

French Focal Point: CEDRA

Complementary Data Collection
Contribution to the FRA Annual Report 2010

October 2009

Contents

CONTENTS	2
1. Equality Bodies – complaints data on racial or ethnic discrimination.....	3
2. Racist violence and crime – exemplary incidents.....	5
3. Employment	7
3.1. Racism and discrimination (incidents and practices).....	7
3.1.1. Statistical data and tables on incidents of discrimination and racism.....	7
3.1.2. Exemplary incidents and cases	7
3.1.3. Research findings.....	8
3.1.4. Additional information.....	9
3.1.5. Other related issues.....	9
3.2. Good practice.....	9
4. Housing.....	10
4.1. Racism and discrimination (incidents and practices).....	10
4.1.1. Statistical data and tables on incidents of discrimination and racism in housing	10
4.1.2. Exemplary incidents and cases	12
4.1.3. Research findings.....	13
4.1.4. Legal restrictions to access to housing.....	14
4.2. Good practice.....	14
5. Health care	15
5.1. Racism and discrimination (incidents and practices).....	15
5.1.1. Statistical data and tables on incidents of racism and discrimination.....	15
5.1.2. Exemplary incidents and cases	15
5.1.3. Additional information.....	16
5.1.4. Research findings.....	16
5.2. Good practice.....	16
6. Education.....	17
6.1. Statistical data and tables on racist incidents.....	17
6.2. Exemplary cases of discrimination	17
6.3. Restrictions to access to education	17
6.4. Good practices	18
7. Participation of minorities in public life.....	19
7.1. Respecting the right to identity and promoting mutual understanding	19
7.2. Promoting the public use of languages spoken by minorities.....	19
7.3. Effective participation of persons belonging to minorities in public life.....	20
7.4. Trends and good practices.....	20
ANNEXES.....	21

1. Equality Bodies – complaints data on racial or ethnic discrimination

- [1]. Even if there are no new provisions in the last two years (2008-2009) regarding the French body, specialising in matters of equality, it seems that the Haute autorité de lutte contre les discriminations et pour l'égalité (HALDE – the French equal opportunities and anti-discrimination authority) has already reached its aim, that is to keep the major role in the field of protection and promotion of equality principles in French public life.
- [2]. This can be seen from the number of claims recorded: almost 8.000 for the year 2008 instead of approximately 6.500 for the year 2007, that is equivalent to an increase of 25 per cent in one year!¹ The number of decisions (nearly 600) approved by the Council is also very significant. This growing momentum was accompanied by recognition of the HALDE's moral authority and increased public awareness of the institution. An opinion poll conducted in December 2007 and published in February 2008 showed that 95 per cent of French people estimate that it is important to fight against discriminations. According to this same survey, 8 per cent of the French people estimate that they were victims of discrimination during the year 2007, 22 per cent state they have been witnesses of situations of discrimination and 63 per cent think that they could one day being victims of discrimination. Thirty six per cent of the French people know the HALDE and its missions and 84 per cent of them think that the HALDE is useful to fight against discriminations.²
- [3]. Between January 1 and December 31, 2008, 7.788 claims were registered by the HALDE, compared with 6.222 in 2007.³ The breakdown of claims by discrimination criteria and area maintains a certain consistency:
- Origin remains the most frequently cited criterion put forward by discrimination victims (29 per cent). The second most frequently cited criterion is that of health or disability (21 per cent).
 - Employment is still the area in which most claims are filed (50 per cent), followed by governance and public services (18 per cent).
 - A total of 21.024 calls were recorded on the shared-cost information and guidance hotline (08 10 00 50 00) between January 1 and December 31, 2008.

In Annex 1, we provide tables regarding complaints registered by the HALDE.

- [4]. As regards the processing of cases filed with the HALDE: by December 31, 2008 the HALDE had handled 7.788 claims (closed cases 6.414). 1.153 cases were abandoned because the claim was withdrawn or due to claimant's lack of a reply to the HALDE'S requests, i.e. 18 per cent of all cases. 1.002 claims were subject to in-depth investigation.

¹ See http://halde.fr/rapport-annuel/2008/Halde_Dossier_de_presse.pdf, p. 1.

² http://www.halde.fr/spip.php?page=article&id_article=11554

³ The data provided in this section are data from the HALDE. They are publicly available in the Annual report of the HALDE: HALDE (2009), *Annual Report 2008*, Paris : La Documentation française; also available at: http://www.halde.fr/IMG/pdf/RA_UK_version_integrale.pdf

- [5]. In 2008, the Council ordered 457 measures, including 299 recommendations and opinions addressed to the government, public authorities, and businesses. The 2008 Annual Report does not specify which the percentage of general or individual out of these recommendations. Since March 2006⁴, the HALDE can present its observations before the courts on its own initiative; in 2007 the HALDE's appearance before the courts increased sharply (+ 140 per cent – 115 cases). In the field of mediation, the HALDE has become more effective. Mediation is a mean to resolve discrimination problems chosen by the parties in a growing number of cases; 49 mediation efforts were launched in 2007. 28 penal transactions (involving payment of a fine) were proposed, accepted and transferred to the public prosecutor's office, which approved them all.

