



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

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined twenty-second and twenty-third periodic reports of France\*

1. The Committee considered the combined twenty-second and twenty-third periodic reports of France<sup>1</sup> at its 2929th and 2930th meetings,<sup>2</sup> held on 15 and 16 November 2022. At its 2948th and 2949th meetings, held on 29 November 2022, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined twenty-second and twenty-third periodic reports of the State party and expresses its appreciation for the constructive dialogue with the State party's delegation. It thanks the State party for the information provided during and after the dialogue.

#### B. Positive aspects

3. The Committee welcomes the ratification by the State party, on 7 January 2016, of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

4. The Committee also welcomes the following legislative and institutional measures taken by the State party:

(a) The repeal, in January 2017, of Act No. 69-3 of 3 January 1969 regarding itinerant activities and the regulations applicable to persons moving around in France who have no domicile or fixed abode, which contained obligations in terms of travel permits and municipalities of registration;

(b) The formulation and implementation of the national plan to combat racism and antisemitism for the period 2018–2020;

(c) The adoption, in 2022, of the French strategy for the period 2020–2030 addressing the recommendation of the Council of the European Union of 12 March 2021 on Roma equality, inclusion and participation;

(d) The establishment of the National Centre to Combat Online Hate Speech.

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\* Adopted by the Committee at its 108th session (14 November–2 December 2022).

<sup>1</sup> CERD/C/FRA/22-23.

<sup>2</sup> See CERD/C/SR.2929 and CERD/C/SR.2930.



## C. Concerns and recommendations

### Statistics

5. The Committee notes the explanations provided by the State party regarding the collection of data disaggregated by racial or ethnic origin and welcomes the efforts made to gather information on discrimination, including through a victimization survey entitled “Living environment and security” and the survey “Trajectories and origins”. However, it regrets that data collection tools remain limited and do not allow for a full picture of the racial discrimination faced by the various ethnic groups throughout the State party, including in its overseas territories. The Committee observes that the lack of data disaggregated by ethnicity is a barrier to the formulation and implementation of effective public policies that take into account the specific needs of the various groups.

**6. Recalling paragraph 5 of its previous concluding observations<sup>3</sup> and its general recommendation No. 24 (1999) concerning article 1 of the Convention, and underscoring the importance of disaggregated data in detecting and effectively combating racial discrimination, the Committee recommends that the State party pursue its efforts to develop effective tools, based on the principles of self-identification and anonymity, to collect data and information on the demographic composition of the population throughout its territory, including overseas. The Committee also recommends that the State party use these data to formulate its policies on combating racial discrimination.**

### Application of the Convention

7. The Committee regrets that it has not received any information concerning decisions in which the provisions of the Convention were applied by the judicial or administrative courts or cases in which the Convention was invoked by parties or their lawyers before the State party’s courts or administrative bodies. The Committee is also concerned by the lack of a comprehensive policy on training and awareness-raising for officials and actors involved in implementing the Convention (art. 2).

**8. The Committee requests the State party to provide information on the application of the Convention. It recommends that the State party step up its efforts to provide regular training in the provisions of the Convention, especially to judges, prosecutors, lawyers, law enforcement personnel, members of the National Assembly and the Senate and other relevant actors. The Committee also recommends that the State party conduct public campaigns, particularly among groups who are the most vulnerable to discrimination, to raise awareness of the provisions of the Convention and the remedies available.**

### Combating racial discrimination

9. The Committee notes the State party’s efforts to combat racial discrimination, including the roll-out of national plans against racism, antisemitism and xenophobia. It is concerned by the fact that systemic racial discrimination, as well as stigmatization and the use of negative stereotypes regarding certain minorities, such as Roma, Travellers, Africans, persons of African descent, persons of Arab origin and non-citizens, remain entrenched in French society and often result in these minorities being socially excluded and having limited enjoyment of their rights, particularly their economic, social and cultural rights (art. 2).

**10. The Committee recommends that the State party address as a matter of priority the structural and systemic causes of racial discrimination in the country. It also recommends that the State party effectively implement the new national plan to combat racism, antisemitism and discrimination based on origin for the period 2023–2026, for instance by allocating sufficient human, technical and financial resources and by setting up effective coordination mechanisms among the various authorities responsible for**

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<sup>3</sup> CERD/C/FRA/CO/20-21, para. 5.

