



LES ESSENTIELS

# REPORT ON THE FIGHT AGAINST RACISM, ANTI-SEMITISM AND XENOPHOBIA





# Editorial

The fight against racism, anti-Semitism and xenophobia is at the heart of the founding principles of human rights. However, the occurrence of racist insults and hate speech is increasing on a daily basis in France, fuelling a fear of others. Hate speech is often accompanied by racist acts that are difficult to quantify and punish, which fosters a feeling of impunity among perpetrators.

Equipped with thirty years' experience fighting against racism in all its forms, the National Consultative Commission on Human Rights (CNCDH) plays a central role in dialogue between civil society and government institutions. One of its core missions is to monitor and assess human rights actions undertaken by France as recommended by international organisations.

The annual report on the situation of the fight against racism, anti-Semitism and xenophobia in France (a fight which must be pursued relentlessly) is one of the visible signs of action undertaken by the CNCDH. This report enables the reader to gain improved knowledge and understanding of the workings of all forms of racism in order to better prevent and fight them.

As the new president of the CNCDH, I would like to further improve public awareness of this national independent commission. In doing so, its advisory role to the French Government as well as its continuous actions to support effective implementation of fundamental rights, upheld within the French Republican values of freedom, equality and fraternity will be strengthened.

**Jean-Marie Burguburu**  
President of the CNCDH



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**In 1990, the National Consultative Commission on Human Rights (CNCDH) was appointed Independent national rapporteur on the fight against all forms of racism.** It submits an annual report to Government which provides an overview of racism, anti-Semitism and xenophobia in France, as well as the policies rolled out by institutions of the Republic and civil society to combat such phenomena.

Based on a critical analysis of these policies and the observations of international bodies, the CNCDH issues a series of recommendations aimed at improving knowledge, understanding and prevention of all forms of racism and discrimination.

The CNCDH endeavours to underpin its analyses and recommendations with a range of complementary tools. Surveys on current public opinion, Ministry of the Interior and Ministry of Justice statistics, and even the tolerance index as regards others are all examples of sources that are to be analysed in light of the myriad contributions from institutional, community and international stakeholders.

 **Two focus points**

In 2019, the CNCDH decided to place particular focus on anti-black racism and on the fight against online hate.



## A few definitions

### **ANTI-SEMITISM**

A systematically hostile attitude towards Jews, anyone perceived to be Jewish, and/or their religion.

### **RACIAL DISCRIMINATION**

*"Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".*

[Article 1 of the United Nations Convention on the Elimination of All Forms of Racial Discrimination]

### **ISLAMOPHOBIA**

A systematically hostile attitude towards Muslims, anyone perceived to be Muslim, and/or towards Islam.

### **PREJUDICE**

Preconceived opinions which are adopted against a person, a group of people, their behaviour or lifestyle and which involve categorising them without basis or knowledge.

### **RACISM**

Ideology based on the belief that there is a hierarchy between human groups, «races».  
By extension: a systematically hostile attitude towards a specific category of people

### **XENOPHOBIA**

Systematic hostility expressed towards foreigners and/or people perceived as foreigners.

# Longitudinal tolerance index



The Longitudinal tolerance index (LTI) was created in 2008 by a team of researchers and is calculated annually. It is designed to measure overall changes in prejudice. The closer the index is to 100, the higher the level of tolerance reflected. It provides insight into annual changes in opinions and feelings as regards minorities.

## To what extent are minorities tolerated in 2019?

Measured on the basis of annual surveys on racism carried out for the CNCDH, the LTI decreased by 1 point between 2018 and 2019. Since reaching a value of 64 in 2016, the index has remained relatively stable. This raises questions about whether, going forward, tolerance may increase at a slower rate due to a core group of individuals holding strong racist convictions, which appears to be more resistant to anti-racist discourse.

## Importance of social and political factors in the evolution of tolerance

Predisposition to tolerance is linked to various factors. The first factor concerns positioning on the left-right scale. The further an individual is positioned to the right, the lower their level of tolerance. Feelings of economic insecurity, knowledge and experience of other cultures, educational attainment and age are also instrumental. Each new generation is more tolerant than the one before it.