⁴ FR-Law n°2006-396 (31.03.2006), Loi pour l'égalité des chances (Law for equal opportunity), NOR: SOCX0500298L
<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000268539&dateTexte=&fastPos=1&fastReqId=14695382&oldAction=rechTexte>

2. Racist violence and crimes – exemplary incidents⁵

- [6]. On January 24, 2009 in Lyon, a brawl had opposed about fifteen militants of the “identity” (nationalist) block and a group of anarchist-libertarian protesters who manifested their support to prisoner Julien Coupat. Most of the authors were from 16 to 18 years old and were members of the “skinhead” tendency.
- [7]. During the night of February 17, 2009, in Valfréjus, six cars were found broken, with their rear-view mirrors torn off and windscreen wiper also broken, their caps covered by the following inscriptions: “Waffen Hitler SS”, a Celtic cross and swastikas.
- [8]. On March 19, 2009 in Villeurbanne, in front of the Jean Jaurès College, two groups of antagonistic pupils came face to face, one composed of teenagers asserting a Maghrebian origin, the other of young people asserting a African origin. Some of them were armed with hammers and knives, which supposes a premeditated step. Racist insults were uttered, as a provocation.
- [9]. On March 29, 2009 in Orléans, an associative bar, usually attended by associations for the defence of human rights and far-left activists, was set on fire by an individual known for being a member of a far-right bunch.
- [10]. On April 3, 2009 in Valenciennes, a scuffle caused violence between high-school pupils, opposing young people known for being closely related to skinheads and a group of Maghrebian young girls.
- [11]. On April 7, 2009 in Argenteuil, a veiled woman was a victim of attack: she had been kicked and notched up on the arm by a cutter. The investigation made possible to carry out five arrests.
- [12]. On May 10, 2009 in Vidauban, the authors fractured the door of a site hut, the extinguishers inside were emptied, and the inscription “Death to the wogs” was registered on the table.
- [13]. Between May 25 and 26, 2009 in Rouvroy, a young person of African origin underwent gratuitous violence on the surface of a motorway.
- [14]. Furthermore, it is also to be mentioned that the Criminal Court (*Cour d’assises*) pronounced recently its verdict in the case of Youssouf Fofana, judged for the murder of Ilan Halimi, a young man of Jewish origin tortured to death by him and his accomplices. The chief of the so-called “gang of the barbarians” was sentenced to the life imprisonment on July 10th 2009. Nevertheless, the lawyers of the plaintiff denounce the “kindness” of the judges with respect to Fofana’s accomplices. Consequently, and in spite of the severity of the sentence, both the plaintiff and the

⁵ The information contained in this section is provided by the French Police, Central Direction of Public Security (*Direction centrale de la Sécurité publique*): *État de la violence raciste et xenophobe, 1er et 2ème trimestres 2009*, August 2009.

parquet decided to appeal against this decision, in order to clarify many aspects in this case that still remained vague.⁶

- [15]. In Annex 1, we provide the last available statistic data from the Ministry of Justice dating October 2008. This year's data will be available not before December 2009.
- [16]. Finally, for some comparative tables and data analysis, one may refer to the *Annual Report 2008 on The Fight against Racism, Anti-Semitism and Xenophobia* published by the National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'homme* – CNCDH) in March 2009.⁷

⁶ See NFP France, *RAXEN Bulletin July 2009*; see also *Le Monde*, July 10th 2009, http://www.lemonde.fr/societe/article/2009/07/10/youssouf-fofana-condamne-a-la-peine-maximale-pour-l-assassinat-d-ilan-halimi_1217727_3224.html

⁷ Particularly pp. 17-41.

3. Employment

3.1. Racism and discrimination (incidents and practices)

3.1.1. Statistical data and tables on incidents of discrimination and racism

- [17]. According to the Annual Report 2008 published by the French equality body, the HALDE, in 2009, employment remains the main area in which discrimination is reported. In particular, discrimination based on origin – assumed on the basis of skin colour, surname, geographical or national origin – accounts for 26% of the claims lodged in the area of employment.⁸
- [18]. A survey conducted by the HALDE in the region of Toulouse showed that, in some cases, a person is not hired because of his/her surname. The HALDE used a comparison of surnames and nationality to check if the origin of a job candidate was the cause of inequality of treatment.
- [19]. According to this survey, out of 288 people recruited between 2000 and 2006, all were of French nationality, and only two of these had surnames of North African origin. The excerpt from the comprehensive staff register, from 1st January 2005 to 30th July 2006, revealed that of the 43 “qualified employees” hired on open-ended contracts, all were of French nationality and none held North African-sounding name. The HALDE Council indicated that “*in the light of these elements, there is an unjustified under-representation of individuals of North African origin, in particular in respect to jobseekers registered with the Toulouse public employment agency with the qualifications required of manufacturing staff within the company*”.⁹
- [20]. There are no other sources of information available, based on statistical data or tables for the period 2008-2009.

3.1.2. Exemplary incidents and cases

- [21]. In some cases that had been subject to deliberations by the HALDE, the Equality body took the cases to court (a “court summons”, is a power attributed to the HALDE by the Law of 31st March 2006, that makes court action inevitable).
- [22]. In the first case, one individual’s job application was rejected by a baker because of his skin colour. The HALDE Council proposed a penal transaction which the bakery owner refused (Deliberation No. 2007-107). The HALDE therefore took the case to court, quoting the baker’s words before the magistrate’s court. The baker was ordered to pay a fine of €5,000.

⁸ Source : HALDE, *Annual Report 2008*, available at : http://www.halde.fr/IMG/pdf/RA_UK_version_integrale.pdf

⁹ *Ibid.*, p. 43.