**implementation at the national and local levels, including in the overseas territories. The Committee encourages the State party to ensure the full participation of the populations concerned, including Roma, Travellers, Africans, persons of African descent, persons of Arab origin and non-citizens, in the implementation of the plan.**

#### **Racist hate speech**

11. Despite the State party's efforts to combat racist hate speech, the Committee remains concerned at how persistent and widespread racist and discriminatory discourse is, especially in the media and on the Internet. It is also concerned at some political leaders' racist remarks with regard to certain ethnic minorities, in particular Roma, Travellers, Africans, persons of African descent, persons of Arab origin and non-citizens (arts. 2 and 4).

**12. Pursuant to its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Redouble its efforts to effectively prevent and combat racist hate speech, including through effective enforcement of legislation on the dissemination of notions of racial superiority and race-based hate in order to prevent, punish and discourage all manifestations of racism and race-based hate in public spaces, particularly in the media and on the Internet;**

(b) **Ensure that all cases of racist hate speech give rise to an investigation, prosecution and, where applicable, other appropriate measures depending on the circumstances, that perpetrators are punished irrespective of their public status and that victims have access to an effective remedy and, where applicable, to appropriate reparation;**

(c) **Assess and continue the training provided to law enforcement personnel, as well as targeted awareness-raising campaigns, in order to prevent and combat racially motivated hate crimes and racist hate speech, including on the part of political actors;**

(d) **Continue its efforts to monitor the spread of racist hate speech on the Internet and social media, in close cooperation with Internet service providers and social media platforms and the communities most affected by racist hate speech.**

#### **Situation of Roma and Traveller communities**

13. The Committee remains concerned at the social exclusion and persistent poverty faced by Roma and Travellers, in particular with regard to:

(a) Their access to housing and unstable living conditions;

(b) The insufficient number of transit sites, especially for Travellers, and excessive use of fixed-penalty, on-the-spot fines for setting up unauthorized encampments;

(c) The forced eviction of Roma and Travellers from informal settlements, which is often carried out without providing them with alternative accommodation solutions or taking into account the specific needs of the people concerned, particularly children;

(d) The low rate of school enrolment among Roma and Traveller children;

(e) The high rate of unemployment among Roma and Travellers, especially women, compared to the rest of the population (art. 5).

**14. Recalling its general recommendation No. 27 (2000) on discrimination against Roma and the recommendations contained in its previous concluding observations,<sup>4</sup> the Committee recommends that the State party:**

(a) **Take the necessary measures to ensure the effective implementation of the national strategy on Roma equality, inclusion and participation for the period**

<sup>4</sup> CERD/C/FRA/CO/20-21, paras. 9–10.

**2020–2030, including the allocation of the requisite financial and technical resources and the establishment of a monitoring mechanism;**

**(b) Take effective measures, tailored to the specific needs of Roma and Travellers, to provide them with decent housing and enhance their living conditions, including by recognizing caravans as a form of housing and by making available a sufficient number of decent transit sites;**

**(c) Ensure that evictions do not result in people becoming homeless, that evicted persons are offered a decent housing solution and that the circular of 26 August 2012 concerning advance notice of and supporting measures for evacuations of illegal encampments and the instruction of 25 January 2018 on the renewal of efforts to clear illegal encampments and shanty towns are applied in practice;**

**(d) Guarantee, in practice, that Roma and Traveller children have access to education without discrimination;**

**(e) Continue efforts to facilitate access to the labour market for Roma and Travellers, especially women.**

#### **Indigenous Peoples in the overseas territories**

15. The Committee reiterates its concern at discrimination against Indigenous Peoples in the overseas territories and at the fact that their rights, in particular their rights to land and to free, prior and informed consent, are not fully respected. The Committee is also concerned at the barriers that Indigenous Peoples face in exercising their economic, social and cultural rights, including their rights to health and education. It remains concerned by the numerous difficulties that children face in accessing education in French Guiana and New Caledonia owing to, inter alia, the distance to schools, the shortage of teachers and the lack of cultural and linguistic diversity in curricula. In addition, the Committee notes with concern the adverse effects of extractive activities on health and the environment, especially in French Guiana and New Caledonia. It further notes with concern the negative impact of climate change on the traditional ways of life of Indigenous populations (art. 5).