## Let's talk numbers

On a 0 to 100 scale, the tolerance index stands in 2019 at :

**66** points

- **1** point between 2018 and 2019

+ **13** points between 2013 and 2019

**79** for black people

**79** for Jews

**72** for Maghrebis

**60** for Muslims

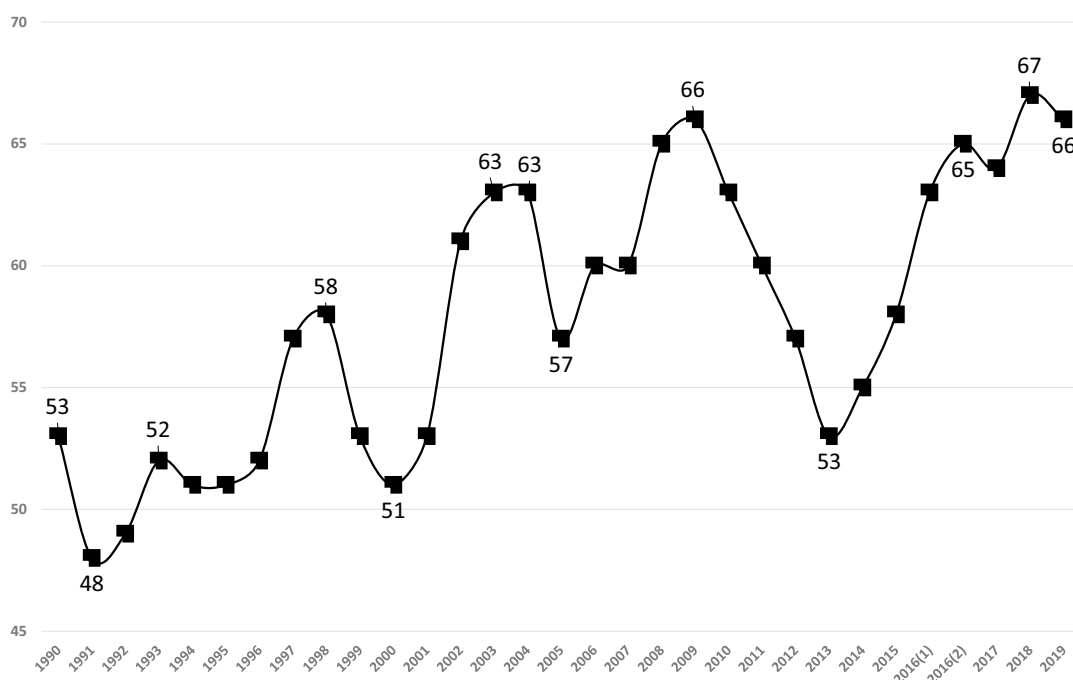
**36** for Roma



## **RACIST ET ANTI-SEMITIC PREJUDICES IN THE FRENCH SOCIETY: THE ANNUAL SURVEY OF THE CNCDH**

### **THE FRENCH ARE BECOMING MORE AND MORE TOLERANT OVERALL**

Overall evolution of the longitudinal tolerance index



### **SOME PREJUDICES ARE VERY PRESENT**



34% THINK THAT  
« JEWS HAVE A SPECIAL  
RELATIONSHIP WITH MONEY. »



60% THINK THAT  
« ROMA EXPLOIT  
VERY OFTEN THEIR CHILDREN. »



44,6% THINK THAT  
« ISLAM IS A THREAT  
TO FRANCE'S IDENTITY. »



59% THINK THAT « MANY  
IMMIGRANTS COME TO FRANCE  
ONLY TO QUALIFY FOR  
SOCIAL PROTECTION. »

# Quantified data on racism

**i** Quantified data from various ministries constitute key sources which enable measurement of annual changes in acts and discourse of a racist nature suffered by victims.

## Statistical data from the Ministerial Statistical Department for Internal Security (SSMSI)

Under the Ministry of the Interior, the Ministerial Statistical Department for Internal Security (SSMSI) records offences handled by police and gendarmerie services across France that are classified as being “*of a criminal nature, committed on the grounds of origin, ethnicity, nationality, a claimed race or religion*”.

In 2019, the number of these offences rose to 5,730, marking an increase of 11% in one year.

## Data from the Central Territorial Intelligence Service (SCRT)

Operating under the Ministry of the Interior, the Central Territorial Intelligence Service (SCRT) monitors cases referred to it by its representatives and community partners. It classifies them according to the following categories: anti-Semitic, anti-Muslim and “other racist and xenophobic acts”. Figures across all categories displayed an overall increase from 2018 to 2019.