- [23]. In the second case, a policeman of Moroccan origin entered the internal competitive examination for the rank of national police officer. The examination panel questioned him on his origin, his religious practices and those of his wife. The HALDE presented its observations before the High Administrative Court (*Conseil d'Etat*).¹⁰

3.1.3. Research findings

HALDE study on Homophobia in the Firm (*Homophobie dans l'entreprise*)

- [24]. This study was published in March 2008 under the guidance of Christophe Falcoz. It analyses responses from 1.413 lesbian and gay employees to a questionnaire sent out in late 2006, to show what happens when coming-out strategies are applied or when sexual orientation (normally invisible) is concealed. It is noticed that certain corporate practices can make it risk-free to bring up employees' private lives in their professional environment.

HALDE investigation on discriminations in "France Television" and "Radio France"

- [25]. The HALDE began in October 2009 an investigation on discriminations in the groups of "France Television" and "Radio France". Before December 31st, 2009, the HALDE will submit a report to the Parliament which will draw up the assessment of the policy of human resources management carried out by the national companies of television and radio, in order to fight against discriminations and to better reflect the diversity of the French national company. To complete its information, the HALDE has commanded to the National Institute of Demographic Studies (INED) an investigation on origins as well as on academic and professional background of employees in *Radio France*, *France 2*, *France 3* and *RFI*.¹¹

SOS Racisme report on "Ethnic-racial filing: a discrimination tool"

- [26]. A recent report, published on November 4th, by two NGOs working in the field of the fight against racism and discrimination in French public life, *SOS Racisme* and *Fédération Nationale des Maisons des Potes* (National Federation of Friends' House), denounces the ethnic-racial filing, particularly in the employment and housing sector. According to this study, the ethnic-racial filing is a first step which conducts to discrimination. The report reminds that this kind of filing is forbidden by a law of 1978, which punishes this practice with five years of imprisonment and a fine of 300.000 euros. Despite this law, firms and the housing sector carried out this filing. Several firms like ADECCO, Daytona, Air France etc. and housing offices in different towns are accused to use this practice. The two NGOs urge the French government to increase the struggle against this illegal practice. Ethnic-racial filing is difficult to prove and the first condemnation by a Court of this tort took place in October 2008.¹²

¹⁰ Information cited in the *HALDE Annual Report 2008*, *op. cit.*, pp. 41-42.

¹¹ <http://www.halde.fr/La-HALDE-lance-avec-l-INED-une.html>

¹² Report available at:

http://medias.lemonde.fr/mmpub/edt/doc/20091104/1262796_f8fd_rapport_sos_racisme_fichage_ethno-racial_11_09.pdf

3.1.4. Additional information

- [27]. The National Consultative Commission on Human Rights (CNCDDH) is elaborating a study on “Racism in the world of labour”. The study will be published as an annex to the CNCDDH Annual Report on the Fight against Racism, Xenophobia and Intolerance in 2009 (publication forthcoming, March 2010).

3.1.5. Other related issues

- [28]. On December 17th 2008, French President Nicolas Sarkozy declared that France should have tools to measure its diversity and identify its delay and progress in the fight for equality and against discrimination especially on the basis of ethnic origin. The President appointed Yazid Sabeg to the post of High Commissioner on Diversity, in charge of elaborating a report on this subject.¹³
- [29]. Even if a part of the scientific opinion (e.g. INED [*Institut national d'études démographiques*]) is in favour of the possibility to elaborate ethnic statistical data, the HALDE, as well as a number of NGOs like *SOS Racisme* and LICRA, are opposed to set up statistics based on the criterion of ethnic origin. This debate took a large place especially in the media between January and May 2009, but no official conclusions are yet effective.¹⁴
- [30]. The aforementioned *SOS Racisme* report on “Ethnic-racial filing: a discrimination tool” denounces the difficulty for NGOs to cooperate with authorities like the police, the judicial body and the HALDE in racism and discriminations matters; according to the study the struggle against ethnic filing depends on the setting up of a real repressive policy and a cooperation of every concerned actors.

3.2. Good practice

- [31]. In Annex 2, we provide examples of projects and policy initiatives.¹⁵

¹³ <http://www.lefigaro.fr/actualite-france/2009/03/17/01016-20090317ARTFIG00030-statistiques-ethniques-les-enjeux-du-debat-php>

¹⁴ See for instance : <http://www.lepoint.fr/actualites-societe/2009-05-07/statistiques-ethniques-yazid-sabeg-veut-montrer-le-vrai-visage-de-la-france/920/0/328176>

¹⁵ Some information included in this section was already mentioned in the last year's report. We consider that a reference to these elements in the present report is necessary, as it is relevant to projects that are still in force or in progress.

4. Housing

4.1. Racism and discrimination (incidents and practices)

4.1.1. Statistical data and tables on incidents of discrimination and racism in housing

*Haut Conseil à l'intégration: housing of immigrant people*¹⁶

[32]. In January 2008, the High Council for Integration (*Haut Conseil à l'intégration* – HCI) presented a report to the Prime Minister on the housing of immigrant people. The report is mainly based on the results of the *Enquête nationale logement* (ENL – National Housing Survey), the last survey was conducted in 2001-2002. It is the only data which distinguishes between French people, foreign people and people whose parents were foreigners. The report show that immigrant people more often live in social housing, they encounter more often poor conditions of housing and are victim of discriminations in access to housing.

