unit.

47. Any transfer of responsibilities between the State and the territorial units is accompanied by a transfer of resources equivalent in value to those that had previously been set aside for the exercise of the responsibilities in question. Any establishment or extension of responsibilities that results in an increase in expenditure by the territorial unit is accompanied by the resources determined by law.

48. The law provides for equalization schemes²⁹ to promote equality among territorial units.

(d) Training for civil servants

49. The General Regulations for Local and Regional Government Officials establish a right to lifelong professional training for all local and regional government officials and provide for the creation of a personal training account for each of them.³⁰ An official may request any training, whether it leads to a qualification, certification or professional designation, that serves to implement a professional development project. In this context,

²⁵ Council of State, 31 July 2017, No. 412125-412171, municipality of Calais, Secretary of State, Ministry of the Interior.

²⁶ Act No. 2015-925 of 29 July 2015.

²⁷ The new plan for the period 2018–2020 provides for the implementation of 50 local and regional plans.

²⁸ Municipal plans have been adopted in Vaulx-en-Velin (Lyon metropolitan area), Vitrolles (Bouches-du-Rhône), Evry (Ile-de-France) and the Grand Paris Sud urban area (Ile-de-France).

²⁹ Redistribution mechanism designed to reduce wealth gaps, and therefore inequalities, among territorial units.

³⁰ Act No. 84-594 of 12 July 1984 on the training of local and regional government officials and supplementing Act No. 84-53 of 26 January 1984 on statutory provisions relating to local and regional government service. Consolidated version as at 19 December 2017.

training courses on discrimination are regularly organized for officials who come into direct contact with the public (professionals in the fields of reception work, social services, education, employment, housing, health and leisure, and municipal police officers) and human resources personnel.³¹

50. In 2014, the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred introduced a new mandatory module on diversity and combating discrimination for all new civil servants other than judges and law enforcement officials (whose training is explained below).

D. Counter-terrorism legislation and respect for the right to non-discrimination (Committee recommendation No. 17)

51. The risk of terrorism in France remains very high. Thanks to the intensive mobilization of State services, 32 attempted attacks were thwarted in France during the state of emergency,³² and many terrorist recruitment cells and networks were broken up.

52. Several measures have been taken to prevent any form of ethnic profiling in the context of counter-terrorism efforts.

(a) Absence of any reference to ethnicity or race in counter-terrorism legislation

53. Under French law, namely article 421-1 of the Criminal Code, the definition of a terrorist act combines two elements:

- The existence of an offence under ordinary law that is qualified as an offence under the Criminal Code, the exhaustive list of such offences being set out in article 421-1³³
- The linkage of such offences under ordinary law with an individual or collective enterprise having as its purpose the serious disruption of public order by means of intimidation or terror, which characterizes the circumstance of terrorism

54. Articles 421-2³⁴ et seq. of the Criminal Code cover offences that are terrorist in nature and those that may qualify as terrorist offences, such as acts of environmental terrorism and criminal conspiracy in connection with a terrorist enterprise.

55. No distinction is made in French counter-terrorism criminal legislation on the basis of the ideology that motivated a terrorist offence. Religion, ethnicity and race are not mentioned in the relevant texts and therefore cannot affect their application.

56. The computerized national register of perpetrators of terrorist offences was established in 2015³⁵ to prevent the reoccurrence of such offences and facilitate the identification of perpetrators. Only the identity of the convicted person and the offences justifying his or her inclusion in the register are entered.³⁶ No information concerning the perpetrator's religion, ethnicity or race, nor the ideology that motivated his or her offence, is provided.

³¹ See in particular <http://www.ira-nantes.gouv.fr/index.php?id>. The Interministerial Delegation's new plan for the period 2018–2020 has a section on training for employees of the three major public service categories and social and public education actors.

³² The state of emergency in France began on 17 November 2015 and ended on 1 November 2017. See: <https://www.interieur.gouv.fr/Espace-presse/Dossiers-de-presse/Sortie-de-l-etat-d-urgence-un-bilan-et-des-chiffres-cles>.

³³ <https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070719&idArticle=LEGIARTI0000000023712838&dateTexte=20111204>.

³⁴ <https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070719&idArticle=LEGIARTI0000000023712838&dateTexte=20111204>.

³⁵ The register was established pursuant to article 19 of Act No. 2015-912 of 24 July 2015, which entered into force on 1 July 2016.

³⁶ These are the terrorist offences established in articles 421-1 to 421-6 of the Criminal Code, excluding those mentioned in articles 421-2-5 to 421-2-5-2 of the Criminal Code and in articles L. 224-1 and L. 225-7 of the Internal Security Code. These texts contain no reference to religion, ethnicity, race or the ideology that motivated the offence.

(b) Administrative police powers based on objective and strictly defined criteria

57. All the measures available to the administrative police, including bans on leaving the country,³⁷ bans on entering the country,³⁸ asset freezes,³⁹ ministerial expulsion orders⁴⁰ and the monitoring of returnees,⁴¹ as well as the measures provided for in the internal security and counter-terrorism law,⁴² are based on precise criteria, accompanied by safeguards and monitored by the courts. These objective criteria are not based on race, religion or any other similar criteria. The acts of terrorism that the administrative police are seeking to prevent are in no way limited to those connected with Islamic terrorism.

58. With regard to checks in areas close to internal borders or external border crossing points,⁴³ a foreign national may be asked to show a residence permit only if his or her status as a foreign national is revealed by objective elements deduced from external circumstances. This status cannot, therefore, be inferred from such elements as physical appearance or language spoken.⁴⁴

59. Checks may be carried out on “any person” who may have information useful for the investigation of an offence (Code of Criminal Procedure, art. 78-2 (4)), regardless of his or her behaviour. The sole consideration is the person’s presence in a defined area, and the law specifies that the purpose of the check must be to prevent or investigate cross-border crime, which may be committed by both foreign and French nationals and thus justifies the checking of permits and documents.

(c) Combating racial profiling and strengthening relations between the police and the public

60. Checks based on so-called “racial profiling” are contrary to the republican principle of equality.

61. Although police officers and gendarmes are authorized by law to carry out identity checks, they may not do so on the basis of any physical characteristic or distinctive feature, unless the check is justified by a specific description. This principle was recalled by the Constitutional Council.⁴⁵

62. The principle also appears in the Code of Ethics of the National Police and the National Gendarmerie.⁴⁶ Any check that does not comply with these rules is punishable both by disciplinary measures and through the courts.

63. On 9 November 2016, the Court of Cassation ruled on 13 appeals concerning checks based on racial profiling⁴⁷ and recalled that an identity check carried out on the basis of physical characteristics associated with a person’s actual or presumed origin were discriminatory and constituted gross negligence on the part of the State.

³⁷ Internal Security Code, art. L.224-21.

³⁸ Internal Security Code, art. L.214-1.

³⁹ Monetary and Financial Code, art. L.562-1 et seq.

⁴⁰ Code on the Entry and Residence of Foreign Nationals and the Right of Asylum, art. L. 521-1 to L.521-5.

⁴¹ Internal Security Code, art. L.225-1.

⁴² Act No. 2017-1510 of 30 October 2017 on strengthening internal security and counter-terrorism.

⁴³ Code of Criminal Procedure, art. 78-2 (9).

⁴⁴ This principle is enshrined in law, in article 67 quater of the Customs Code and article L. 611-1 of the Code on the Entry and Residence of Foreign Nationals and the Right of Asylum. In this connection, see First Civil Chamber of the Court of Cassation, 13 July 2016 (No. 925) and 17 May 2017 (No. 605).

⁴⁵ Decision No. 2016-606/607, priority question on constitutionality of 25 January 2017, “Identity checks at the request of the public prosecutor”.

⁴⁶ Internal Security Code, art. R.434-16.

⁴⁷ See the Court of Cassation press release: https://www.courdecassation.fr/communiqués_4309/contr_identite_discriminatoires_09.11.16_35479.html.

64. Since 2013, individuals have been able to report breaches of professional ethics directly to the Inspectorates General of the National Police and the Gendarmerie through online platforms.⁴⁸

II. Article 4 of the Convention

A. Stepping up efforts to combat incitement to racial hatred and hate speech (Committee recommendations Nos. 7 and 8)

65. France recalls that it did not formulate a reservation to article 4 of the Convention, but made a declaration, the purpose of which is not to reduce the scope of the obligations provided for by the Convention but only to record its interpretation of article 4 of the Convention.

(a) Legislation on the prohibition and punishment of incitement to racial hatred and racist discourse, including over the Internet

66. The public expression of an ideology that claims the superiority of a group of persons or that deprecates, denigrates or incites discrimination against such a group of persons is criminalized under several provisions of the Act of 29 July 1881 on freedom of the press, including:

- Incitement to discrimination, hatred or violence⁴⁹
- Denial of crimes against humanity⁵⁰
- Glorification of war crimes and crimes against humanity⁵¹
- Public defamation of a person or group of persons based on their origin or membership or non-membership of an ethnic group, nation, race or religion⁵²
- Public insult of a person or group of persons based on their origin or membership or otherwise of an ethnic group, nation, race or religion.⁵³

67. In its opinion of 15 February 2015 on hate speech over the Internet, the National Consultative Commission for Human Rights held that existing criminal provisions, most of which are contained in the Act of 29 July 1881 on freedom of the press, are sufficient, and that the specific nature of those provisions prevents them from being incorporated into the Criminal Code.⁵⁴ The Government shares that view.

⁴⁸ <https://www.police-nationale.interieur.gouv.fr/Organisation/Inspection-Generale-de-la-Police-Nationale/Signalement-IGPN> and <https://www.gendarmerie.interieur.gouv.fr/Contacts/Reclamation-IGGN>.

⁴⁹ Art. 24 (7) of the Act of 29 July 1881. https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=27A5D9FE0F0BBAD8173253373810A891.tplgfr24s_3?idArticle=LEGIARTI000033975095&cidTexte=LEGITEXT000006070722&dateTexte=20180430.

⁵⁰ Art. 24 bis (7) of the Act of 29 July 1881. https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=27A5D9FE0F0BBAD8173253373810A891.tplgfr24s_3?idArticle=LEGIARTI000033975356&cidTexte=LEGITEXT000006070722&dateTexte=20180430.

⁵¹ Art. 24 (5) and (7) of the Act of 29 July 1881. https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=C3D3BC0F598DAD99060E422F5B947B10.tplgfr24s_3?idSectionTA=LEGISCTA000006089707&cidTexte=JORFTEXT000000877119&dateTexte=20180430.

⁵² Art. 32 (7) of the Act of 29 July 1881. This offence is punishable by 1 year's imprisonment and a fine of 45,000 euros, or by one of these penalties only.

⁵³ Art. 33 (7) of the Act of 29 July 1881. This offence is punishable by 6 months' imprisonment and a fine of 22,500 euros.