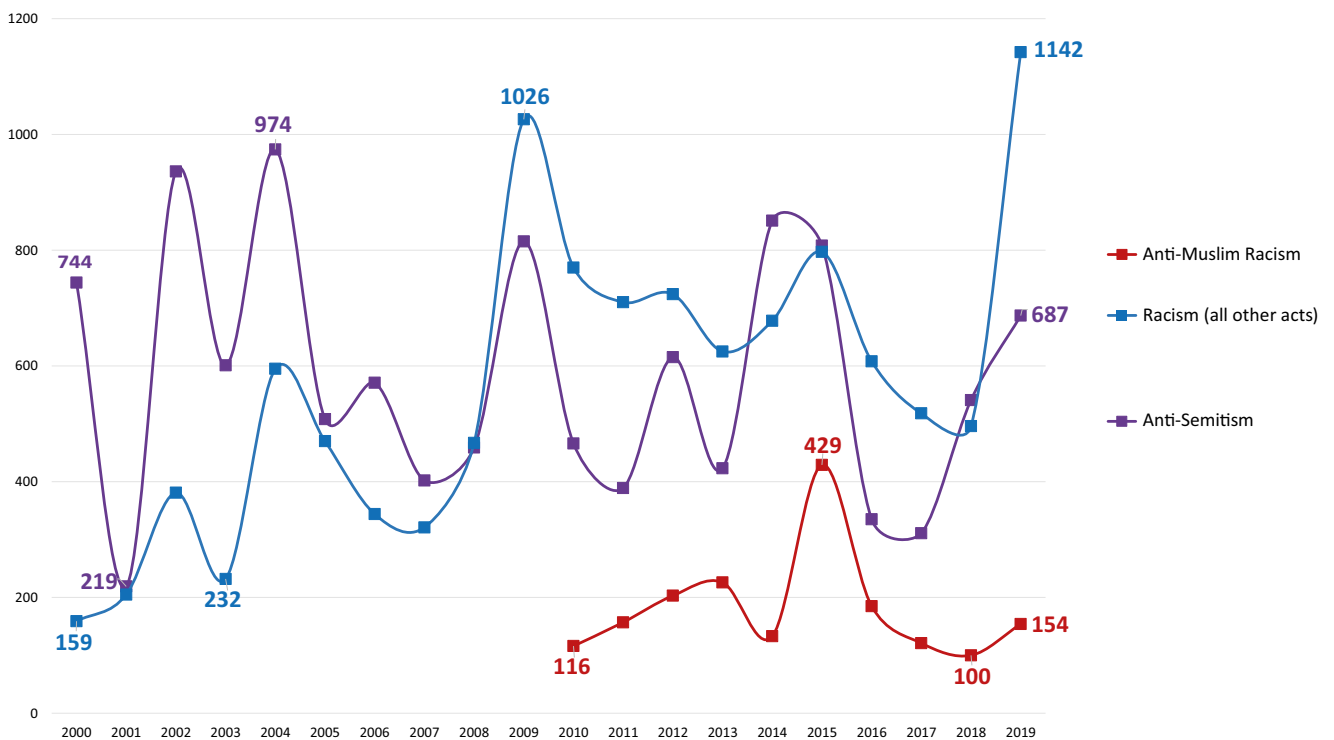
## The Ministry of Justice’s statistical data

In 2018, 6,603 cases of a racist nature were referred by public prosecutors’ offices, which represents 6,107 implicated persons. Once again this year, the criminal law response for these cases is lower than the average criminal law response rate for all offences forwarded to the public prosecutors’ offices. Similarly, the rate of acquittal (16%) for cases of a racist nature remains over double that of the average (7%) for offences against the person. Finally, sentences were given to 393 offences of a racist nature and where racism was the aggravating circumstance; a relatively low figure compared with previous years (in 2017, 461 sentences were given).

## SPOTLIGHT ON THE SCRT'S FIGURES

The SCRT is an operational tool that measures racist acts suffered by victims at a given time, T. The SCRT's figures are based on feedback from its territorial representatives, its local partners, the media and associations representing the Muslim and Jewish religious communities with whom they have a partnership. As such, these figures are not exhaustive and may be prone to bias.

### OVERALL EVOLUTION OF RACIST OFFENCES RECORDED BY THE SCRT IN THE LONG TERM



### EVOLUTION OF RACIST ACTS BETWEEN 2018 and 2019

**1 983** reported acts

**+27%** regarding anti-Semitic acts  
that is to say 687 acts

**+54%** regarding anti-Muslim acts  
that is to say 154 acts

**+130%** regarding racist acts  
that is to say 1 142 acts

# The “dark figure”



The term “dark figure” refers to all racist acts that are non-declared and as such, avoid prosecution. The massive under-reporting of racism contributes to maintaining impunity in respect of such acts, adversely affects victims, and damages social cohesion.

## What information is available in the absence of reliable data?

The Ministry of the Interior’s figures only account for a tiny proportion of the racist acts committed in France, as unlawful acts are vastly under-reported. The “Living environment and Security” crime victimisation survey, lead jointly by the National Institute of Statistics and Economic Studies (INSEE) and the Ministry of the Interior, aims to assess and describe offences which may have been committed against households and individuals. Contributions from community stakeholders fighting against racism are also included in these figures.

## What is the cause of under-reporting?

1. Difficulty in apprehending racist litigation: most often, victims of racism have suffered verbal abuse, making it difficult to present evidence. Due to the complexity involved in the legal qualification of a racist act, few proceedings are initiated which discourages people from filing criminal complaints.