	Owners	Tenants	Among tenants : Tenants in social housing
French families	56 %	38 %	17 %
Foreign families	35 %	56 %	32 %
Mixed families	55 %	40 %	23 %

[33]. The report provides some information on immigrant people and their housing, we can note that:

- Immigrant people are most vulnerable to unemployment and poverty: 38 per cent of the foreigners who became French, 49.1 per cent of Maghrebian people and 48.5 per cent of the African people are in the three poorest deciles¹⁷ of population in France. And 16.4 per cent of immigrant people are unemployed (versus 8per cent for French people) (be careful the data used in the survey are 2002 data...)
- Immigrant households are more often most tenants (66 per cent of the immigrant household live in collective housing, 56 per cent are tenants of their housing versus 3 8per cent of French families), they are over-represented in the social housing (32 per cent of them are tenants in social housing versus 17 per cent of the French families) and they are more overcrowding (28.4 per cent of the immigrant household are in a situation of overcrowding – i.e. their housing is too small compared to the number of people in the household – whereas only 5 per cent of French families are in a similar situation. One immigrant household on ten live in a housing where two rooms ore more are missing, according to the size of the family.

¹⁶ Haut Conseil à l'intégration (2008), *Le logement des personnes immigrées*
http://www.hci.gouv.fr/IMG/pdf/Avis_logement_immigres.pdf

¹⁷ The 30 per cent of the population which have the less important incomes, i.e the poorest people in France.

- Immigrant people more often live in HLM housings in areas in difficulty: for example 26.4 per cent of the immigrant household live in poorest areas (ZUS – Zones urbaines sensibles), versus 11.1 per cent of French families.
- The unworthy housing is largely devoted to immigrant households

FEANTSA data

- [34]. The “Fédération européenne des associations nationales de travail avec les sans abri (FEANTSA - European Federation of National Organisations Working with the Homeless) presented a report on housing in France in front of the European Committee of Social Rights¹⁸.
- [35]. According to FEANTSA, migrants make up 8.4 per cent of households in France but represent 15 per cent of HLM (moderate rent housing) tenants. Fifty four per cent of French households own their main residence, compared to 37 per cent of migrant households, 18 per cent of French families are tenants in the social housing sector compared to 30 per cent of migrant households, and 20 per cent in the private sector compared to 24 per cent of migrant households. Migrant households have difficulties in finding home, and the absence of clear housing allocation procedures enables discrimination to persist. These groups cannot complain because the allocations procedure is unclear and dispersed, and does not permit identifying the person responsible or establishing the latter’s real motives.
- [36]. Migrant households come under the rules of common law and are not subject to a specific policy, although they have special needs: different lifestyles, large families, low incomes...
- [37]. The waiting periods for migrant households are longer than average. There are indirect forms of discrimination based on criteria of length of residence in the municipality, often preventing migrants from fulfilling this condition. A remedy in the event of discrimination does indeed exist: Article L-225.1 of the Penal Code outlaws any distinction between natural persons on the ground of their origin, gender, etc. Moreover, the Act of 29 July 1998 required social landlords to inform applicants of the reasons for being refused an allocation, but as this Act also introduced the goal of social mix without specifying the conditions of how to achieve it, applicants can be turned down without it being possible to discern any discrimination. In practice, discrimination is at all events hard to prove.
- [38]. The selection procedures themselves permit discrimination to take place. Landlords make a selection between good and bad classes of tenants. Discrimination is not necessarily intentional but is generated by a local system in which there are very many institutions working in their routines and not always aware of the effects which a culture of implicit norms has. No official is really answerable for the situation of migrants, so all invoke their own internal constraints (social mix, profitability, running community life, planning of public space) and claim that a third person is responsible.

¹⁸ http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC39Merits_en.pdf

FEANTSA (2006), *Rapport statistiques français pour l’observatoire de la fédération européenne des associations travaillant avec les sans-abri*,

http://feantsa.horus.be/files/national_reports/france/2006/Fr_rapportstat_francais_2006.pdf

- [39]. As regards access to housing for travellers, an Act of 1990 updated in 2000¹⁹ requires each municipality with over 5 000 residents to create a stopping place for travellers living in caravans, as well as implementing a scheme at the department level for the reception of travellers which provides housing solutions of a quality and quantity to match the needs. However, it takes a long time to establish these schemes and if the project is not technically feasible no alternative solution will be sought. Besides, fewer than 20 per cent of municipalities have created the required stopping places and so 80 per cent of travellers use sites illegally.
- [40]. Since the Act of 18 March 2003²⁰ on internal security came into force, occupying a site in order to take up residence on it without permission is punishable by 6 months of imprisonment and a fine of 3.750 euros, besides the risk of a 3 year disqualification from driving and confiscation of vehicles other than those lived in. Accordingly, the police no longer need a judge's decision and the prefect's approval to carry out eviction, but may do so immediately after the offence is discovered. Thus, the failure of municipalities to meet their obligations forces travellers into a situation of illegality which is criminalized without the persons concerned enjoying procedural guarantees.
- [41]. FEANTSA points out that the State Audit Board in 2004 made a severe assessment of the recent policies on the integration of migrants with regard to housing and especially concerning the migrant workers' hostels which have not benefited from an adequate financial investment on the part of the local and regional authorities.
- [42]. More recent data are not available.