⁵⁴ See section 11 of the opinion: <http://www.cncdh.fr/fr/publications/avis-sur-la-lutte-contre-les-discours-de-haine-sur-internet>.

68. Furthermore, the Equality and Citizenship Act of 27 January 2017⁵⁵ made racism an aggravating circumstance applicable to all offences punishable by imprisonment (article 132-76 of the Criminal Code).⁵⁶ Thus, when acts are committed based on the victim's "actual or assumed membership or non-membership of a presumed race, ethnic group, nation or religion", the penalties attached are more severe. Article 132-76 now refers to "presumed race" rather than "race" in order to avoid giving the impression that the legislator supports the idea that human races exist.

69. The Equality and Citizenship Act also contains several provisions to advance the fight against discrimination by making it easier to punish racist or discriminatory provocation, defamation and insults; by extending the scope of the offences of glorification or denial of crimes against humanity; and by enhancing the role of non-profit organizations that combat racism and crimes against humanity.

70. The offences referred to in the Act of 29 July 1881 on freedom of the press are applicable to comments made over the Internet, but a specific system of criminal responsibility is envisaged. The content providers (those who create and distribute messages, images or text online) are liable for the distribution of illegal content.⁵⁷

71. The Act of 21 June 2004⁵⁸ lays down rules on the liability of technical service providers (including web hosts or Internet service providers) when their services are used to distribute illegal content online. Although technical service providers are exempt from any general obligation to monitor and investigate illegal activity, they have a special duty to contribute to efforts to combat the dissemination of unlawful content relating to child pornography, the glorification of war crimes and crimes against humanity and incitement to racial hatred.⁵⁹ They must set up a system whereby anyone can report such acts to them and they must also promptly inform the competent authorities of any illegal activity brought to their attention.⁶⁰ Any breach of these obligations is punishable with 1 year's imprisonment and a fine of 75,000 euros.

72. The courts may prohibit web hosts and, if appropriate, Internet service providers from storing or allowing access to such content. Service providers are required to enforce judicial decisions intended to put an end to or prevent harm.⁶¹

73. Web hosts can be held liable under civil or criminal law if they had actual knowledge of the illegal information disseminated and failed to act promptly to remove it or block access to it.⁶²

(b) A robust and proactive criminal policy for combating racism and racist hate speech

74. Since 2003, the Ministry of Justice has regularly sent circulars and dispatches – around 20 in total – to public prosecutors.⁶³ The main criminal policy instructions contained therein are to:

- Keep the Ministry of Justice regularly informed of such offences

⁵⁵ Act No. 2017-86 of 27 January 2017 on equality and citizenship.

⁵⁶ https://www.legifrance.gouv.fr/affichCodeArticle.do?jsessionid=33ACD0F8E980C5E1B79F2AED5367D0A8.tplgfr24s_3?idArticle=LEGIARTI000033975349&cidTexte=LEGITEXT000006070719&dateTexte=20180430.

⁵⁷ In this regard, see art. 93-3 of Act No. 82-652 of 29 July 1982 on audiovisual communication, amended by Act No. 2004-575 of 21 June 2004 on confidence in the digital economy, which establishes a system of cascading liability based on the system provided for in the Freedom of the Press Act.

⁵⁸ Act No. 2004-575 of 21 June 2004 on confidence in the digital economy.

⁵⁹ Art. 6.I. (7) of the Act of 21 June 2004 on confidence in the digital economy.

⁶⁰ Art. 6. I. (7), para. 4, of the Act of 21 June 2004 on confidence in the digital economy.

⁶¹ Art. 6.I. (8) of the Act of 21 June 2004 on confidence in the digital economy.

⁶² Art. 6.I. (2) and (3) of the Act of 21 June 2004 on confidence in the digital economy.

⁶³ See, for example, the circular of 4 December 2015 on the development of materials addressing racism and discrimination in citizenship courses; the dispatch of 16 July 2016 on the offences connected to the attacks of 14 July 2016; the dispatch of 25 November 2016 regarding the relationship between the Defender of Rights and the ordinary courts; and the circular of 20 April 2017 introducing the provisions of the Equality and Citizenship Act.

- Provide the investigation services with all relevant instructions to ensure that the resources necessary for identifying and questioning the perpetrators are mobilized
- Be responsive when conducting criminal proceedings against perpetrators of this type of offence and ensure that prosecution is swift, robust and proportionate to the seriousness of the charges and the character of the perpetrators
- Provide victims of racist offences with information regarding victim support organizations
- Organize discussions with representatives of cultural and religious communities, as well as with relevant victims' advocacy organizations.

75. Mindful of the risks that Islam could become associated with terrorism following the terrorist attacks and that anti-Muslim behaviour could emerge, the Ministry of Justice sent several circulars and dispatches drawing the public prosecutors' attention to offences involving discrimination, or motivated by the victim's origin or membership or non-membership of an ethnic group, nation, presumed race or religion.

76. The development of a policy of partnerships is encouraged in order to facilitate the reporting of racist incidents and their examination by the courts. There are judicial focal points for discrimination in every public prosecutor's office and in the Attorney-General's Office, as well as anti-discrimination units at the departmental level. As a result, regular meetings are held with the relevant representatives of the judiciary, the Defender of Rights, anti-racism and anti-discrimination organizations, victim support groups and different faith groups or other authorities.

77. Some public prosecutor's offices have taken the initiative by developing measures specifically designed for discrimination cases, such as citizenship courses.⁶⁴ The Equality and Citizenship Act of 20 January 2017 introduced these courses as an alternative to imprisonment⁶⁵ or as a complementary penalty.⁶⁶

78. The French policy on racist and antisemitic incidents has yielded tangible results (see annex 2): in 2016, prosecutors handled 7,664 cases of racism, of which 3,433 (45 per cent of the total) were for insults and defamation, 2,693 (35 per cent) involved violence and threats, 1,263 (16 per cent) were for discrimination and 275 (4 per cent) involved damage to property. This substantial increase suggests that efforts to improve data collection and to encourage victims to file complaints are starting to bear fruit. In 2016, the number of prosecutions was up 27 per cent compared to 2013.

(c) Combating hate speech in the media and among elected officials⁶⁷

79. Since 2015, the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred has filed more than 140 reports with public prosecutor's offices concerning racist, antisemitic or anti-LGBT offences. Most of the offences involved hate speech over the Internet. As a result of the Interministerial Delegation's reports, private individuals and authors of blogs, many of whom had a mass following,⁶⁸ have been given unconditional or suspended prison sentences, or ordered to pay fines, for offences including incitement to racial hatred or glorification or denial of crimes against humanity. Reports have also been sent to national regulatory bodies, such as the Supreme Audiovisual Council

⁶⁴ It may be recalled that citizenship courses, created in accordance with the Act of 9 March 2004, are given to groups of around 10 people. They comprise training modules adapted to the personality of the convicted persons and the nature of the offence. For example, since 2014, a citizenship course to raise awareness of the history of the Holocaust has been organized at the Shoah Memorial in Paris.

⁶⁵ For offences involving public incitement to discrimination or hatred, or public defamation or insult, based on religion, membership of a presumed race or nation, sex, gender identity or disability.

⁶⁶ For offences involving non-public incitement to hatred, violence or discrimination, or non-public defamation or insult, based on religion, membership of a presumed race or nation, sex, gender identity or disability.

⁶⁷ Committee's recommendation in para. 8 (a).

⁶⁸ For example, following a report by the Interministerial Delegation, Alain Bonnet, alias Soral, was sentenced at first instance, in a judgment handed down by the Paris Criminal Court on 24 June 2016, to 6 months' imprisonment for glorification of war crimes and crimes against humanity through a public means of telecommunication (Égalité et réconciliation website).

and the Professional Football League, as well as professional associations including the National Council of Doctors, urging them to penalize hate speech.

80. Furthermore, the Interministerial Delegation has repeatedly denounced inappropriate remarks in public discourse, including comments made in May 2015 by a member of parliament from Vendée regarding the interment of Jean Zay in the Panthéon mausoleum in Paris; those made in July 2015 by an elected official from Oise regarding travellers; and remarks made in June 2016 by a mayor in Loire, about public signage that stigmatized people observing Ramadan. The Interministerial Delegation has systematically filed reports with public prosecutor's offices regarding comments made by elected officials who, in its view, were liable for prosecution. It filed a report with the Béziers public prosecutor's office in October 2016, regarding an anti-migrant poster campaign launched by the town's mayor; another with the Saint-Etienne public prosecutor's office in June 2017 regarding the ban on wearing the veil in public places imposed by the mayor of Lorette; and another with the Grenoble public prosecutor's office in March 2017 against a municipal councillor for his comments against the Roma community.

(d) Training of law enforcement personnel

81. Each year, as part of their initial training, future members of the judiciary (legal trainees) take a training course on combating discrimination, which is provided by the Legal Service Training College with the participation of the Interministerial Delegation. The Interministerial Delegation will also take part in the technical training sessions soon to be given to legal trainees on methods of investigating racist, antisemitic or anti-LGBT offences.

82. The Legal Service Training College offers in-service training courses specifically focused on racism, antisemitism and racial discrimination. One such course, which has been run by the National Consultative Commission for Human Rights for a number of years, is given to 65 participants over a period of several days.⁶⁹ Moreover, in 2016 and 2017, the Interministerial Delegation provided training to 40 members of the judiciary on hate speech, particularly over the Internet, and on possible ways for the courts to respond.

83. Police officers and gendarmes in all forces and at all ranks receive initial and in-service training on issues relating to racism, antisemitism and xenophobia. Institutions such as the Defender of Rights and non-profit organizations such as the Ligue internationale contre le racisme et l'antisémitisme (International League against Racism and Antisemitism, or LICRA) and "FLAG!" are involved in some of these training courses.

84. A practical guide for combating discrimination, racism, antisemitism, xenophobia and homophobia was updated in May 2013 by the National Police Training Institute in cooperation with the Ministry of Justice and the Defender of Rights. It is accessible to all police officers via the intranet. It is currently being revised to take into account recent changes resulting from the Act of 27 January 2017 and the Ministry of Justice circular of 20 April 2017.⁷⁰

85. A guide for investigators on combating discrimination and offences of a racist, antisemitic or xenophobic nature is provided to all gendarmes during their training to join the criminal investigation branch. In addition, modules have been created in partnership with LICRA and the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred and uploaded to the intranet of the gendarmerie, where they can be accessed and used by all gendarmes. Leaflets are also issued to all trainees in the course of their training.

86. Lastly, the Interministerial Delegation has prepared quick guides to facilitate judicial inquiries into hate speech.

⁶⁹ Training for members of the judiciary, local magistrates, lawyers, court clerks and police officers.

⁷⁰ Act No. 2017-86 of 27 January 2017 on equality and citizenship and the circular of 20 April 2017 introducing the provisions of criminal law or criminal procedure of Act No. 2017-86 of 27 January 2017 on equality and citizenship.