2. It is often difficult to file a criminal complaint: filing a criminal complaint is by no means a trivial matter and constitutes a painful step for victims who are already distressed by the violence they have suffered. Difficulties expressing themselves, shame, and even fear of reprisals can also discourage victims from filing criminal complaints.



## RECOMMENDATION

In order to effectively tackle the massive under-reporting of racism, the CNCDH underscores the need to train gendarmerie and police staff in the specific issues associated with racist litigation, so that victims are able to fully express themselves and gain a clear idea of what legal proceedings entail, to prevent them from being discouraged and ensure they follow proceedings all the way through.

## L'IMPORTANCE DU CHIFFRE NOIR

### RACISM: VASTLY UNDERESTIMATED LITIGATION



1.1 MILLION VICTIMS HAVE BEEN THE TARGET OF AT LEAST ONE CRIME OF A RACIST, ANTI-SEMITIC OR XENOPHOBIC NATURE



6,603 CASES FACED LEGAL PROCEEDINGS



393 SENTENCES

### WHY SO FEW SENTENCES?



VERY FEW VICTIMS FILE CRIMINAL COMPLAINTS



FEAR IN THE WAY THE VICTIM WILL BE RECEIVED BY LAW ENFORCEMENT WHEN FILING A CRIMINAL COMPLAINT



HIGH WITHDRAWAL RATE OF PROCEEDINGS



DIFFICULTIES IN PRESENTING EVIDENCE OF THE RACIST ACT

### THE CNCDH'S PROPOSALS



IMPROVE KNOWLEDGE OF WAYS TO FILE A CRIMINAL COMPLAINT



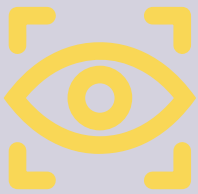
IMPROVE TREATMENT OF VICTIMS



IMPROVE TRAINING FOR MAGISTRATES



DEVELOP PEDAGOGICAL PUNISHMENT (COMMUNITY SERVICE)



# Anti-black racism

While the CNCDH is committed to a comprehensive approach to racism, it also wishes to highlight the specific forms it can take according to the minorities concerned.

## The paradox of anti-black racism

In 2018, the CNCDH's survey on current public opinion indicated that black people were one of the most accepted minorities in France. However, they are also among the most discriminated against. Whether it concerns access to housing, employment or even work, differences in treatment are very clear. This discrimination is also reflected in the feelings experienced by its victims, who develop "survival strategies" to make their daily lives easier, and must fight against inferior treatment due to the colour of their skin. Black people are not often represented in the media, and within education their status is essentially addressed from a perspective of victimisation. While equality is at the heart of French Republican values, black people continue all too often to occupy lesser positions in French society.

## Racism passed down from slave trades and slavery

This focus has highlighted the pervasiveness of racial biases originating from colonial times that persist in a society that nonetheless openly condemns racism. A number of fantasies surrounding black bodies continue to persist. This culture, which forges prejudice and influences day-to-day behaviour, is compounded by the

persistence of many forms of discrimination. Both phenomena lead some affected individuals to group together in order to access safe spaces where they can express themselves freely. This notion, passed down from colonial times, can sometimes create a sense of division between black identity and French identity, marked by the white norms that place these individuals in lesser positions.

## Questioning the dominant norm

The fight against anti-black racism requires society as a whole to gain increased awareness of the phenomenon. This requires a reversal of perspectives. As suggested by certain academics, white people should work on understanding the experiences black people endure and put an end to a process that they themselves, sometimes inadvertently, are instrumental in.



### RECOMMENDATION

The CNCDH calls on the Higher Council for the Audiovisual Sector (CSA) to encourage representation of black men and women, including in expert roles.

## TACKLING ANTI-BLACK RACISM

### THE MEDIA



ONLY 17% OF ROLES ARE GIVEN TO "PEOPLE PERCEIVED AS NON-WHITE".  
*The CSA's 2018 Barometer on Diversity*



“*When I turn on the TV or read the newspaper, the majority of people I see are white.*”

**CNC**DH

IT IS CRUCIAL TO ENCOURAGE IMPLEMENTATION OF BEST PRACTICES FOR MEDIA REPRESENTATION OF VISIBLE MINORITIES.

### EDUCATION



56% OF DESCENDANTS OF IMMIGRANTS FROM SUB-SAHARAN AFRICA FEEL A SENSE OF INJUSTICE IN THE SCHOOL SYSTEM LINKED TO DISCRIMINATION DUE TO THE COLOUR OF THEIR SKIN.  
*"Trajectories and Origins" survey*



“*School curricula highlighting our national heritage and "civilisation" doesn't show what people of my skin colour have done.*”

**CNC**DH

PRIMARY AND SECONDARY SCHOOL CURRICULA MUST BE SHAPED BY A NARRATIVE INCORPORATING THE CULTURAL MIXING THAT CONSTITUTES OUR PAST.