4.1.2. Exemplary incidents and cases

- [43]. According to the HALDE recent investigations, prejudice based on skin colour leads some landlords to make discriminatory choices, regardless of the solvency guarantees which the prospective tenants might offer. In two investigations in 2008, the HALDE proved that the grounds for rejection put forward were only excuses. The Council decided to present its observations before the civil judge.
- [44]. The HALDE had also recommended launching proceedings before a civil judge. Where there is sufficient evidence, it is up to the respondent to prove that no discrimination has taken place. In a decision of 3rd April 2008, the Montpellier Civil Court agreed with the HALDE's analysis and for the first time in the civil courts ordered the payment of €1,500 in damages for discrimination in access to housing due to nationality.²¹

¹⁹FR-Law n°90-449 (31.05.1990), Loi visant à la mise en oeuvre du droit au logement (Law for the application of housing right), NOR: EQUX8900132L

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000159413&dateTexte=&fastPos=1&fastReqId=431304749&oldAction=rechTexte>

FR-Law n° 2000-1208 (13.12.2000), Loi relative à la solidarité et au renouvellement urbains (Law for urban solidarity and renewal), NOR: EQUX9900145L

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000207538&dateTexte=&fastPos=2&fastReqId=1809238285&oldAction=rechTexte>

²⁰ FR-Law n° 2003-239 (18.03.2003), Loi pour la sécurité intérieure (Law on internal security), NOR: INTX0200145L

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000412199&dateTexte=&fastPos=1&fastReqId=840097298&oldAction=rechTexte>

²¹ Information cited in the *HALDE Annual Report 2008*, *op. cit.*, p. 53.

- [45]. In a deliberation of July 7th 2008, it was established that the application submitted by a prospective tenant of Senegalese nationality had been rejected. There was no challenge to the fact that the financial guarantees presented fulfilled the agency's requirements. The only justification to this difference of treatment put forth by the agency manager was that he claimed he had been informed that the claimant had been evicted from his previous home due to unpaid rent. This information turned out to be untrue, since the eviction was for a person with the same name, of Malian nationality. The totality of the arguments put forward appeared contradictory and did not establish the refusal as soundly-based. There was a presumption of discrimination due to origin. Following these elements, the HALDE informed the claimant that it was his responsibility to file a complaint with the civil courts in order to ask for financial compensation for the damages incurred, invoking the benefit of the rules governing the shift in the burden of proof.²²
- [46]. The HALDE also stepped in a case of a discrimination against a disabled person. A co-owners' association had refused permission for a tenant to store her wheelchair on the ground floor of the building. The HALDE's action made it possible for the tenant's rights to be recognized.²³

4.1.3. Research findings

- [47]. The HALDE annual report 2008 explains that housing accounts for 6% of claims, primarily on the private housing market. In most cases, they arise from a refusal to rent accommodation as a main place of residence. In 49% of the cases, ethnic origin is the issue cited. It is followed by health condition and disability (18%), family status (15%), age and sexual orientation (4%).
- [48]. In 2008, the HALDE investigated individual complaints and organised discrimination tests to unearth discriminatory practices. It decided to carry out a series of tests by telephone on private sector landlords in the Paris region and in other regions which sought to identify the offence of discrimination.
- [49]. The HALDE investigated *ex officio* and sent the cases of substantiated discrimination to the state prosecutor. Moreover, a study was carried out by ISM Corum with the City of Lyon's limited liability building company (SACVL) on the allocation of social housing. This study was one of those selected from the 100 projects of the "2007, *European Year of Equal Opportunities*" study coordinated by the HALDE. The study revealed that 69% of households likely to be discriminated against because of their assumed origin after an analysis of their surnames, lived in the least attractive housing, compared to 46% for applicants not discriminated against because of their surnames (+ 50%). The offering rate varied from 27% to 36% for those not discriminated against compared with 17% to 18% for those potentially discriminated against (+59% to +100% depending on the periods). Waiting time was 58 days for the first group and 78 days for the second group (+34%). A qualitative analysis of the allocation process revealed that, in most cases, a single file was presented in committee and that the application ultimately put forth

²² *Ibid.*
²³ *Ibid.*

had been assessed on a subjective basis. The study concerned the SACVL housing pool of 7,980 housing units.²⁴

4.1.4. Legal restrictions to access to housing

[50]. No recent information to provide on this matter.

4.2. Good practice

[51]. In Annex 2, we provide examples of projects and policy initiatives.

²⁴ *Ibid.*, p. 54.

5. Health care

5.1. Racism and discrimination (incidents and practices)

5.1.1. Statistical data and tables on incidents of racism and discrimination

- [52]. No specific statistical data on racism or discrimination in healthcare were found, confirming that racism in the health system is a taboo question.
- [53]. However, some elements are given in a recent report published in July 2009 by the CMU Founding Service. The report notices the refusal by number of doctors to give medical care to patients that have the special status of CMU (universal medical insurance) beneficiaries, in spite of their legal and ethical duties on this matter; a great part of these people are of foreign origin. It is mentioned that a quarter of doctors and dentists based in Paris refuse to take care of that category of patients because of the low price they should apply to them on the basis of social insurance rules.²⁵

5.1.2. Exemplary incidents and cases

- [54]. On September 1, 2008, the HALDE published a deliberation regarding the payment of family allowances, for foreign parents whose children entered in France outside the family reunification procedure.²⁶
- [55]. According to the articles L.512-1 and L.513-1 of the Social Security Code, the family allowances are linked to the status of permanent and effective charge of children permanently residing in France, whatever their nationality or their place of birth. Moreover, the Article 14 of the European Convention for Human Rights states that the enjoyment of rights and freedoms recognized in the Convention must be ensured without any particular distinction based on national origin, the application of article 14 had been extended to social allowances. Based on these legal provisions, the HALDE has published several deliberations acting on the discriminatory nature of the practices of the Social Security. It recommended the Ministry of Health to initiate a legislative and regulatory change. As it had not obtained any answer neither from the Ministry nor from the Director of Social Security, the HALDE renewed its request.