B. Encouraging the reporting of racist discourse and content, particularly over the Internet, and procedures for victims

87. There is a “dark figure” of incidents of racist verbal abuse that go unreported. This is why the plan for the period 2018–2020 includes measures to tackle the spread of hate speech over the Internet, including a proposed European legislative initiative requiring the speedier removal of illegal content and reinforcing the accountability of Internet operators. Furthermore, a legislative amendment has been passed to strengthen the accountability of Internet platforms, by addressing such issues as legal representation in France and the accessibility and visibility of reporting tools, by providing for the closure of accounts that repeatedly engage in hate speech on a major scale and by regulating undercover investigations.

88. To lower this dark figure, the Government announced that in September 2018 it would be establishing, on a trial basis, a network of judicial officials and investigators with special training in the handling of complaints and in methods of investigation regarding hate crimes. Changes were also made to interview and reporting templates.

89. The introduction of an online system for the preliminary reporting of discrimination, incitement to discrimination, and insults and defamation of a discriminatory nature (see below) also reflects this desire to enable victims to better assert their rights.

(a) Enhancement of the PHAROS platform and the reporting of Internet hate

90. In order to step up the fight against cybercrime and, in particular, racist and antisemitic offences committed over the Internet, PHAROS, a platform for the harmonization, analysis, cross-checking and forwarding of reports, was created as a unified system for reporting websites with illegal content.

91. In 2016, 17,384 reports, 11,982 of which related to content inciting racial or religious hatred, were submitted through the PHAROS platform, compared to 26,477 in 2015. Also in 2016, PHAROS sent 834 blocking requests, 1,929 de-indexing requests and 3,129 removal requests to Internet companies. The blocking of 78,526 connections protected Internet users from viewing content that was potentially dangerous or that incited hatred.⁷¹

92. Agreements for reporting racism and discrimination have been signed with a number of partners to allow them access to special reporting tools via PHAROS.⁷²

93. In the autumn of 2015, a web discrimination unit specializing in press law was set up within PHAROS.

94. On 4 March 2016, the National Cybercrime Prevention Agency took part in a meeting, organized by the European Commission in Brussels, on strengthening reporting processes and removing online hate speech. The Council of Europe, 23 States members of the European Union, 11 non-governmental organizations (NGOs), Google, Twitter, Facebook and Microsoft were all represented.

95. On 24 November 2016, a presentation about the PHAROS platform was given to more than 60 organizations during a conference on the prevention of discrimination organized by the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred.

96. In March and December 2017, and again in February 2018, the Interministerial Delegation brought together various Internet platforms⁷³ and non-profit organizations

⁷¹ In 2017, the PHAROS platform received 153,583 reports, of which 13,822, or 9 per cent, were discrimination-related.

⁷² Agreements between the Ministry of the Interior and the Representative Council of Jewish Institutions in France (CRIF) in 2009; LICRA in 2009; SOS Racisme in 2012; SOS Homophobie in 2013; Service de Protection de la Communauté Juive (Jewish Community Protection Service) in 2014; the Defender of Rights in 2015; and Le Refuge, an anti-homophobia organization, in May 2016.

⁷³ Google, YouTube, Facebook, Twitter, Microsoft, Snapchat, Dailymotion, Jeuxvideo.com, Webedia, OVH and Gandi.

involved in combating racism, antisemitism and anti-LGBT hatred,⁷⁴ in order to encourage greater reporting of hate speech to the public authorities and foster a counter-narrative to Internet hate. The Interministerial Delegation also provides financial support to organizations already involved in efforts to counter Internet hate⁷⁵ in order to promote the development of a genuine network of organizations combating hate speech on the Internet.

(b) Tools to facilitate complaints by victims and to inform them of their rights

97. An online system for the preliminary reporting of complaints was set up in March 2013 by the Ministry of the Interior.⁷⁶ It allows a preliminary statement to be made online from any location and, if the facts are found to constitute an element of a relevant offence, the complainant can then make an appointment at a police station or gendarmerie unit of his or her choosing in order to finalize the complaint.

98. The procedure has now been extended, on a trial basis, to cover discrimination, incitement to discrimination, insults and defamation, particularly a racist nature (Decree No. 2018-388 of 24 May 2018).

99. In September 2015, the Defender of Rights, along with 52 other stakeholders, including companies, institutions and non-profit organizations, launched the “Equality against Racism” platform (www.egalitecontreracisme.fr). It is designed to inform the public of the rights and the laws applicable to racism in all its forms (comments, acts, discrimination or violence) and to outline and evaluate action taken by companies, non-profit organizations and territorial units. Victims and witnesses of racist acts can download a witness statement form approved by the Ministry of Justice to submit as evidence.

100. With regard to discrimination more specifically, a website (www.stop-discrimination.gouv.fr) was launched on 9 September 2015 by the Ministry of Justice to inform the public about all the forms that discrimination may take, the penalties that may be imposed and the various assistance and support mechanisms that are in place. The website is accompanied by a preventive campaign, “Let’s Fight Prejudice to Beat Discrimination”, which aims to raise public awareness of the prejudices that contribute to discriminatory behaviour.

101. The Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred has produced and distributed an interministerial guide on combating discrimination and a public information booklet entitled “No to Discrimination”.⁷⁷

(c) Close cooperation with Internet actors⁷⁸

102. Investigations into racism on the Internet often come up against the problem of illegal content hosted in the United States. The site hosts do not consider themselves bound by French criminal law on the abuse of freedom of expression. Hate material is protected by the First Amendment to the United States Constitution, which ensures a broad interpretation of the freedom of expression.

103. In view of these difficulties, France has adopted a policy of developing the accountability of Internet actors and engaging them in dialogue.

104. In 2016, 2017 and 2018, the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred and the Delegation for the Security Industry and Cyberthreats of the Ministry of the Interior regularly brought together government

⁷⁴ LICRA, SOS Racisme, Union des étudiants juifs de France (Union of French Jewish Students), CRIF, SOS Homophobie, Inter-LGBT and Réseau d’Assistance aux Victimes d’Agression et de Discriminations (Support Network for Victims of Assault and Discrimination).

⁷⁵ The organizations that it supports include Respect Zone, Renaissance Numérique, Génération Numérique, Conspiracy Watch and France Fraternités.

⁷⁶ <https://www.pre-plainte-en-ligne.gouv.fr/>.

⁷⁷ The booklet is available in reception facilities and local public services such as town halls, employment offices, family allowance offices, community centres and one-stop shops for public services.

⁷⁸ Committee’s recommendation in para. 8. See above.

agencies⁷⁹ and Internet operators⁸⁰ to strengthen the enforcement of court orders, ensure the retention of erased hate material as evidence and promote the regulation of Internet hate through the effective processing of reports. The PHAROS platform entered into an agreement with the social network Jeuxvideo.com to ensure that content removed from public view would be retained and made available to the courts in order to facilitate judicial inquiries. During a meeting in March 2017, Internet platforms were asked to inform users and the public automatically whenever messages were deleted, in compliance with the platforms' general conditions of use or in accordance with French law.

105. In October and November 2016, PHAROS took part in a test monitoring exercise carried out by the European Union and 12 European NGOs, including LICRA on behalf of France, to measure the responsiveness of Facebook, Twitter and YouTube in moderating content that incited hatred.

106. The issue is also being addressed by a European Union High-Level Group on combating racism, xenophobia and other forms of intolerance, in which France plays an active role. The Group's responsibilities include the implementation of the code of conduct signed by the European Union and major Internet companies.

C. Preventing hate speech and discrimination through education and the promotion of tolerance⁸¹

107. In March 2016, the Government launched a national campaign called "United against Hate" with a view to raising awareness of the need to reject prejudices and stirring members of the public into action with intentionally upsetting statements and images.⁸² The campaign was launched during a special week of education and action against racism and antisemitism, which ran from 21 to 28 March, in order to give fresh impetus at the national level to activities carried out that year to prevent racism and antisemitism. Through a national platform, the campaign has been broadcast on television and disseminated over the Internet and on social networks to call for action against racism and antisemitism. Its six television adverts have been widely aired.

108. The Government has also supported the "Standing against Racism" awareness-raising campaign, involving LICRA, SOS Racisme, Ligue des droits de l'Homme (Human Rights League), and Mouvement contre le racisme et pour l'amitié entre les peuples (Movement against Racism and for Friendship between Peoples). Its designation as a "national priority concern" has given the campaign nationwide coverage by ensuring that the videos are broadcast on public television channels. The main commercial channels have also aired them free of charge.

109. France is involved in the "No Hate Speech Movement" launched by the Council of Europe in November 2015. It is aimed at combating racism and discrimination among young people.⁸³

110. France has taken action specifically targeted at young people in schools. Moral and civic education programmes at all stages of schooling and in all areas of study teach tolerance and understanding between different population groups living in France.⁸⁴

111. The Ministry of Education supplies teachers with a range of resources for combating racism, including the "Values of the Republic" module of the Canopé network⁸⁵ and the

⁷⁹ Directorate-General of the National Police, Directorate General of the National Gendarmerie, police headquarters, PHAROS platform, Directorate for Criminal Matters and Pardons of the Ministry of Justice and the Paris Public Prosecutor's Office.

⁸⁰ Google, Facebook, Twitter, Dailymotion, Jeuxvideo.com, Gandi and OVH.

⁸¹ Committee's recommendation in para. 8 (c).

⁸² <http://www.gouvernement.fr/tous-unis-contre-la-haine>.

⁸³ <https://edoc.coe.int/fr/ressources-en-ligne/5746-mouvement-contre-le-discours-de-haine.html>.

⁸⁴ From the second cycle of primary school (7–9 years of age) to upper secondary school.

⁸⁵ The Canopé network produces transmedia (print, Internet, mobile and television) teaching resources to meet the needs of the education community.

“Educate against Racism” platform in partnership with the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred.⁸⁶

112. Furthermore, every year since 2015, the Ministry of Education and the Ministry of Urban Affairs, Youth and Sport have organized, together with the International Delegation, a week of education and action against racism and antisemitism. The International Day for the Elimination of Racial Discrimination, celebrated on 21 March, falls during that week. A geolocation-based platform for the event contains a list of initiatives for teachers and the general public provided by civil society, community education initiatives and cultural institutions. In 2017, more than 600 events – including screenings, debates, exhibitions, workshops and live shows – took place throughout the country.

113. In addition, the main human rights and anti-discrimination organizations⁸⁷ take part in curricular and/or extracurricular activities in schools.

III. Article 5 of the Convention

A. Combating discrimination against Roma (Committee recommendation No. 9)

(a) Measures to raise awareness and promote peaceful coexistence in order to combat discrimination against Roma⁸⁸

114. France is committed to promoting the active citizenship of persons living in slums by fostering their social and economic participation in society and using mediation to address the inequalities they might face.