### HOUSING



A BLACK PERSON IS 32% LESS LIKELY TO FIND HOUSING.  
*2018 National testing;*



“*I find it difficult to find housing because I'm black.*”

**CNC**DH

MORE EFFECTIVE APPLICATION OF ARTICLE 1 OF THE ACT OF 6 JULY 1989 AFFIRMING THAT THE FUNDAMENTAL NATURE OF THE RIGHT TO HOUSING MUST BE GUARANTEED. IT INDICATES THAT "NOBODY SHOULD BE REFUSED TO RENT HOUSING FOR ANY DISCRIMINATORY REASON".

### EMPLOYMENT



49.9% OF BLACK PEOPLE REPORT HAVING EXPERIENCED DISCRIMINATION IN THE WORKPLACE.  
*Annual Barometer on workplace discrimination in France - 11th edition, Defender of Rights 2018*



“*Regardless of the effort I put in, I'll practically always occupy a lesser position in the working world.*”

**CNC**DH

EMPLOYERS ARE ENCOURAGED TO GUARANTEE ACCESS TO EXPERT ROLES TO BLACK MEN AND WOMEN.



# Online hate

In 2019, the CNCDH published an opinion on the bill to tackle online hate. More specifically, it cannot be denied that racism features heavily within hate speech distributed online.

## Online hate: what is it?

Online hate speech is characterised by its anonymous and viral form. This anonymity creates a sense of impunity and gives rise to uninhibited behaviour among perpetrators. The potential visibility of hate speech is one of its particularities. This is accrued by the multitude of connections between internet users, resulting in it being distributed on a larger scale than if it had been delivered verbally.

## Which resources can be used to tackle this phenomenon?

In order to crack down on this phenomenon, social networks have made tools available to users enabling them to report content they consider hateful so that it can be removed. In France, these tools are added to the online reporting platform, PHAROS, and to the online gendarmerie service created in 2017, which enables dematerialised interaction with a member of law enforcement. In more general terms, all internet users should be specifically trained in carrying out critical analysis of information, as well as on issues relating to the sharing and visibility of web content.

## New legislation for new crimes?

In the legal landscape, online hate could be racial slurs, racial insults, or incitements to discrimination, hate, or public violence. In addition, Article 6 of the Act on Confidence in the Digital Economy obliges natural or legal persons, whose activity is to offer online public access to communication services, to report illicit content to legal authorities. Finally, the bill to tackle online hate (so called the “Avia Bill”) was introduced before the National Assembly on 20 March 2019\*. Its aim is to rely on private stakeholders (Google, Facebook, etc.), among others, to carry out their own censoring of hateful content, giving them significant power over the freedom of speech of their users

\*The Act was definitively adopted by the French National Assembly on 13 May 2020.



The CNCDH has called on the French State to establish an independent regulatory authority with particular responsibility for tackling and responding rapidly and suitably to online hate speech since 2015.



# TACKLING ONLINE HATE

## A FIGHT ENTRUSTED TO PHAROS, THE SPECIALIST PLATFORM



PHAROS ENABLES ONLINE REPORTING OF ILLICIT CONTENT AND BEHAVIOUR ON THE INTERNET



140% INCREASE IN REPORTS BETWEEN 2018 AND 2019



PROCESSED BY 6 INVESTIGATING OFFICERS

228 545

REPORTS PROCESSED IN 2018

17 555

REPORTS OF XENOPHOBIA AND DISCRIMINATION IN 2018

## THE "AVIA BILL": INADEQUATE AND DISPROPORTIONATE



RISK OF MASS REMOVAL OF CONTENT AND CENSURING



MASSIVE USE OF NON-TRANSPARENT ALGORITHMS



UNTRAINED MODERATORS



RISK OF REINFORCING DOMINANT POSITIONS TO THE DETRIMENT OF SMALLER PLATFORMS

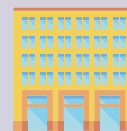
## THE CNCDH'S PROPOSALS



REFLECT ON JOINT EUROPEAN LEGISLATION



MAINTAIN THE POSITION OF JUDICIAL COURTS IN CONTENT REMOVAL AND CRIMINAL SANCTION PROCESSES



CREATION OF AN ONLINE-SPECIFIC REGULATORY BODY



NATIONAL ACTION PLAN ON EDUCATION AND DIGITAL CITIZENSHIP



REDIRECTION TO AN ONLINE COMPLAINT PLATFORM AFTER REPORTING CONTENT ON SOCIAL NETWORKS



CREATE A PHAROS MOBILE APP

# Racism and discrimination in the workplace



In the world of work, “origin” - considered here in the broadest sense of the term, intersecting origin, nationality, place of residence, physical appearance, language and family name - is one of the main sources of discrimination. This phenomenon affects both the private and public sector..