²⁵ See <http://www.cmu.fr/userdocs/Rapport%202008.pdf>.

²⁶ HALDE, deliberation n° 2008-179 (01.09.2008)

http://www.halde.fr/IMG/pdf/deliberation_et_Rapport_special_2008-179-2.pdf.

5.1.3. Additional information

- [56]. The Monitoring Centre of Health Right for Foreign People (*Observatoire du droit à la santé pour les étrangers* – ODSE) published in June 2008 a report on the application of the law, adopted on May 11, 1998, which give the right to sick foreigners to have a residency permit, in order to stay legally in France and to be treated.²⁷
- [57]. The ODSE note a poor application of this law by the “préfectures”. More and more people are sent back to their country where their disease could not be treated. The Monitoring Centre denounces a wrong application of the law, which is used as a mean to control immigration, whereas it must be a humanitarian device. This report was published when some French deputies are considering to reform the law and to make it harder for sick foreigners to obtain residency permit.
- [58]. On the subject of health, the 2009 edition of ‘The state of inequality in France’ states that ‘different observers come together to give an estimated figure for life expectancy [for Travellers] which lies between 20 and 25 years below the national average’. The *Médecins du Monde* mission for Roma women, focusing on questions of childbirth, allowed figures to be applied to objective observations and identifies healthcare access difficulties for women in highly precarious situations.²⁸

5.1.4. Research findings

- [59]. Furthermore, the French Observatory on Access to Medical Care (*Médecins du Monde*, French branch) noticed the refusal by number of doctors to give access to medical care for poor people who receive the CMU, in its annual Report on access to medical care for poor people in 2009 published in October 2009, on the occasion of the International Day for the Eradication of Poverty, shows that a (universal medical insurance).²⁹

5.2. Good practice

- [60]. In Annex 2 we provide information for recent good practices in health care area.

²⁷ ODSE (2008) *La régularisation pour raison médicale en France : un bilan de santé alarmant (1998-2008 : dix ans d’application du droit au séjour des étrangers malades)*

http://www.medecinsdumonde.org/fr/publications/les_rapports/les_dix_ans_de_la_regularisation_pour_raison_medicale_un_bilan_de_sante_alarmant

See also the ODSE website :

<http://www.odse.eu.org/>

²⁸http://www.medecinsdumonde.org/fr/presse/dossiers_de_presse/medecins_du_monde_aupres_des_femmes_roms_mars_2008

²⁹http://www.medecinsdumonde.org/gb/publications/les_rapports/rapport_2008_de_l_observatoire_de_l_acces_aux_soins_de_la_mission_france_de_medecins_du_monde

6. Education

6.1. Statistical data and tables on racist incidents

- [61]. During the academic year 2007-2008, the SIVIS software (*Système d'Information et de Vigilance sur la Sécurité scolaire* [Vigilance and Information System on School Safety]), set up by the Ministry of Education to record racist and anti-Semitic incidents in school, became operational.³⁰ The survey was conducted on a sample group of 1,500 to 2,000 school establishments provided with SIVIS. All serious incidents that consisted manifestations of racist and anti-Semitic feelings and are punishable by law and those that cause physical or psychological damage were taken into account: ragging, racket, happy slapping, sexual violence, homophobic violence, violent robbery. As was the case with the previous information software named SIGNA, analysis of SIVIS data are carried out directly by the Ministry and educational authorities, such as rectors etc.
- [62]. The first results of SIVIS were published at the end of 2008. According to the Ministry's information, violent incidents that endorse a racist, xenophobic or anti-Semitic character accounted for 5% of the incidents listed by the public secondary schools in 2007-2008. During that academic year, public secondary establishments declared on average 11,6 serious incidents for 1.000 pupils. Approximately half (52%) of the acts in the field of racism or anti-Semitism are verbal whereas verbal violence accounts for only 38% of the total number of the declared serious acts. Physical violence is also represented among the acts having a discriminating motivation (43% compared to 36% for the total number of the serious acts of violence).
- [63]. In Annex 1, we provide analytic data and tables from the last year's survey conducted in the framework of the SIVIS project, as they appear in the *Annual Report 2008 on The Fight against Racism, Anti-Semitism and Xenophobia* published by the National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'homme – CNCDH*) in March 2009.

6.2. Exemplary cases of discrimination

- [64]. No recent information to present.

6.3. Restrictions to access to education

Roma and travellers

- [65]. While many testimonies indicate a growing demand for education from Roma or Travellers parents, cases of discrimination on grounds of origin are numerous. Even

³⁰ See our Complementary Data Collection Report for 2008, as well as the *CNCDH Annual Report 2008, op. cit.*, pp. 43-52.

though the attitude of the personnel in the national education services towards Travellers has changed greatly, certain mayors display certain reluctance by refusing enrolments, in contradiction with the legal texts on compulsory education. The reasons are diverse: registration time too short, deportation proceedings under way, lack of places in the class, not respecting the school map (*carte scolaire*) as there is no fixed address ... When parents succeed in registering their children, they are subject to rejection and exclusion from other children (and sometimes teachers), which is not conducive to their success.