115. Since 2013, the non-profit organization Les Enfants du Canal, with support from the Government, has been implementing an integration project entitled “Romcivic”, by means of which young people, primarily of French, Romanian or Bulgarian origin, are able to work as community service volunteers, accompanying persons living in slums, helping them to exercise their rights and fostering their integration. Diversity is an important element of the “Romcivic” project, with young people from all backgrounds, social classes and levels of education coming together to work as a team.

116. In partnership with the National Museum of Immigration History, the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred sponsored an exhibition entitled “Gypsy Worlds”, held between March and August 2018. It also supports local non-profit organizations such as LICRA in Gironde (a partnership with Cirque Romanès); La Voix des Roms (Voice of Roma), a project to combat racism and discrimination through memory and education, in Seine-Saint-Denis; Rencontres Tsiganes (Gypsy Encounters), in Provence-Alpes-Côte d’Azur; and Amitiés Tsiganes (Gypsy Friendship), in Meurthe et Moselle.

(b) Combating hate speech directed at Roma, particularly in the political sphere⁸⁹

117. With regard to political hate speech against Roma, reference should be made to the information concerning hate speech provided earlier in this document. The Government recalls that, on 28 November 2017, following an incident reported by the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred, a municipal councillor in the town of Fontaine, Isère, was sentenced to a term of imprisonment of 2 years, fined 2,000 euros and barred from holding public office for four years for making remarks about Roma that were deemed to constitute incitement to racial hatred.

⁸⁶ <https://www.reseau-canope.fr/eduquer-contre-le-racisme-et-lantisemitisme.html>.

⁸⁷ Including Association Coexist, LICRA, Paroles d’Hommes et de Femmes, Association de la Fondation Étudiante pour la Ville (Afev), Ligue de l’enseignement and Petits Débrouillards.

⁸⁸ Committee’s recommendation in para. 9 (a).

⁸⁹ Committee’s recommendation in para. 9 (b).

(c) Strengthening efforts to combat trafficking in persons, including Roma women and girls⁹⁰

118. Three priorities are established in the national action plan to combat trafficking in persons, adopted in May 2014: the protection of victims, the dismantling of networks linked to trafficking and the establishment of a fully-fledged public policy on the issue. In accordance with the Act of 13 April 2016,⁹¹ funds are allocated for the prevention of prostitution and the provision of social and professional support for victims of prostitution and trafficking in persons for the purposes of sexual exploitation.

119. Special attention is also paid to minors who are victims of exploitation and human trafficking.⁹² Certain measures implemented within the framework of the national action plan to combat trafficking in persons 2014–2016 provided for protection and support tailored to the needs of these minors.

120. In partnership with a number of stakeholders,⁹³ the interministerial task force on the protection of women victims of violence and action against trafficking in persons has established a pilot protection scheme, in Paris, whereby underage victims are placed in conditions of safety, based on geographical distance and the provision of support by specially trained educators. The aim is to remove them from the influence of their exploiters or criminal networks and, thus, better protect them. To date, some 60 underage victims of sexual exploitation have been admitted to this scheme.

(d) Providing advance notice of and supporting persons during evacuations of illegal camps⁹⁴

121. The interministerial task force on accommodation and access to housing supports local slum clearance efforts, primarily to promote inhabitants' access to housing. In 2016, 3,600 persons were housed or placed in temporary accommodation and 1,150 gained access to independent housing through activities funded by the interministerial task force. The measures supported by funding from the task force's illegal camps/slum clearance unit – which, since 2013, has received an annual budget allocation for slum clearance, including 3 million euros in 2017 – have enabled almost 9,000 persons to benefit from temporary accommodation or housing since 2013.

122. The Government established a new public policy framework by means of a new circular published on 25 January 2018.⁹⁵

(e) Improving Roma children's access to compulsory education⁹⁶

123. In its previous report, the French Government outlined the arrangements that had been put in place for educating Roma children, particularly those set out in three circulars dated 2 October 2012, and defined the central role played by the centres for the education of new arrivals and travellers' children whose first language is not French (CASNAV).⁹⁷

124. The Act of 27 January 2017 further reinforces this requirement of education for all, stipulating that the status or living arrangements of families residing in the municipality

⁹⁰ Committee's recommendation in para. 9 (c).

⁹¹ Act No. 2016-444 of 13 April 2016 aimed at strengthening action to combat the system of prostitution and providing assistance to victims of prostitution.

⁹² Order of 17 November 2016 issued pursuant to Decree No. 2016-840 of 24 June 2016 on the procedures for assessing minors temporarily or permanently deprived of the protection of their families.

⁹³ The Secretary-General of the Interministerial Committee for the Prevention of Crime and Radicalization, the judicial authorities, the local authorities, the Ministry for Women's Rights, child protection officials and the non-profit organization Hors la Rue.

⁹⁴ Committee's recommendation in para. 9 (d).

⁹⁵ Government instruction aimed at renewing illegal camp and slum clearance efforts, 25 January 2018, http://circulaire.legifrance.gouv.fr/pdf/2018/01/cir_42949.pdf.

⁹⁶ Committee's recommendation in para. 9 (e).

⁹⁷ Circular No. 2012-141 on the schooling of newly arrived children whose first language is not French, Circular No. 2012-142 on the education and schooling of travellers' children and Circular No. 2012-143 on the structure of CASNAVs.

may not be considered as grounds for refusing to enrol a child subject to compulsory school attendance.⁹⁸

125. It is the responsibility of the mayor to ensure the enrolment of all schoolchildren in one of the municipality's nursery or elementary schools.⁹⁹ School principals can provisionally admit children subject to compulsory schooling, even in the absence of the enrolment certificate required from the mayor of the municipality to which the school belongs.¹⁰⁰

126. A number of mechanisms are in place to tackle the discrimination that Roma children may face in gaining access to education:

- The French courts ensure the effective exercise of those children's rights by issuing decisions condemning cases of non-compliance and any consequent discrimination. For example, on 16 March 2017, the Versailles administrative court reversed a decision of a mayor to establish an educational facility specifically for Roma children in a municipal hall adjoining a gymnasium.
- The Defender of Rights actively participates in efforts to ensure the effective provision of education for Roma children. In 2015, the situation of five Roma children aged 14, 13 and 12 years – who had arrived in France during the school year, were residing on land belonging to a municipality and were having difficulty enrolling in school – was brought to the attention of the Defender of Rights. Although placement tests were conducted in February and March 2015, the departmental national education services indicated that they could not assign the children to a school. The Defender of Rights reiterated the importance of enrolling the children in an inclusive education programme as soon as possible. They were finally allocated to teaching units for children whose first language is not French at the start of the next school year, in September 2015.
- The mobilization of the interministerial task force on accommodation and access to housing as part of efforts to provide comprehensive support to individuals during slum clearance has allowed almost 5,800 children (1,800 in 2016) to be enrolled in school since 2013. The aforementioned new circular of 25 January 2018 strengthens this approach.¹⁰¹

127. In addition, various measures, including local ones, are being taken to promote access to education for migrant Roma whose first language is not French and to combat absenteeism and the early dropout of pupils from itinerant or traveller families. In 2016–2017, for example, an academic working group was set up in the Paris education authority to monitor the enrolment of children living in extremely vulnerable situations, such as in camps, slums in the inner suburbs or emergency accommodation. It is composed of representatives of various institutions and non-profit organizations with the aim of supporting the education of children living in extremely vulnerable situations and tackling low enrolment rates, absenteeism and school dropouts. It allows for the individualized monitoring of schoolchildren and their families.

128. Each year, the National Distance Learning Centre provides schooling – 90 per cent of which corresponds to secondary-level education – for around 10,000 students from itinerant and traveller families. Since 2016, pupils whose families are making an extended stay at a halting site can benefit from shared schooling agreements, by means of which they are registered with both the National Distance Learning Centre and a secondary school,

⁹⁸ Article 193 of Act No. 2017-86 of 27 January 2017 on equality and citizenship, amending article L.131-5 of the Education Code.

⁹⁹ Education Code, art. L.131-5.

¹⁰⁰ See Circular No. 2014-088 of 9 July 2014 on the model departmental regulations for nursery and elementary schools. Should any difficulties be encountered with the enrolment of a child, the school principal can refer the matter to the national education inspector of the school district in question. If the obstacles cannot be overcome locally, it is up to the prefect to take the appropriate measures to make the enrolment possible.

¹⁰¹ <http://circulaires.legifrance.gouv.fr/index.php?action=afficherCirculaire&hit=1&retourAccueil=1&r=42949>.

thus ensuring the managed educational inclusion of these students for the duration of their stay.

(f) Facilitating the access of Roma to health care and social services¹⁰²

129. A national health-care mediation programme – developed in 2011 by organizations concerned about the worrying state of health of the Roma population living in squats or slums – aims to expand mediation activities. These activities promote access to health for persons in vulnerable situations by integrating them into the mainstream health-care system, including for the provision of antenatal care and childhood immunizations in mother-and-child care centres, and also improve health workers' awareness of such persons.¹⁰³

130. Roma persons are able to benefit from universal health protection, which allows all persons who work or, if unemployed, who reside on a continuous and legal basis in France to benefit from coverage of their health-care costs.¹⁰⁴ Homeless persons and those who are itinerant or living in makeshift housing must be domiciled at a community social welfare centre or an association authorized by the prefecture.

(g) Promoting the access of Roma persons to employment¹⁰⁵

131. As a result of the comprehensive action taken by the Government, more than 1,700 persons were able to secure work between 2012 and 2016. These persons receive individual employment support (based on their age, level of French, education level, etc.), which may be provided as part of comprehensive social support or within the context of specific integration measures.

B. Combating discrimination against travellers (Committee recommendation No. 10)

132. As with the previous developments concerning Roma persons, efforts have been made to improve the situation of travellers and ensure the effective exercise of their rights to freedom of movement, housing and education.

133. The National Advisory Commission on Travellers was set up on 17 December 2015.¹⁰⁶ It aims to take into account the needs of travellers and ensure their involvement in the drafting and monitoring of public policies that concern them. Since its creation, the Commission has convened 27 working groups on various subjects such as culture, memory and regulations (housing, training and employment).

134. Regarding schooling for travellers' children,¹⁰⁷ reference should be made to the information provided in the subsection on education for Roma children.

(a) Repealing the Act of 3 January 1969 and abolishing in-country travel permits

135. In conformity with the Committee's recommendations,¹⁰⁸ the Government has repealed the Act of 3 January 1969 regarding itinerant activities and the regulations applicable to persons moving around in France who have no domicile or fixed abode.¹⁰⁹ The obligations relating to travel permits – namely special permits (*livrets spéciaux de*

¹⁰² Committee's recommendation in para. 9 (f).

¹⁰³ The programme had 14 mediators in 2016 from 12 local organizations working in the urban areas of Caen, Grenoble, Île-de-France, Lyon, Lille, Marseille, Montpellier, Nantes and Rouen. An agreement between the Department of Health and the National Federation of Solidarity Associations for Action with Gypsies and Travellers has been renewed for the period 2017–2019.