## How is racism and discrimination shown?

Racism is shown to individuals or groups of individuals via differences in access to employment and internships, in career progression, via discriminatory treatment - particularly relating to pay - and even via harassment and demeaning treatment. Through this, racial distribution is seen within professional roles as more gratifying roles are given to white people. The case concerning undocumented workers on a construction site in Breteuil, Paris is symbolic of this (see box).

## An issue under the radar

Due to a large number of difficulties, victims do not fully exercise their rights. The fear of being ostracised from their teams, of experiencing further stigmatisation, of being slowed down in their careers or even losing their job results in victims failing to report discrimination. In addition, the overwhelming majority of disputes concern dismissals, as workers are reluctant to challenge their employer’s actions. There is some indication that the lesser positions occupied by employees acts as an obstacle to reporting discriminatory practices.

## How can this be resolved?

The responsibilities of employers are vital and their choices can largely prevent discriminatory treatment from taking place. The territorial and legal structure of a company and its policies surrounding recruitment, promotion and social dialogue play an extremely important role in corporate culture and the rules that reign in the workplace. The fight against discrimination lies within this context. Commitment from trade unions, coupled with spaces and sessions for discussion, facilitate action designed to prevent, raise awareness and protect employee rights.



### RECOMMENDATION

The CNCDH recommends facilitating access to evidential material in companies and administrations relevant to the anti-discrimination litigation to enable thorough investigative work to take place.



## Recognition of “systematic racial discrimination” in the workplace in 2019

For the first time on 17 December 2019, the Labour courts in Paris recognised “systemic racial discrimination” to describe the “structured system of racist domination” suffered by 25 workers from Mali employed on a building site on Avenue de Breteuil, Paris.

This case lifted the lid on the use of undocumented workers from Africa employed to do “menial

work”, echoing underlying anti-black racism. It also reflects a hierarchy that operates on ethnicity, with white managers, Maghrebi employees closely supporting managers in supervisory roles, and black people carrying out the most dangerous roles.

This case is emblematic of the widespread occurrence of such practices.

# Anti-Roma racism



Presenting itself as one of the most trivial forms of racism and generating the lowest levels of disapproval, hate directed towards “Roma”, the largest minority group in Europe, is underestimated by the media and in public opinion.

## Who are “Roma”?

The report on racism uses the term “Roma” in reference to the choice made by the International Romani Union in 1971 which includes all “Gypsy” groups. The Roma community is a patchwork of minority groups which includes Bohemian and Manush people, among others. This group is comprised of various languages, religious practices and beliefs. Contrary to popular belief, Roma populations do not lead essentially nomadic lives: they live in slums by default.

## The most stigmatised minority group

When Roma are discussed, it is often within the context of surveys on poverty, reports on evictions, or as part of “news items” linked to illegal or even criminal activity. Roma are also often represented as antisocial people who bask in squalid and marginal conditions. These representations are mobilised by media representation of news items and current affairs, particularly in news programmes, and by dramas. This culture nourishes and trivialises persistent prejudice.

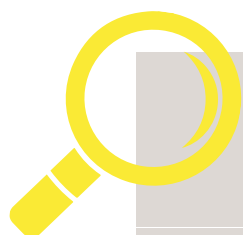
## A minority struggling to access their rights

Roma are excluded from a number of rights in France. It is acknowledged that Mayors in France implement specific policies in order to prevent Roma children from enrolling in school. For Roma people living in slums, constant evictions without the provision of alternative housing lead to interruptions in access to healthcare and schooling, stall access to their right to housing and compromise opportunities to enter the job market.



### RECOMMENDATION

The CNCDH recommends developing a national action plan on the fight against anti-Roma racism, to be included in the action plan on racism and anti-Semitism.



## Wave of attacks against Roma people in March 2019 in Île-de-France

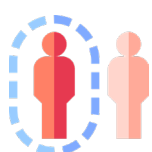
March 2019 saw a series of attacks take place against people considered to be Roma. 37 physical and verbal attacks on the minority group were recorded following false rumours of children being kidnapped by people perceived to be Roma.

The CNCDH considers that the weight of prejudice towards the Roma community was an instrumental factor in the events, since the implicit association between Roma, poverty and threats to public safety strongly motivated the attackers. On-line hate was brought up repeatedly by authorities and the media in this case, highlighting the viral nature in which the rumours were distributed.

Similarly, reference was made to the responsibility of social media platforms and the relationship between the virtual world and the real world via the distribution of false information.

While issues surrounding online hate cannot be underestimated, this event should have been the time to denounce prejudice, racist acts, and the mechanisms of racism unique to Roma people. This event, which was essentially handled through the lens of online hate, must incite political and public authorities to engage in advance reflection of the specifics of this demonstration of racism and the solutions that can be implemented.