- [66]. Currently, the lack of places on halting sites, their location, combined with the refusal of some families to park of 'halting sites', inevitably leads to illegal halting on 'unauthorized' sites and incessant evictions, which hinders any possibility of enrolling in schools.³¹ This impact of the difficulties of halting on schooling has been particularly criticised in a memorandum presented by the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, following his visit to France on 21-23 May 2008. The memorandum points out *inter alia* that evictions from halting sites have a stronger impact on children, and especially on the enrolment of children to schools.³²
- [67]. The HALDE receives around 30 claims per year concerning Travellers, mainly based on refusal to enrol children in schools.³³ Nevertheless, the registration rate in primary school of Roma and traveller children seems to progress, but remains below the registration of sedentary children.³⁴

Institut Montaigne Report on Polygamy in France

- [68]. A report on polygamy in France was published on November 20th by the Montaigne Institute (*Institut Montaigne*). The author, Sonia Imloul, denounces the lack of reaction of the French government to fight against polygamy. She insists on the destructive effect of polygamy for women and children. Children cannot benefit from the education they should receive and are deprived from their future. Integration in school is hard for these children. The suffering and violence present at home reflects at school. In several cases children are expelled from the school and put in a second school or even a third school. The author claims that the Government must support financially tutoring for these children³⁵.

6.4. Good practices

- [69]. Some important recent policy initiatives, as well as projects that are still in force are described in detail in Annex 2.

³¹ See the chapter 'Access to education' of the report 'Access to Social Rights by Gypsy Populations in France', J.-P. Liégeois for the General Directorate for Social Action.

³² See our recent thematic study on *Housing conditions of Roma and Travellers – Report on the situation in France*, especially, p. 22, available at: http://www.cncdh.fr/IMG/pdf/Thematic_Study_-_Roma_Housing_-_France.pdf

³³ *Ibid.*, p. 31.

³⁴ In 2000, 50 per cent of the traveller children were registered in primary schools, among them only 10 per cent went to school during all the school year. Regarding settled travellers or Roma, 85 per cent of their children are registered in primary school. For comparison, 97 per cent of non-travellers children (French or foreign children) are registered in primary school.

Unesco (2000), *Rapport national sur l'éducation pour tous présenté par la France*
http://www.unesco.org/education/wef/countryreports/france/rapport_1.html

³⁵ <http://www.institutmontaigne.org/la-polygamie-en-france--une-fatalite--3129.html>

7. Participation of minorities in public life

7.1. Respecting the right to identity and promoting mutual understanding

[70]. As regards minority issues, French NFP is not able to give the information or answer to the specific questions required by FRA on this section, as minorities – as well as the “minority” concept – are not recognised as such in French legal order.

[71]. The constant position of the French Republic on this matter is to consider all citizens on the basis of general principles of equality and indivisibility of their rights and freedoms, assuring their protection without any distinction based on origin, race, or religion. Therefore, any idea of collecting statistical data or treating any similar information regarding minority identity or the promotion of minority and regional languages seems to be in opposition to the French Constitution of 4 October 1958, which specifies in Article 1 that France is an indivisible republic.³⁶ The French Constitution of 1958 established a republic based on the idea of indivisibility; as stated in Article 1, France is an indivisible republic, assuring protection for the rights of every citizen without distinction based on origin, race, or religion. This Constitution, currently in force, integrates the Preamble of the 27th of October 1946 Constitution, providing that *“the French state guarantees to any citizen and his family the necessary conditions to his development [...], protects his health, his material security and his rest and leisure. Any individual who is unable to work because of his age, his mental or physical condition or his financial situation has the right to receive a financial aid from the collectivity.”*

[72]. It is also to be mentioned that France’s constant position is to abstain from any international legal instrument covering protection and promotion of minority rights (such as, for instance, the Council of Europe’s FCNM and its Advisory Committee or the UN Human Rights Committee’s competence under art. 27 of the International Covenant of Civil and Political Rights).

7.2. Promoting the public use of languages spoken by minorities

[73]. Regional languages or dialects that are spoken on the French territory have been subject to specific policies, such as schooling particular programmes or establishments for learning these languages. These programmes are conceived in the sense of the protection of linguistic diversity as a part of the concept of non discrimination and the right to education for all French citizens. These languages are not recognized as minority languages.

³⁶ Constitution of the 4th of October 1958, Article 1: *« La France est une République indivisible, laïque, démocratique et sociale. Elle assure l’égalité devant la loi de tous les citoyens sans distinction d’origine, de race ou de religion [...] ».*

7.3. Effective participation of persons belonging to minorities in public life

- [74]. Even if immigrants or people with foreign origin actively participate in public, there is currently a lack of statistical data or other related information regarding this kind of activities.
- [75]. There is an official mechanism competent in the field of the protection of foreign persons: the French Office for the Protection of Refugees and Stateless Persons (*Office français de protection des réfugiés et apatrides* – OFPRA). OFPRA is a public establishment granted with administrative and financial autonomy, responsible for the application of the French legal texts and of the European and international conventions that are associated with the recognition of the status of refugee or stateless person and with the right to supplementary protection. OFPRA is charged with the legal and administrative protection of refugees and stateless persons, along with that of certain beneficiaries of a supplementary protection. This is expressed particularly through the establishment of titles or documents that the persons protected by the OFPRA cannot obtain from the authorities of their home countries³⁷.