¹⁰⁴ Universal health protection replaced universal basic health coverage on 1 January 2016. See article 59 of Act No. 2015-1702 of 21 December 2015 on social security funding for 2016.

¹⁰⁵ Committee's recommendation in para. 9 (g).

¹⁰⁶ The Commission reports to the interministerial task force on accommodation and access to housing, which is part of the Office of the Prime Minister. See: <http://www.gouvernement.fr/commission-nationale-consultative-des-gens-du-voyage-4906>.

¹⁰⁷ Committee's recommendation in para. 10 (c).

¹⁰⁸ Committee's recommendation in para. 10 (a).

¹⁰⁹ Act No. 2017-86 of 27 January 2017 on equality and citizenship, art. 195.

circulation) and the travel permits that are mentioned in article 4 of the Act of 3 January 1969 – and municipalities of registration were also abolished, although the Act of 27 January 2017 makes provision for transitional arrangements.¹¹⁰

(b) Housing conditions for travellers

136. The Government refers to its previous report, in particular to the information on the Act of 5 July 2000 on the reception and housing of travellers,¹¹¹ and points out that, pursuant to the Act of 7 August 2015, new powers relating to the reception of travellers were granted to the Public Corporations for Inter-Municipality Cooperation, effective as of 1 January 2017.¹¹² As a result, the Public Corporations are legally responsible for constructing, maintaining and managing halting sites for travellers.

137. Progress has been made in developing halting sites for travellers, with 26,873 places already available by the end of 2015. The establishment of departmental plans for the reception of travellers should make it possible, in time, to achieve the objective of 38,844 places set in the departmental plans for the end of 2015.¹¹³

138. On 2 November 2017, a bill concerning the reception of travellers and measures against illegal sites was submitted to the National Assembly. It is intended to provide practical solutions to the problems posed by illegal sites by clarifying the content of, and methods of implementing, each departmental plan for the reception of travellers.¹¹⁴

139. Regarding the powers devolved to the authorities in exchange for establishing departmental plans, the Government refers the Committee to its previous report and to the Act of 5 July 2000 on the reception of travellers.¹¹⁵

C. Combating discrimination against asylum seekers and refugees, including unaccompanied minors (Committee recommendation No. 16)

(a) Reception conditions for asylum seekers

140. As well as transposing the obligations arising from the European directive of 26 June 2013 on procedures,¹¹⁶ the Act of 29 July 2015 on the reform of the asylum system aims to strengthen the rights of asylum seekers, improve the time taken to process asylum applications and enhance support for asylum seekers, including with regard to accommodation.¹¹⁷

141. A new national reception scheme has been established based on three main aspects:

- Initial reception and support with administrative procedures is provided by facilities for the initial reception of asylum seekers located throughout France. These facilities serve as one-stop centres for the registration of asylum applications, providing for the first-line receipt of applications and arranging appointments. The functioning of these one-stop centres is being improved to speed up the registration of asylum applications. According to a circular of 12 January 2018, prefects are required to reduce the time taken for registration significantly in order to meet the three-day target.

¹¹⁰ Act No. 2017-86 of 27 January 2017 on equality and citizenship, art. 194.

¹¹¹ Act No. 2000-614 of 5 July 2000 on the reception and housing of travellers.

¹¹² Act No. 2015-991 of 7 August 2015 on the new territorial organization of the Republic.

¹¹³ For reference, departmental plans for the reception of travellers are compulsory pursuant to the Act of 5 July 2000 on the reception of travellers. They establish the number of halting sites and the total number of halting site places that are to be created. A departmental plan is drafted by the prefect and the President of the General Council and may be revised every six years following its publication.

¹¹⁴ Chapter I of the bill (arts. 1–3) clarifies the role of the State, the territorial units and their groupings. Chapter II (arts. 4–6) aims to update the procedures for evacuating illegal travellers' sites.

¹¹⁵ Act No. 2000-614 of 5 July 2000 on the reception and housing of travellers.

¹¹⁶ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

¹¹⁷ Act No. 2015-925 of 29 July 2015.

- An allowance established pursuant to the Act of 29 July 2015 is paid, subject to age and means testing, to asylum seekers who have accepted the assistance offered by the French Immigration and Integration Office at the one-stop centre, pending a final decision. The allowance is also for persons receiving temporary protection and victims of trafficking.
- Accommodation is offered, subject to availability and the vulnerability of the persons concerned. Since 2012, the number of accommodation places for asylum seekers has increased by almost 80 per cent and should reach 80,000 places by the end of 2017. An additional 4,000 places will be added in 2018 and a further 3,500 in 2019.

(b) Shelter operations, particularly in Calais

142. In the light of the very large number of migrants in the Calais and Grande-Synthe municipalities who wish to make their way to the United Kingdom, and the consequences in terms of human dignity, France has carried out a number of operations to place migrants in shelters and has strengthened its cooperation with the British authorities.

143. Even before the dismantling of the La Lande camp in Calais on 24–28 October 2016, a family reunification procedure for unaccompanied foreign minors with links to the United Kingdom had been put in place by the French and British authorities. The non-profit organization France Terre d’Asile has been tasked by the Government with identifying and monitoring these minors and has enabled 388 minors to be transferred to the United Kingdom, primarily within the framework of the Dublin III Regulation.¹¹⁸

144. After the evacuation, all the minors at reception and guidance centres for unaccompanied minors were interviewed by British Home Office representatives in order to assess their family ties to Great Britain. More than 500 minors were thus able to reach the United Kingdom. Persons evacuated from Calais claiming to be minors and not transferred to the United Kingdom were referred, after an age assessment, to child welfare services or, if they had reached the age of majority, to reception and guidance centres.

145. All migrants at the reception and guidance centres, including the centres specifically for unaccompanied minors, have received social and administrative assessments and information on the steps to be taken in relation to asylum applications. Swift access to asylum proceedings has been guaranteed and the National Office for the Protection of Refugees and Stateless Persons has conducted outreach around the country.

146. Since August 2017, reception and assessment centres have been opened in the Nord and Pas-de-Calais departments. Water points and showers have been made available to migrants in Pas-de-Calais.

147. The dismantling of the Calais camp has enabled 5,466 adults and 1,952 minors to be placed in shelters.

148. A similar operation was carried out in the Grande-Synthe camp, following the fire on 11 April 2017, and, as a result, 2,000 persons were placed in shelters around the country. Another shelter operation was organized for around 500 migrants in Grande-Synthe on 19 September 2017.

149. To date, 41 per cent – or 1,702 – of the 2,600 Calais migrants still in reception and guidance centres have obtained protected status, while the asylum applications of 1,267 persons are still being assessed.

150. Lastly, 34 shelter operations took place in Paris between 2 June 2015 and 7 July 2017, leading to the State taking responsibility for 27,000 persons.

¹¹⁸ Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

(c) Situation of unaccompanied minors

151. One of the distinguishing features of French law is its legal mechanism for the protection of minors, regardless of their nationality or status. Since they are not required to hold a residence permit, minors cannot be considered as illegal aliens and are therefore protected from removal orders against them personally.

152. Like any unaccompanied minor, unaccompanied foreign minors, regardless of their nationality, are first and foremost provided with shelter by the departmental authorities, in the context of which they receive an individual assessment of their situation (age, unaccompanied status and requirements).

153. The Child Protection Act of 14 March 2016 enshrined the provision of shelter, assessment and guidance in the Social Welfare and Family Code¹¹⁹ and the Civil Code.¹²⁰ The Act states that decisions on courses of action taken by the juvenile court judge or the public prosecutor must be made strictly in consideration of the interests of the child in order to guarantee the appropriate reception procedures.¹²¹

154. The Act was supplemented by a decree of 24 June 2016¹²² and a decision of 17 November 2016¹²³ relating to assessment methods, which incorporate safeguards into the process of assessing the minor's situation. In so doing, particular attention is paid to the health of individuals presenting themselves as unaccompanied minors and to the risks of human trafficking. In addition, these instruments also establish a definition of "unaccompanied" to ensure the broadest possible protection of unaccompanied minors. According to that definition, if an adult does not hold parental authority or does not express a wish to be entrusted with the minor for the long term, the minor's unaccompanied status must be confirmed.

155. In principle, a foreign minor cannot be subject to an obligation to leave French territory or to a removal order.¹²⁴ Nevertheless, there is a judicial procedure for return to the country of origin, which is supervised by the juvenile court judge and carried out in accordance with the best interests of the child and respect for his or her fundamental rights and freedoms.

156. The assessment of the possibility of return takes into account all rights recognized by the Convention on the Rights of the Child. Within this process, the return of the minor to his or her country of origin is never an objective in itself; it only becomes an objective if, based on the assessment, it is in the best interests of the child. In any case, an administrative decision cannot contravene the opinion of the judicial authority responsible for the protection of minors. The views of the child, who has the right to be heard, are also taken into account.

157. Furthermore, respect for the best interests of a child affected by an administrative removal procedure involving his or her parents or representatives is strictly monitored by the national courts.

158. The Council of State¹²⁵ has recalled the State's obligations to collect the necessary information as to the minor's identity, the specific nature of the links between the child and the accompanying adult and the conditions of care in the country of destination. By thoroughly taking into account the child's best interests in respect of these three aspects, the lawfulness of the minor's departure with the accompanying adult will be determined. In addition, the material conditions for return and, if applicable, for reception in detention centres must be adapted to the specific needs of the child in question.

¹¹⁹ Social Welfare and Family Code, art. L.221-2-2.

¹²⁰ Civil Code, art. 375-5.

¹²¹ Civil Code, art. 372-5 (4).

¹²² Decree No. 2016-840 of 24 June 2016.

¹²³ Order of 17 November 2016 issued pursuant to Decree No. 2016-840 of 24 June 2016.

¹²⁴ Code on the Entry and Residence of Aliens and the Right of Asylum, arts. L.511-4 (1) and L.521-4.

¹²⁵ Orders of the Council of State urgent applications judge of 25 October 2014 (No. 385173) and 9 January 2015 (No. 386865).

(d) Appeals with suspensive effect against a removal decision in certain overseas collectivities

159. According to the jurisprudence of the European Court of Human Rights, the effectiveness of an appeal by a foreign national against a removal order is not necessarily dependent on the appeal having suspensive effect. The Court links the two in specific instances where there is a serious risk of a breach of the safeguards provided for in article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, in other words, a risk of torture or inhuman or degrading treatment; or, more generally, a risk that one of the guarantees enshrined in the Convention will be irreversibly breached.¹²⁶

160. However, French law recognizes as a matter of principle the automatic suspensive effect of appeals against decisions imposing an obligation to leave the French territory on illegal aliens, including those whose request for asylum has been rejected by the competent authorities, thus going beyond even the requirements arising from the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union.

161. In certain overseas territories,¹²⁷ the legal system is tailored to the specific characteristics of the territory, taking into account migratory pressures and the geographical context.