### PREJUDICE AND POPULAR BELIEFS SURROUNDING ROMA PEOPLE



71% OF RESPONDENTS RECKON THAT ROMA PEOPLE FORM “A *DISTINCT GROUP*” IN FRANCE



66% OF RESPONDENTS RECKON THAT ROMA PEOPLE “*CONTRIBUTE TO INSECURITY*”.



68% OF RESPONDENTS RECKON THAT “*ROMA PEOPLE ARE MAINLY NOMADIC*”.



48% OF RESPONDENTS THINK THAT ROMA PEOPLE “*MAKE A LIVING BY STEALING AND TRAFFICKING*”.



53% OF RESPONDENTS RECKON THAT ROMA PEOPLE “*DO NOT WANT TO INTEGRATE INTO FRENCH SOCIETY*”.



60% OF RESPONDENTS THINK THAT ROMA PEOPLE “*REGULARLY EXPLOIT CHILDREN*”.

# Discrimination in access to schooling



There is little public awareness of the issues concerning discrimination in access to schooling. However, it concerns thousands of children in France.

## Children affected

The profiles of children who suffer discrimination vary. Roma children, traveller children, children living in slums and squats, unaccompanied foreign minors and children living in Overseas France, particularly in French Guiana and Mayotte, are specifically identified here.

## Barriers to school enrolment

The school commute is a real struggle for families who live far away from schools. Going to school can occasionally put children in dangerous situations during their journey and incur high transport and accommodation costs, particularly in Overseas France. Children living in slums and squats face evictions that interrupt schooling for relatively long periods of time. In addition, certain Mayors in France do not allow Roma children to enrol in schools. A decree confirming the number of identification documents required for school enrolment is not yet in place, resulting in abuse of the system.

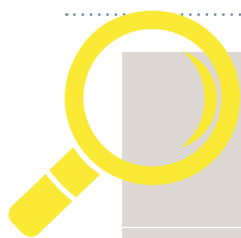
## In Overseas France

In Overseas France, Mayotte and French Guiana in particular, there is a dire lack of school infrastructure and dedicated staff. To compensate this, temporary and ill-suited solutions are sometimes found, such as the rotation system between pupils who either attend school in the morning or the afternoon. Children belonging to stigmatised groups (such as the Amerindian and Bushinenge communities in French Guiana), or foreign groups, are most at risk due to a lack of resources..



## RECOMMENDATION

The CNCDH calls for coordinated action ensuring that all children are schooled, regardless of their actual or assumed origin, pursuant to the applicable laws and commitments made by France when ratifying the International Convention on the Rights of the Child in 1990. The Ministry of National Education should look to the specific and additional recommendations set out by the CNCDH in this report for guidance. Greater attention should be given to Overseas France, particularly French Guiana and Mayotte.



## Press breakfast School in France: is it really for everyone?

Once again, lots of children were unable to return to school in September 2019. The CNC DH has denounced violation of the fundamental right to education in France for many years. In order to raise awareness of this phenomenon and to enable public opinion to grasp the full extent of it, the CNC DH organised a breakfast press conference that took place on 6 September 2019.

Around 10 journalists spoke with representatives of the French Council of Disabled People for European questions (CFHE), UNICEF and the French collective “Ecole pour tous” (School for all). The circumstances of children living in slums and squats, unaccompanied foreign minors, children with disabilities and certain children living in Mayotte and French Guiana were discussed.

Beyond the statistics, the challenge was to demonstrate correlation between the origins or particularities of certain children and the barriers preventing them from exercising their right to an education.

These discussions also provided an opportunity to present three priority recommendations issued over several years by NGOs and the CNC DH to ensure that the right to an education is effective for all children:

1. Adoption of a decree confirming the number of identification documents required for school enrolment;
2. Implementation of an observatory on non-enrolment in school;
3. Creation of effective mediation between schools, Mayors, parents and children.

> Read the press release (in French): [www.cncdh.fr/fr/publications/dossier-depresse-lecole-en-france-vraiment-pour-tous](http://www.cncdh.fr/fr/publications/dossier-depresse-lecole-en-france-vraiment-pour-tous).



**80%**

OF CHILDREN LIVING IN SLUMS OR SQUATS DO NOT ATTEND SCHOOL



**20,2%**

OF YOUNG PEOPLE AGED 17-18 YEARS OLD IN OVERSEAS FRANCE ARE CONSIDERED TO BE ILLITERATE.



THIS RATE INCREASES TO 50.9% IN MAYOTTE AND TO 29% IN FRENCH GUIANA.



**3,6%**

OF YOUNG PEOPLE AGED 17-18 YEARS OLD IN MAINLAND FRANCE ARE CONSIDERED TO BE ILLITERATE.