**16. In the light of its general recommendation No. 23 (1997) on the rights of indigenous peoples and the recommendations contained in its previous concluding observations, the Committee recommends that the State party:**

**(a) Recognize the collective rights of Indigenous Peoples, in particular their right to the ancestral lands that their communities have owned and used and their right to the resources they have traditionally used;**

**(b) Intensify efforts to ensure the equal treatment of Indigenous Peoples compared to the rest of the population with regard to the enjoyment of economic, social and cultural rights, in particular the rights to health and education, taking into account the specific needs of each territory, as well as the cultural and linguistic diversity of Indigenous Peoples;**

**(c) Ensure that Indigenous Peoples are consulted about all legislative and administrative measures that may have an impact on their rights with a view to obtaining their free, prior and informed consent, for instance before any project affecting their lands or territories and other resources is approved;**

**(d) Take the necessary measures to guarantee the right of Indigenous Peoples to own and use their lands, territories and resources, including by providing the requisite legal recognition and protection;**

**(e) In consultation with the Indigenous Peoples concerned, adopt measures to offset or mitigate the consequences of extractive activities on their health and environment, as well as measures to mitigate the effects of the climate crisis on their lands, territories and resources with the aim of protecting their ways of life and means of subsistence.**

### Situation in Mayotte

17. The Committee remains concerned by the fact that some Mahorais still face barriers to the exercise of their economic, social and cultural rights, especially their rights to health, social housing and education (art. 5).

18. **The Committee reiterates its previous recommendation<sup>5</sup> and urges the State party to increase its efforts to ensure that Mahorais fully enjoy their economic, social and cultural rights on an equal footing with the rest of the State party's population. The Committee recommends that the State party ensure the effective implementation of the "Mayotte 2025" development plan.**

### Situation of migrants, refugees, asylum-seekers and stateless persons

19. The Committee notes with concern the introduction into Act No. 2018-778 of 10 September 2018 on Controlled Immigration, an Effective Right of Asylum and Successful Integration of certain provisions that may limit enjoyment of the right of asylum by, for example, removing the suspensive effect of appeals to the National Court of Asylum. The State party's efforts notwithstanding, the Committee remains concerned at the shortcomings of the national system for the reception of asylum-seekers, in particular the difficulties asylum-seekers face in gaining access to accommodation and the poor conditions in that accommodation. The Committee is also concerned at the deplorable living conditions and ill-treatment migrants face at the border with the United Kingdom of Great Britain and Northern Ireland. The Committee reiterates the importance of following an immigration and asylum policy based on the principles of human dignity and non-discrimination in order to avoid undermining the values of the Convention. Lastly, the Committee notes with concern the application of an exemption scheme to matters of asylum and immigration in the overseas territories, especially in Mayotte and French Guiana (arts. 2 and 5).

20. **Pursuant to its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

(a) **Ensure that its laws on asylum, immigration and integration comply with international human rights principles and that procedures for the determination of refugee status take into consideration, without discrimination, individuals in need of international protection and provide sufficient guarantees that the principle of non-refoulement will be respected;**

(b) **Take tangible steps to ensure that asylum-seekers and migrants in an irregular situation have access to accommodation in practice;**

(c) **Step up its efforts to ensure access to decent housing for asylum-seekers and to end the ill-treatment of asylum-seekers and migrants in an irregular situation in border areas, especially at the border between France and the United Kingdom;**

(d) **Put an end to the exemption scheme in matters of asylum and immigration in the overseas territories.**

### Unaccompanied children

21. The Committee is concerned by information on the treatment of unaccompanied child migrants and asylum-seekers, who are reportedly often placed in detention while awaiting the judicial assessment of their status as minors. These children are also reported to face obstacles in gaining access to asylum and family reunification procedures, especially those who wish to join their families in the United Kingdom (arts. 2 and 5).