162. This accommodation¹²⁸ consists of a derogation: a foreign national subject to a removal order can apply to the competent administrative court for an interim order. Such remedy, provided for under article L.521-2 of the Administrative Code of Justice, is not subject to any time limits on the part of the applicant. It is considered by the judge within 48 hours and provides an opportunity for the foreign national to present an arguable claim against the removal order. While this procedure does not have automatic suspensive effect, only non-urgent, inadmissible or unfounded applications, or those that clearly fall outside the remit of the administrative court, may be rejected by the judge without a hearing attended by both parties. In practice, in all cases where the foreign national has presented an arguable claim, the enforcement of the removal order is suspended until the judge has heard the case in a public hearing.

163. In addition, under the Act of 29 July 2015 on the reform of the asylum system, the right to an appeal with automatic suspensive effect before the National Court on the Right of Asylum was extended so that it now applies to all applicants, irrespective of whether their application is considered under the normal or accelerated procedure. At present, appeals in the overseas collectivities and departments are also suspensive in nature.

D. The situation in overseas France (Committee recommendations Nos. 11–14)

164. The use of the term “indigenous peoples” (“*peuples autochtones*” in French) and the reference to the collective rights of these peoples poses constitutional difficulties for France. The constitutional principles of the indivisibility of the Republic, the unity of the French people and the equality of citizens before the law prevents recognition within the French people of separate peoples defined by a common origin, a particular ethnicity or specific cultural characteristics,¹²⁹ and also prevents recognition of collective rights attaching to any group, defined by common origin, culture, language or belief.¹³⁰

165. Moreover, France has not adopted a comprehensive, uniform policy towards indigenous communities, which themselves show considerable diversity.¹³¹

¹²⁶ See also the judgment of 18 December 2014 (C-562/13) of the European Court of Human Rights in the Abdida case.

¹²⁷ French Guiana, Guadeloupe, Mayotte, Saint-Barthélemy and Saint-Martin.

¹²⁸ Code on the Entry and Residence of Aliens and the Right of Asylum, art. L.514-1.

¹²⁹ See Constitutional Council decision No. 91-290 DC of 9 May 1991.

¹³⁰ See Constitutional Council decision No. 99-412 DC of 15 June 1999.

¹³¹ Etymologically speaking, the French term “autochtone” (from the Greek *autókhthônos*, consisting of *autós*, of oneself, and *khthôn*, earth), is used to refer to a population that is distinct from a “minority”

166. However, in practice, the interests of certain population groups are represented by consultative bodies such as the Grand Customary Council of the American Indian and Bushinengue peoples in French Guiana and the Customary Senate in New Caledonia. Such representation is always based on objective criteria, generally territorial and not identity-related. The regulations applicable in overseas France have thus been tailored to the needs of the local populations, in line with cultural, economic and social realities in each territory.

167. Consequently, although only measures based on territorial criteria may be taken for the benefit of indigenous populations in the overseas collectivities, such an approach in no way limits the commitment of France to ensuring that persons belonging to those populations fully and effectively enjoy human rights, without any discrimination, just like all other individuals.

(a) The situation in French Guiana¹³²

168. At the end of March 2017, a protest movement emerged in French Guiana, initially in relation to public security, though the protests subsequently also encompassed other claims relating to social issues, the economy, and access to public services and infrastructure.

169. The emergency plan for French Guiana, proposed by the Government, is the central plank of the Guiana agreement signed on 21 April 2017 in response to the protest. It consists of 30 measures¹³³ relating to security, justice, health, education, transport, land and local economic development.

170. The State's financial commitment in this regard is 1.086 billion euros. As of February 2018, most of the measures included in the plan had been, or were being, implemented.

Access to traditionally used land and resources

171. The American Indian and Bushinengue peoples living in French Guiana have a strong attachment to the customary lands that they have been using for generations in a manner respectful of biodiversity and the natural renewal of forested areas, without any system for individual appropriation.

172. For many years, these communities have benefited from mechanisms that allow them to obtain specific legal protection over these lands, in the form of concessions or collective rights of use.¹³⁴

173. In the emergency plan for French Guiana, the State has undertaken to assign "400,000 hectares to the indigenous peoples through the Grand Customary Council of the American Indian and Bushinengue peoples, a public institution".

174. With regard to traditionally used resources, since the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity was transposed into national law in 2016,¹³⁵ article L.412-4 of the Environment Code has ensured specific protection for "any community of inhabitants which traditionally derives its means of subsistence from the natural environment and whose way of life is valuable for the preservation and sustainable use of biodiversity".

175. According to article L.412-10 of that Code, in each collectivity where such a community of inhabitants is present, a public-law corporation is made responsible for organizing consultation with any community or communities of inhabitants holding

because of its presence in a land from time immemorial and its continuous historical links with pre-colonial societies.

¹³² Committee's recommendation in para. 12.

¹³³ <https://www.legifrance.gouv.fr/eli/convention/2017/4/21/OME01713117X/jo>.

¹³⁴ These mechanisms were established by decrees No. 87-267 of 14 April 1987 and No. 92-46 of 16 January 1992 (see articles R. 170-31 et seq. of the Code of State-Owned Property).

¹³⁵ Transposition by Act No. 2016-1087 of 8 August 2016 for reclaiming biodiversity, nature and landscapes.

traditional knowledge associated with genetic resources. It is also made responsible for negotiating and signing the benefit-sharing contract with the user and, where necessary, for managing property vested by application of the contract.

176. Article 78 of the Act of 28 February 2017 on planning for substantive equality overseas¹³⁶ provides, in this context, for the establishment of a public cultural and environmental body to fulfil this role under the aegis of the Grand Customary Council.¹³⁷

Education

177. The French Guiana education authority has developed specific mechanisms for students whose mother tongue is an indigenous language, to ensure that these languages are present and recognized both in school and in extracurricular activities. These mechanisms have been strengthened by the provisions of the Act of 2013.¹³⁸

178. The academic framework for the work of mother tongue educational assistants, which is specific to French Guiana and takes place largely at the nursery school level, aims to help pupils and their families to gain a sense of school ownership and raise the profile of their mother tongue and culture, and also to structure the learning of their mother tongue, acquire cross-cutting and transferable linguistic skills and so facilitate, through bilingualism, the learning of French.

179. For example, at the primary school level, a bilingual stream with equal hours in kali'na and French was launched at the start of the 2017 school year in Awala-Yalimapo, with the assistance of local partners (parents of pupils, the two traditional chieftainships and the municipality). In addition, a pilot project to teach reading and writing in Wayana is already under way in two schools.

180. The French Guiana education authority is making efforts to strengthen the professional skills of the mother tongue educational assistants and, through an agreement signed by the university and the local education office, is offering them a training programme leading to a degree in educational science, and then to the competitive examination for schoolteachers, in most cases through a work-based master's programme. This mechanism was strengthened at the start of the 2017 school year when the number of mother tongue educational assistant posts was doubled,

Access to care

181. Given the low population density of French Guiana, it is not possible to offer a wide range of local health-care services. Most facilities are located in Cayenne and Kourou and, to a lesser extent, in Saint-Laurent du Maroni, which is home to almost 49 per cent of the population of French Guiana. Since French Guiana does not have a full range of specialized services, medical evacuation is used more frequently than in metropolitan France.

182. Mobile emergency response and resuscitation services are dependent on weather conditions, which often hinder service provision. This specific local context favours the continued development of a telemedicine network, especially between the decentralized prevention and primary care centres and the Cayenne hospitals, as well as between the Cayenne hospitals and those in the French West Indies.

183. In addition, 25 million euros allocated under the French Guiana agreement will be made available for the reconstruction of the Centre hospitalier de l'ouest guyanais (Hospital Centre of Western French Guiana).

¹³⁶ Act No. 2017-256 of 28 February 2017 on planning for substantive equality overseas and issuing other social and economic provisions.

¹³⁷ See article L.7124-19 of the General Code of Territorial Units.

¹³⁸ Act No. 2013-595 of 8 July 2013 on policy and planning for reform of the French school system, article 19.

Combating illegal gold panning

184. Illegal gold panning affects indigenous peoples in the Amazon forest particularly severely. It has major ecological consequences, including uncontrolled deforestation and pollution, and gives rise to a specific type of criminality.

185. Since 2008, 120 gendarmes and 300 members of the military in French Guiana have participated on a daily basis in Operation HARPIE.¹³⁹

186. Thanks to the significant mobilization of human and material resources through this operation, the number of seizures rose sharply in 2016.¹⁴⁰ There was also a significant increase in the number of mining pits and sites destroyed.¹⁴¹

187. Cooperation with Suriname has been greatly strengthened, with more frequent operational exchanges and the ratification of a police cooperation agreement in 2017. As for Brazil, the Agreement on Combating Illegal Gold Panning of 23 December 2008 came into effect on 21 February 2014 and will provide new possibilities for judicial cooperation.

Institutional representation and participation in public decision-making processes

188. The Act of 28 February 2017 on substantive equality overseas strengthened the representation of American Indian and Bushinengue peoples. Under article 78 of that Act, the previous advisory committee was replaced with a “Grand Customary Council of the American Indian and Bushinengue peoples”, the aim of which is to ensure their representation and defend their legal, economic, social, cultural, educational and environmental interests.

189. This Grand Council is under the authority of the prefect, the representative of the State. Any project or proposal before the assembly of French Guiana that has consequences for the environment or habitat or that concerns the identity of the American Indian and Bushinengue peoples must first be submitted to the Grand Customary Council for its opinion.¹⁴² The Grand Council may also take up any project or proposal that is being discussed by the territorial unit of French Guiana and that directly concerns the environment, the habitat or the cultural activities of these peoples.

190. Since 2015, public service centres have been established in the remote municipalities of Taluen and Grand-Santi; such centres should also be extended to other municipalities. Public service providers come and hold surgeries there or have surgeries by videoconference.

(b) The situation in New Caledonia¹⁴³*Preparation for self-determination*

191. Under the Nouméa Accord signed on 5 May 1998,¹⁴⁴ the 16th meeting of the Committee of Signatories to that Accord was held on 2 November 2017 in Paris, with the Prime Minister as chair. A political agreement was reached on the conditions for organizing the referendum on self-determination in New Caledonia.

192. The Accord provides for the automatic inclusion on the general electoral list of persons born in and resident in New Caledonia who are not already on the list, namely 7,000 persons with customary civil status (Kanak) and 3,900 persons with civil status under ordinary law.

¹³⁹ Operation HARPIE is a French interministerial operation conducted in French Guiana since February 2008 to combat illegal gold panning in the territory.

¹⁴⁰ 214 pirogues, 146 kg of mercury, 3.1 kg of gold and 317,000 litres of fuel.

¹⁴¹ 580 in 2014, 412 in 2015 and 733 in 2016.

¹⁴² Article L.7124-15 of the General Code of Territorial Units.

¹⁴³ Committee’s recommendation in para. 13.