# Priority recommendations

- 1** . The CNCDH calls on the Higher council for the audiovisual sector (CSA) to encourage representation of black men and women, including in advisory roles.
- 2** Since 2015, the CNCDH has called for the French State to establish an independent regulatory authority with particular responsibility for tackling and responding rapidly and in a suitable way to online hate speech.
- 3** The CNCDH calls for coordinated action ensuring that all children are schooled, regardless of their actual or assumed origin, pursuant to the applicable laws and commitments made by France when ratifying the International Convention on the Rights of the Child in 1990. The Ministry of National Education should look to the specific and additional recommendations set out by the CNCDH in this report for guidance. Greater attention should be given to Overseas France, particularly French Guiana and Mayotte.
- 4** In particular, the CNCDH recommends increasing awareness among investigating officers - members of the police and gendarmerie - of receiving victims, of the importance of collecting as detailed statements as possible highlighting racist motives without prejudice to the complexity of evidential material to be gathered, and to train them in handling these legal classifications.



- 5 The CNCDH recommends facilitating access to evidential material in companies and administrations relevant to the anti-discrimination litigation to enable comprehensive investigative work to take place.
- 6 The CNCDH recommends developing a national action plan on the fight against anti-Roma racism, to be included in the action plan on racism and anti-Semitism.
- 7 The CNCDH recommends creating a mandatory module within initial teacher training on the fight against racism, discrimination and prejudice. In tandem, it encourages the Ministry of National Education to instruct local education authorities to implement routine training sessions on themes specific to racism.
- 8 The CNCDH encourages the Ministry of National Education to pursue and strengthen links between the education system and associations fighting against racism, memorial institutions, the media and professionals within community education. The CNCDH recommends introducing regular discussions in local education authorities with school partners (specialist associations, memorial and cultural institutions, etc.) taking care to develop local partnerships between educational establishments and memorial sites as underlined in the 2018-2020 plan. Départemental education authorities could also establish and publish directories and brief presentations on the devices and tools available at local level.
- 9 The CNCDH recommends stepping up control of the responsibilities of law enforcement during identity checks, and strongly encourages the Ministry of the Interior to implement solid dialogue between community groups and police and gendarmerie training centres.

# The legal framework for the fight against racism

Freedom of expression and opinion are fundamental rights, which are essential to democracy and pluralism. However, speech must remain responsible: not everything can be said or written. The right to express oneself ceases when abuse starts. *[Article 10 of the European Convention on Human Rights; Article 11 of the 1789 Declaration of the Rights of Man and of the Citizen]*

French law punishes public defamation of a racist nature, public insults of a racist nature, public incitement to racial hatred, public endorsement of war crimes or of crimes against humanity, the denial of crimes against humanity, non-public insults of a racist nature, non-public defamation of a racist nature, non-public incitement to racial hatred, racial discrimination as well as racist motives for certain ordinary law crimes and offences, regarded as aggravating circumstances.



Sanctions can particularly be issued in the form of fines, or even imprisonment. *[Act on the Freedom of the Press of 29 July 1881; provisions of the French Criminal Code]*

Any individual who is the victim of an offence of a racist nature is entitled to file a complaint at a gendarmerie or police station; the officer at reception is required to accept the individual's complaint.

*[Article 15-3 of the Criminal Procedure Code]*

Any internet user may report content on the Internet which it considers illegal by using the Ministry of the Interior's reporting platform, "Pharos", or other platforms provided by commercial internet providers, or even by requesting the assistance of competent associations.

*[[www.internet-signalement.gouv.fr](http://www.internet-signalement.gouv.fr)]*







COMMISSION NATIONALE  
CONSULTATIVE  
DES DROITS DE L'HOMME

RÉPUBLIQUE FRANÇAISE

### **Independent national rapporteur for nearly 30 years**

Appointed independent national rapporteur on the fight against racism in all its forms in 1990, the National Consultative Commission on Human Rights (CNCDDH) submits an annual report to Government which provides an overview of racism in France, as well as the policies rolled out by institutions of the Republic and civil society to combat such phenomena.

### **Situational analysis of racism in France in 2019**

Vastly under-reported, racism, anti-Semitism and xenophobia are often demonstrated via subtle forms of rejection that are not always easy to characterise or denounce by victims.

An increase in acts and discourse of a racist nature was identified in 2019, this in addition to considerable volumes recorded in 2018. While the tolerance index remains largely stable, prejudice, discrimination and racist acts continue and require co-development of adapted policies in order to be addressed.

### **Les Essentiels**

Alongside its report on racism, the CNCDDH presents “Les Essentiels”, which offers a synthetic and didactic approach to the main trends observed by the CNCDDH.

Structured around six themes and two focus points, Les Essentiels covers essential information from the 2019 *Report on the fight against racism, anti-Semitism and xenophobia* and is intended to be widely read and circulated.