22. **The Committee recommends that the State party urgently make every effort to effectively protect unaccompanied child migrants and asylum-seekers by paying the utmost attention to their reception and the consideration of their specific situations, by**

<sup>5</sup> Ibid., para. 14.

**taking all possible measures to facilitate their access to asylum and family reunification procedures and by preventing their removal from the territory.**

#### **Racial and ethnic profiling**

23. The Committee is concerned by the frequency with which the police and other law enforcement entities resort to identity checks, discriminatory arrests and fixed-penalty, on-the-spot fines, disproportionately targeting members of certain minorities, in particular Africans, persons of African descent, persons of Arab origin, Roma, Travellers and non-citizens. The Committee is especially concerned at the lack of judicial oversight and tracking of such identity checks, which often go hand in hand with racist or discriminatory remarks and acts (arts. 5 and 6).

24. **In accordance with its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

(a) **Take measures to end the discriminatory imposition by police officers of fixed-penalty, on-the-spot fines on certain minority groups and ensure that individuals belonging to these groups have the option, prior to making any payment, of contesting such fines before a judge;**

(b) **Ensure that racial and ethnic profiling are clearly defined and prohibited in legislation and that clear operational guidelines to prevent racial and ethnic profiling during police stops, identity checks and other police measures are available to police and other law enforcement officers;**

(c) **Put in place an effective mechanism for the judicial oversight and tracking of identity checks and other police and law enforcement activities in order to identify cases of racial or ethnic profiling, while ensuring that no data protection rules are infringed;**

(d) **Monitor the number of complaints of racial and ethnic profiling against the police and other law enforcement agencies and effectively follow up on these complaints;**

(e) **Include persons belonging to the minorities concerned in front-line posts as police officers to increase their visibility and contribute to reducing potential racial or ethnic profiling practices.**

#### **Excessive use of force**

25. The Committee is deeply concerned about the number of reported cases of excessive use of force and ill-treatment, including physical and verbal abuse, by law enforcement officers against certain minorities, especially Africans, persons of African descent, persons of Arab origin, Roma, Travellers and non-citizens. The Committee notes with concern the case of Adama Traoré, a young man of African descent who died in 2016 following his arrest by gendarmes and whose cause of death remains under investigation (arts. 5 and 6).

26. **The Committee recommends that the State party:**

(a) **Take measures to ensure that external bodies carry out prompt, thorough and impartial investigations into all racist incidents caused by or involving the police and that those responsible for such acts are prosecuted and appropriately punished;**

(b) **Complete the investigation into the death of Adama Traoré with a view to prosecuting and appropriately punishing those responsible;**

(c) **Ensure that members of groups subjected to racism and racial discrimination who are victims of excessive use of force by law enforcement officers have access to effective remedies and compensation and do not suffer reprisals for having reported the incidents;**

(d) **Improve its system for the collection of data and the recording of complaints concerning racially motivated police violence, using appropriate indicators**

that identify the racist motive and the skin colour, descent or national or ethnic origin of victims;

(e) **Promote ethnic diversity within the police and strengthen the measures taken to prevent, investigate and punish acts of racism between police officers;**

(f) **Take effective measures to prevent excessive use of force, ill-treatment and abuse of authority by the police against members of minorities, including the provision of appropriate human rights training to law enforcement personnel throughout the country in keeping with the Committee's general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights.**

#### **Protection of human rights defenders**

27. The Committee is concerned that human rights defenders have been subjected to intimidation and threats, especially in connection with their cooperation with the Committee, which constitutes an impediment to its effective functioning. In this respect, it is alarmed by reports that Assa Traoré, who provided information about her brother, has been the subject of defamatory and threatening messages online, specifically on the social media accounts of police unions (arts. 2 and 5).