¹⁴⁴ Agreement signed by the French Government, Rassemblement pour la Calédonie dans la République (RPCR) and Front de libération nationale Kanak et socialiste (FLNKS). The Committee of Signatories is responsible for preparing for and monitoring implementation of the Accord.

193. A draft organic law will soon be considered by Parliament in order to make the necessary adjustments to ensure the broadest possible participation in the referendum, as called for at the aforementioned Committee of Signatories.

Land issues and access to fishing grounds and to the sea

194. According to figures from the Rural Development and Land Improvement Agency, as at 31 December 2015 private land accounted for 16 per cent of the total surface area in New Caledonia, customary lands for 27 per cent, and public land belonging to the territorial units for 55 per cent.

195. Most of the private land is in the Southern Province, where the areas most suitable for agriculture and livestock are to be found. Half of the customary lands in New Caledonia are in the Northern Province.

196. Access to fishing grounds and to the sea, especially the natural marine park, is regulated by the provinces.

197. After seeking the opinion of the relevant customary council, the provinces make the specific arrangements necessary to take account of customary uses.

Access to health

198. The territory's status of political and administrative autonomy gives it full jurisdiction in matters of health. The State may issue health regulations only in relation to public freedoms or criminal provisions.

Access to education

199. In 2016, following an unprecedented consultation process which lasted almost ten years and which involved the education community, political groups, customary authorities, trade union organizations, parents' associations, non-profit organizations and institutions, the New Caledonia education project was adopted by the Congress of New Caledonia. New Caledonia therefore now has a genuine education policy.

200. Its main objective is to develop the identity of the school system of New Caledonia to promote coexistence, including by strengthening students' engagement in the life of their school, establishing a strong commitment to community service and giving greater value to the teaching of the Kanak languages and culture. It also seeks to take account of social diversity in order to promote the success of all. To that end, the plan is to establish a set of core knowledge and skills, to tailor the operation of each school to the diversity of students, and to provide additional resources to schools that are struggling.

(c) The situation in Mayotte

201. On 23 August 2014, the President of the Republic announced a 10-year development plan for Mayotte to replace the previous 25-year plan. "Mayotte 2025", the strategy document for the State's engagement in the development of the department, was signed on 13 June 2015 in Mayotte by the Prime Minister and the elected representatives.¹⁴⁵

202. The Act of 28 February 2017 on planning for substantive equality overseas has given "Mayotte 2025" legislative force and is accelerating its implementation.

203. The Committee is concerned about the consequences of the discontinuation of local civil status in Mayotte for the rights of Mahorais. However, measures have been taken to promote the substantive equality of Mahorais with the population of France as a whole in the exercise of their economic, social and cultural rights.

204. With regard to health and social welfare, the 2016 Amending Finance Act provided the department of Mayotte with budgetary compensation for the financing of child welfare services, consisting of a retroactive payment of 41.8 million euros for the period 2009 to 2015, and 6.6 million euros per year as of 2016.

¹⁴⁵ The strategy document consists of 6 priorities, broken down into 324 actions.

205. The Act of 28 February 2017 on planning for substantive equality overseas contains several measures relating to “Mayotte 2025”, including:

- For minors receiving assistance from child welfare services or the Directorate for the Legal Protection of Young Persons, participation in the social security system of Mayotte;
- Full convergence of family benefit for families with two children and acceleration of the pace of convergence for families with three children, as of 2021; and the establishment of a complementary family benefit in 2018;
- For adults and children with disabilities, the provision of additional support to improve their living environment;
- For elderly persons, an increase in the special allowance for the elderly and the establishment of a minimum contribution for those with the smallest pensions;
- For the health of those with the lowest incomes, the gradual introduction of complementary universal health coverage (CMU-c).

206. Progress has been made towards the “Mayotte 2025” health objective through the financing of the new Petite Terre hospital – construction began in November 2016 and is expected to be completed in 2019 – and the new health strategy for overseas France, which will be adapted to conditions in Mayotte: measures will in particular be taken to ensure that posts are attractive for health personnel; to prevent and screen for disease; and to promote research and innovation in the area of health.

Social housing

207. The Act of 28 February 2017 on planning for substantive equality overseas provides for land reform aimed at ensuring security for landowners and offering tax incentives to encourage residents to request legal title to property.

Education

208. One of the objectives established in the “Mayotte 2025” document is the achievement of high-quality education, training and a youth inclusion policy to ensure that all young people in Mayotte are given the conditions for educational success.¹⁴⁶

209. For example, the Act of 28 February 2017 established the “future managers” mechanism in order to support training mobility and facilitate access by high-potential young people to management positions in Mayotte, after a period of paid training. The first young people are expected to benefit from this programme in the 2018 school year.

210. It has also enabled school building efforts to continue, by doubling the financing available in 2017.

Freedom of movement of Mahorais

211. All French nationals, including Mahorais, are able to move freely throughout France and the Schengen area.

Employment and economic development

212. The application of the Labour Code was extended to Mayotte on 1 January 2018, allowing the alignment of working hours (the 35-hour week) and the application of the statutory minimum wage (SMIC) in Mayotte.¹⁴⁷ In addition, as part of ongoing efforts to curb high living costs, the Act of 28 February 2017 on planning for substantive equality overseas allows small retailers to buy from Mayotte distributors at wholesale tariffs. A dozen or so small grocery stores have formed a cooperative in order to pool their purchases. A direct air connection from Dzaoudzi to Paris was launched on 10 June 2016; moreover, the French meal-voucher scheme was extended to Mayotte as of 30 November 2016.

¹⁴⁶ This objective breaks down into 4 themes and 86 actions.

¹⁴⁷ Growth-indexed minimum wage.

E. The situation in the outlying urban areas (Committee recommendation No. 15)

213. Five and a half million persons live in the 1,500 neighbourhoods considered to be an urban policy priority.¹⁴⁸ Twenty-five per cent of persons in these neighbourhoods have an immigrant background and the population has a higher concentration of young people and women than elsewhere. The social situation of residents in the neighbourhoods is also more fragile: the standard of living of 42 per cent of residents lies below the poverty line (compared with 16 per cent in the rest of the country) and nearly 26.4 per cent of residents are unemployed (compared with 10.1 per cent elsewhere). Mobility in these neighbourhoods is also high. Those who leave are often households moving up the social or residential ladder, while those who settle there are almost always vulnerable households.

(a) Comprehensive anti-discrimination strategy

214. Article 1 of the Act on town planning and urban cohesion of 21 February 2014¹⁴⁹ stipulates that urban policy must “Contribute to equality between women and men, the integration policy and the fight against discrimination faced by residents of disadvantaged neighbourhoods, in particular discrimination with regard to place of residence and actual or presumed origin.”

215. The General Commission for Equality of the Territories, which comes under the responsibility of the Minister for Territorial Cohesion, who is responsible for urban policy, devotes its work at the national and local levels to strengthening citizenship and focuses on discrimination against persons on account of their actual or presumed origin, place of residence or gender. More specifically, its action in terms of urban policy focuses on three main areas:

- Access to rights, through support for partner organizations, including Ligue des droits de l’Homme (LDH), Comité Inter-Mouvements Auprès Des Évacués (Inter-Movement Committee for Aid of Evacuees) (CIMADE) and Fédération des Associations de Solidarité avec Tou-te-s les Immigré-e-s (Federation of Associations in Solidarity with All Immigrants) (FASTI);¹⁵⁰
- Prevention of discrimination by providing training on deconstructing social and ethno-racial stereotypes and prejudices;
- Mobilization of local public authorities by drawing up territorial strategic plans to combat discrimination.¹⁵¹

(b) Combating ghettos: a new urban renewal programme and a new social housing allocation policy

216. The new urban renewal programme,¹⁵² launched in 2014, includes the obligation to totally rebuild demolished social housing outside disadvantaged neighbourhoods, unless otherwise approved. In addition, a tax measure – reduced value added tax (VAT) for home ownership transactions – directly promotes social diversity in priority neighbourhoods. This incentive reduces property selling prices in order to benefit buyers.

217. Diversity in neighbourhoods considered to be an urban policy priority also relies on the implementation of the reform of social housing allocation policies, initiated in 2014 and

¹⁴⁸ Of these 1,500 neighbourhoods considered to be an urban policy priority, 1,300 are located in metropolitan France.

¹⁴⁹ Act No. 2014-173 of 21 February 2014 on town planning and urban cohesion.

¹⁵⁰ Using this support, a network of more than 300 legal surgeries has been deployed in neighbourhoods considered to be an urban policy priority. The partnership comprises almost 20 non-profit organizations.

¹⁵¹ As a mandatory annex to city contracts, these multiannual plans specify the activities undertaken by local authorities to combat discrimination by mobilizing urban policy funds: training community workers, monitoring recruitment processes, and conducting communication and information campaigns.

¹⁵² <http://www.cget.gouv.fr/territoires/quartiers-de-la-politique-de-la-ville/nouveau-programme-national-de-renouvellement-urbain>.

continued through the Equality and Citizenship Act of 27 January 2017, with the aim of ending the concentration of poverty in the priority neighbourhoods. At least 25 per cent of social housing available in the most attractive neighbourhoods (compared with a current average of 19 per cent) will therefore have to be allocated to the poorest 25 per cent of households. In the future, all housing sector stakeholders in the various municipalities will have to disclose the criteria they use to allocate social housing. The procedures followed by the allocation committee to select submitted applications will be clarified and, by 2020, all social housing providers will have to publish vacant social housing units online.

(c) Proactive action in employment

218. In order to measure the risk of discrimination in access to employment due to a person's "origin", the recruitment processes of some 40 large companies were tested between April and July 2016. This involved responding to job adverts with two different applications in which the candidates had exactly the same professional skills and only differed with regard to the origin evoked by the sound of their first and surnames. The overall results show that recruiters are less frequently interested in applications from candidates whose names sound "Maghrebin": the rate of positive responses was, respectively, 47 per cent for candidates whose names did not sound Maghrebin and 36 per cent for the others.¹⁵³

219. This significant difference according to the candidate's presumed or actual "origin" concerned both men and women, and non-management as well as management positions.

220. Companies identified as being liable to discriminate were asked to take steps to ensure the equal treatment of candidates during recruitment processes.

221. In addition, the aforementioned Act of 27 January 2017 requires companies with more than 300 employees, and all those offering recruitment services, to provide employees responsible for recruitment with training, every five years, in non-discrimination in recruitment. In the event of harm caused to an individual following a test, under this Act the employer may be liable, even if the applicant did not intend to take up the position for which he or she had applied.

222. Tax exemptions are granted to companies when activities and jobs are created in urban duty-free zones.

223. On 5 December 2016, the Ministry of Labour, Employment and Training and the Ministry for Urban Affairs signed an agreement with the government employment office and the national union of local youth employment agencies on aims for 2016–2020. In practical terms, the steps taken should contribute to promoting residents' access to assisted contracts, establish support for young people that is better tailored to their needs and experience in order to mitigate obstacles to their professional integration, raise qualification levels, and strengthen support for the creation and development of businesses.

(d) Specific action in education

224. A priority education policy is being implemented in schools and establishments in areas facing the greatest social difficulties in order to address the impact on educational success of social and economic inequalities. Ninety-nine per cent of the secondary schools in metropolitan France in the enhanced priority education network (REP+) and 81 per cent of those in the priority education network (REP) are located in or near a priority neighbourhood.

225. The priority education resources are largely earmarked for primary and secondary schools in the enhanced priority education network and the priority education network in order to ensure the social diversity of primary and secondary schools in the areas concerned; reduce gaps in academic achievement; reduce the number of pupils dropping out of

¹⁵³ <http://dares.travail-emploi.gouv.fr/dares-etudes-et-statistiques/etudes-et-syntheses/dares-analyses-dares-indicateurs-dares-resultats/testing>.

school;¹⁵⁴ improve young people's well-being; and ensure greater involvement of parents in their children's schooling and in the functioning of schools.

226. In order to strengthen the priority education policy, some important measures have been taken since September 2017: the gradual splitting of classes in the first two years of primary school in priority education (by the start of the 2019 school year, classes at this stage of education in the priority education networks will have been divided in two); a 25 per cent increase in the value of scholarships based on social criteria at the start of the 2017 school year; an increase in compensation of 3,000 euros per year to enhance and stabilize the education teams from the start of the 2018 school year; since October 2017, the provision of free supervised study periods for secondary school students to do their homework at school.

227. At the conference on early childhood education held in March 2018, the President of the Republic announced that education would become compulsory from 3 years of age from the start of the 2019 school year, with the aim of making nursery schools into veritable "schools for language and development".

Part III: Other recommendations by the Committee

I. Ratification of international human rights treaties (Committee recommendation No. 18)

A. The International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169)

228. The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) reflects in part the principles to which France has committed itself at the international level. However, this legally binding instrument grants indigenous peoples collective rights on the basis of common origin, culture, language or belief, which runs contrary to our constitutional principles of the equality of citizens' rights, the unity of the French people and the indivisibility of the Republic.¹⁵⁵

229. These principles therefore prevent France from ratifying this Convention.

230. As demonstrated in this report, however, this constitutional incompatibility has never been an obstacle to the adoption of ambitious policies in favour of indigenous peoples. France will continue those policies, which are fully in line with the international commitments it has made.

B. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

231. France pays particular attention to the issue of international migration. Nevertheless, France does not intend to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was adopted on 18 December 1990 and entered into force on 1 July 2003.

232. The scope of the Convention constitutes a difficulty, since it does not distinguish between migrant workers in a regular situation and those in an irregular situation, which runs counter to French law.

¹⁵⁴ More specifically, efforts to combat school dropout rates come under the priorities of the Europe 2020 Strategy for a sustainable, smart and inclusive economy, and are a national priority. The policies combating dropout rates are gradually bearing fruit: the number of pupils dropping out of school decreased from 140,000 in 2011 to 98,000 in September 2016.

¹⁵⁵ The Constitutional Council has twice recalled these principles, in its decision No. 91-290 DC of 9 May 1991 on the law on the status of the territorial unit of Corsica and in its decision No. 99-412 DC of 15 June 1999 on the European Charter for Regional or Minority Languages.

233. Moreover, it does not create rights that regular migrants do not already enjoy under French law. Positive law already provides a protective framework for regular migrant workers.

234. The European Union and its member States have developed a significant legal arsenal of rights for non-European Union migrants in regular and irregular situations. For France, the fundamental rights of migrant workers, no matter their situation with regard to their right of residence, are already protected by domestic law, European Union law, the European Convention on Human Rights and other international human rights instruments to which France is a party (such as the European Convention on the Legal Status of Migrant Workers of 1983).

235. France intends to pursue a continuous and constructive dialogue with States and organizations concerned with international migration, in particular with the International Organization for Migration.

II. Follow-up to the Durban Declaration and Programme of Action (Committee recommendation No. 19)

236. The comprehensive, proactive and inclusive policy implemented by France as part of its multi-year plans to combat racism and antisemitism, which have been presented to the Committee on several occasions, is fully in line with the objectives and measures envisaged by the Durban Declaration and Programme of Action of 2001 and the outcome document of the Durban Review Conference of 2009.

A. Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance (first objective of the Durban Declaration and Programme of Action)

237. France has set out the measures taken to combat the sources and consequences of racism and racial discrimination in its reports to the Committee. It is putting in place policies geared towards not only countering these issues, but also preventing them, particularly through education and awareness-raising to promote tolerance, as well as efforts to alleviate poverty and increase equality of opportunity.

238. In accordance with the Programme of Action, France encourages public and private investment to combat racism and racial discrimination. The national plan to combat racism and antisemitism for the period 2015–2017, one objective of which is to “mobilize the whole nation”, has led to the large-scale mobilization of the public authorities, the private sector and civil society.

239. Furthermore, France is firmly committed to a policy of ending slavery and its contemporary manifestations, including as part of the national action plan to combat trafficking in persons.

B. Victims of racism, racial discrimination, xenophobia and related intolerance (second objective)

240. France has already explained to the Committee that its constitutional concept of the French population is universalist and indivisible and that, consequently, the ethnic, religious and racial minorities in its territory cannot be recognized or given special legal status. However, this does not prevent the introduction of public policies designed to improve the situation of categories of people who are deemed more vulnerable and to enable them to exercise their fundamental rights on an equal footing with the rest of the population. The present report sets out the measures taken to combat discrimination and improve the situation of the inhabitants of working-class districts, Roma persons, travellers, inhabitants of overseas France, migrants and refugees, including children, and victims of trafficking.

C. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels (third objective)

241. Over the years, France has greatly strengthened its legislation in order to combat racism and racial discrimination more effectively.

242. It is firmly committed to a policy of education and awareness-raising to promote tolerance in order to prevent racism and racial discrimination. One of the objectives of the national plan to combat racism and antisemitism for the period 2015–2017 is to raise awareness among citizens through communication, education and culture.

243. With regard to the legislative and regulatory measures taken to prevent and protect against racism and discrimination, the present report focuses on recent legislative developments undertaken in the area of combating incitement to racial hatred and racist hate speech in order to respond to the Committee's recommendations.

244. France has already had the opportunity to present the measures taken to promote cultural diversity, particularly within employment, the public service and democratic participation, as mentioned in the Durban Declaration and Programme of Action. This report recalls the constitutional rules restricting the collection of statistics on diversity.

D. Provision of effective remedies, recourse, redress, and other measures at the national, regional and international levels (fourth objective)

245. France cannot allow even a single act of racism, antisemitism or racial discrimination to go unpunished. It implements a robust and proactive criminal policy against the perpetrators and pays particular attention to the victims of such acts. This report describes the numerous measures taken to tighten up the prosecution of racism and racial discrimination, and to ensure that victims are protected and have access to effective remedies.

246. Moreover, France has reinforced its national mechanisms for the promotion and protection of fundamental rights in accordance with the Durban Declaration and Programme of Action. The Act of 18 November 2016 introduced a class action mechanism that is specifically designed to address discrimination arising in labour relations in both the public and private sectors and that includes a mechanism for prior social dialogue.¹⁵⁶ Through class action, both an end to the infringement and reparation for the harm suffered can be obtained.¹⁵⁷

III. International Decade for People of African Descent (Committee recommendation No. 20)

247. The protection of people of African descent forms part of the anti-racism and anti-discrimination policies pursued by the public authorities in France, as set out in this report. In this regard, the Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred and the Interministerial Delegation for Equality of Opportunity for Citizens of Overseas France focus in particular on persons originating from overseas France.

248. The Interministerial Delegation to Combat Racism, Antisemitism and Anti-LGBT Hatred supports action by several non-profit organizations seeking to raise awareness of the origin, history and culture of people of African descent, particularly in France, and to challenge stereotypes and prejudices.¹⁵⁸ Under the new plan, the Interministerial Delegation

¹⁵⁶ Act No. 2016-1547 of 18 November 2016 on the modernization of justice in the twenty-first century.

¹⁵⁷ Arts. L.1134-6 to L.1134-10 of the Labour Code.

¹⁵⁸ Association Connaissance Histoire Afrique Contemporaine (Contemporary African History Awareness Association); Compagnie Man Lala; Djab; and Les amis du Général Dumas (Friends of General Dumas).

to Combat Racism, Antisemitism and Anti-LGBT Hatred and the Interministerial Delegation for Equality of Opportunity for Citizens of Overseas France will have a budget of 100,000 euros to support projects to combat racial discrimination and prejudice against citizens of overseas France.

249. A new partnership is currently being established with Mémorial ACTe, the Caribbean centre for expression and memory of the slave trade and slavery located in Point-à-Pitre, Guadeloupe. The purpose of Mémorial ACTe is to create a space dedicated to the collective memory of slavery and the slave trade, with relevance to the contemporary world and the future.

250. Furthermore, in 2017, a public interest group for the remembrance of slavery was set up with a budget of 560,000 euros in order to prepare for the establishment of a charitable foundation that will focus on three main projects: the building of a monument in Paris for the remembrance of slavery, the search for a memorial site and the organization of exhibitions.

251. During the National Day of Remembrance of the Slave Trade, Slavery and their Abolition on 10 May 2018, the Prime Minister recalled that it was the country's intention to establish a foundation for the remembrance of slavery based in metropolitan France. The aim is to designate a site to "remember the wounds" not only in the overseas territories, as is the case of Mémorial ACTe in Guadeloupe, but also on the mainland.

252. As part of the plan to combat racism and antisemitism, the work of great writers of African descent, such as Aimé Césaire, is to be promoted. The assistance of major public institutions, including the National Library of France and the public library system, will be enlisted to that end.

253. There are also plans to set up exchange programmes for young people in overseas and metropolitan France and in African countries, in partnership with the education authorities of the overseas territories. The objective is to give a new dimension to the remembrance of slavery, supporting historical awareness of slavery, the slave trade and their abolition.

254. Lastly, as part of the International Decade for People of African Descent, the President of the Republic has appointed two experts – a French historian and a Senegalese writer – to consider the conditions under which African works could be returned to their countries of origin.

IV. Common core document (Committee recommendation No. 22)

255. The Government wishes to point out that the common core document was updated in 2016 and has been made available on the website of the Office of the United Nations High Commissioner for Human Rights (HRI/CORE/FRA/2017).

V. Dissemination

256. The website of the Ministry for Europe and Foreign Affairs, France Diplomatie, has a section on human rights, which contains a page dedicated to the fight against antisemitism, racism and discrimination.¹⁵⁹ The page refers to the International Convention on the Elimination of All Forms of Racial Discrimination and mentions that, as a State party, France is required to submit periodic reports to the Committee on its implementation of the Convention. The page also contains a link to the Committee's website.

¹⁵⁹ <https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/droits-de-l-homme/lutte-contre-l-antisemitisme-le-racisme-et-les-discriminations/>.