28. **The Committee urges the State party to take immediate and effective measures to secure the safety of Assa Traoré and to take disciplinary measures, carry out the necessary investigations and, where applicable, initiate criminal proceedings against the State employees associated with those threats and intimidation. It also recommends that the State party take the necessary measures to protect human rights defenders against threats and reprisals.**

#### **Counter-terrorism**

29. The Committee is concerned by information regarding the content and application of Act No. 2021-646 of 25 May 2021 on Ensuring Comprehensive Security while Preserving Freedoms and Act No. 2021-1109 of 24 August 2021 on Strengthening Respect for the Principles of the Republic, which could give rise to discrimination and create a climate of insecurity for certain ethnic or religious minorities, such as Arab Muslims, Africans, Chechens and others, leading to breaches of their rights and fundamental freedoms and of procedural safeguards (arts. 2, 5 and 6).

30. **The Committee recommends that the State party review its legislation on comprehensive security and respect for the principles of the Republic to ensure that its content and application comply with international human rights principles, including those contained in the Convention. It also recommends that the State party put in place sufficient safeguards to ensure that, in practice, the application of counter-terrorism measures does not undermine the rights enshrined in the Convention, especially with regard to certain ethnic and religious minorities.**

#### **Access to justice**

31. The Committee notes with concern that, according to information provided by the State party, there is an unknown number of racially motivated assaults that do not lead to the filing of a complaint, which points to the underreporting of racist acts and racial discrimination. The Committee is concerned at information that reports of racist acts are too often recorded in police registers without further action being taken, thus preventing victims of racial discrimination from gaining effective access to justice (arts. 2 and 6).

32. **The Committee recommends that the State party:**

(a) **Take appropriate and effective measures to ensure that all parties who are victims of racial discrimination have access to effective remedies and appropriate reparation, including through the exclusion of crimes of a racist nature from the police register procedure;**

(b) **Strengthen the training provided to law enforcement officials to ensure that they duly consider and investigate all complaints of racial discrimination, and prevent any reprisals against persons who report racial discrimination and punish those engaging in reprisals;**

(c) **Conduct campaigns to raise rights holders' awareness of the provisions of the Convention and the legal framework on protection from racial discrimination.**

#### **Combating racial stereotypes**

33. The Committee notes with concern that racial and xenophobic preconceived notions and stereotypes, in part inherited from colonial history and slavery, remain in French society and are often reinforced by the media and political discourse. This perpetuates racial discrimination and a climate of intolerance towards certain minorities, such as Africans, persons of African descent, persons of Arab origin, Roma and Travellers (art. 7).

34. **The Committee recommends that the State party set up human rights education programmes and ensure that the fight against racial discrimination and racism, as well as respect for diversity and the promotion of equal treatment, are part of the curriculum at all school levels and that all teachers receive training in these issues. It also recommends that the State party include the history of colonialism, slavery and their consequences in the curriculum.**

### **D. Other recommendations**

#### **Ratification of other treaties**

35. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). The Committee also encourages the State party to accede to the 1961 Convention on the Reduction of Statelessness.**

#### **Follow-up to the Durban Declaration and Programme of Action**

36. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

#### **International Decade for People of African Descent**

37. **In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies in collaboration with organizations and peoples of African descent. The Committee requests that the State party include in its next periodic report precise information on the concrete measures adopted within that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.**



### Consultations with civil society

38. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

### Dissemination of information

39. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including local authorities, notably in the overseas territories, and publicized on the website of the Ministry for Europe and Foreign Affairs in the official and other commonly used languages, as appropriate.

### Common core document

40. The Committee encourages the State party to update its common core document, which dates to 2017, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.<sup>6</sup> In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

### Follow-up to the present concluding observations

41. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 14 (a), (c) and (d) (situation of Roma and Traveller communities), 20 (b) and (c) (situation of migrants, refugees, asylum-seekers and stateless persons) and 28 (protection of human rights defenders) above.

### Paragraphs of particular importance

42. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 16 (a) and (b) (Indigenous Peoples in the overseas territories), 20 (a) (situation of migrants, refugees, asylum-seekers and stateless persons), 22 (unaccompanied children) and 26 (excessive use of force) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

### Preparation of the next periodic report

43. The Committee recommends that the State party submit its combined twenty-fourth and twenty-fifth periodic reports, as a single document, by 27 August 2026, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>7</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

<sup>6</sup> HRI/GEN/2/Rev.6, chap. I.

<sup>7</sup> CERD/C/2007/1.