Ethnic profiling denounced

- [76]. A study on profiling minorities by the police in Paris was led by two researchers of the National Centre for Scientific Research (*Centre National de la Recherche Scientifique* – CNRS) on Open Society Institute's account. The researchers observed 525 identity checks made by the police in five different sites. The results of this study is that police officers in Paris stop people most of the time on the basis of ethnicity and dress rather than on the basis of suspicious individual behaviour. According to the study, "persons perceived to be "Black" or "Arab" were far more likely than persons perceived to be "White" to be stopped by police. The same was true for persons dressed in clothing styles widely associated in France with youth, such as the "hip-hop," "tecktonic," and "punk" styles". The conclusion is that "the behaviour of the French police at these five locations is consistent with ethnic profiling"³⁸.

7.4. Trends and good practices

- [77]. No recent information is available. The ECRI report on France will be made public in spring 2010.

³⁷ See <http://www.ofpra.gouv.fr/>

³⁸ For the integrality of the study, see: http://www.soros.org/initiatives/justice/focus/equality_citizenship/articles_publications/publications/search_20090630

ANNEXES

ANNEX 1 – STATISTICAL DATA AND TABLES

ANNEX 2 – POSITIVE INITIATIVES

Annex 1 – Statistical Data and Tables

Equality Body

	2007	2008	2009
Complaints regarding ethnic discrimination (<u>origin</u>) received by Equality Body	1,690	2,272	Not available yet
Number of <u>ethnic discrimination</u> established by Equality Body	Not available		
Number of <u>discrimination</u> established by Equality Body	4,488	Not available	
Follow up activities of Equality Body, once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)	NB : When a claim is submitted to the council decision, there is always a settlement of the HALDE (délibération de la HALDE)		
	Court proceedings : 115 Notification of the law : 24 Recommendations : 332 Referral to public prosecutor's office : 2 Mediation : 49 Penal transaction (fine) : 28	Court proceedings : 64 Notification of the law : 18 Recommendations : 299 Referral to public prosecutor's office : 3 Mediation : 42 Penal transaction (fine) : 17	
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) in your country for the thematic areas of Employment, Housing, Healthcare, Education etc. (if possible, disaggregated by gender and age).	Not available		
Range of sanctions and/or compensation* in your country (please disaggregate according to type of sanction/compensation)	Not available		

* Range of sanction in France regarding ethnic discrimination

Discriminatory acts are punishable by a maximum of three years imprisonment and a € 45.000 fine for private individuals. The maximum fine may be up to five times higher if a legal entity is liable. Furthermore, additional penalties may be imposed both on individuals³⁹ and legal entities⁴⁰.

³⁹ Article 225-19 of the Penal Code. For instance, the convicted person's business may be closed or the sentence may be published.

Under article 432-7 of the Penal Code, anyone entrusted with public authority or any citizen in charge of a public service who impedes the ordinary running of a business by boycotting a company on the grounds of its origin or the origin of its managers or directors, or failure to grant a right enjoined upon them by law e.g. denying a promotion or failing to deliver a deed. Convicted offenders may receive a maximum sentence of five years imprisonment and a €75,000 fine. Additional sentences may be imposed on them⁴¹.

⁴⁰ Article 131-39 of the Penal Code.

⁴¹ Article 432-17 of the Penal Code.

Comparative table of claims registered in 2007 and 2008 by criteria

	2007		2008	
	Number of claims	Percentage of total	Number of claims	Percentage of total
Origin	1,690	27	2,272	29
Health/disability	1,349	22	1,623	21
Age	391	6	530	7
Union activity	372	6	398	5
Gender	366	6	309	4
Family/marital status	152	2	235	3
Sexual orientation	113	2	240	3
Religious beliefs	110	2	183	2
Physical appearance	79	1	138	2
Pregnancy	0	0	126	2
Political opinions	39	1	95	1
Morals	0	0	14	0
Genetic characteristics	0	0	2	0
Other*	1,561	25	1,623	21
TOTAL	6,222	100	7,788	100

**The "Other grounds" item encompasses prohibited by law but not included in the chart, consisting mainly of claims that do not involve discrimination.*

Comparative table of claims registered in 2007 and 2008, by area

	2007		2008		
	Number of claims	Number of claims	Number of claims	Percentage of total	
Employment					
Recruitment (private sector)	509	8	663	9	50
Career (private sector)	1,487	24	1,837	24	
Recruitment (public sector)	263	4	195	3	
Career (public sector)	858	14	1109	14	
Regulations	209	8	551	7	18
Public service operations	757	12	848	11	
Private goods and services	825	3	1,047	13	
Public housing	202	3	195	3	7
Private housing	178	3	305	4	
Education	284	5	435	5	
Other*	350	6	603	7	
TOTAL	6,222	100	7,788	100	

**The item "Other areas" comprises areas not falling within the jurisdiction of the HALDE.*

MEASURES ORDERED BY THE COUNCIL			
	2006	2007	2008
Court proceedings	48	115	64
Notification of the law	42	24	18
Recommendations	151	332	299
Referrals to the public prosecutor's office	10	1	3
Referrals to the Health and Safety Executive	0	0	1
Referrals to the National Commission of Computing and Liberties	0	0	2
Direct complaint	0	0	1
Mediation	33	49	42
Penal transaction involving the payment of a fine	20	28	17
Rejected claims*	8	8	7
TOTAL	312	557	454

**The Council may also find, upon investigation, that certain claims either do not lie within its jurisdiction or have no legal or factual grounds.*

OUT-OF-COURT SETTLEMENTS*			
	2006	2007	2008
The parties reach a settlement Once the claim has been lodged	197	279	220

**Cases in which, during the course of the investigation, the parties inform the HALDE that they have reached a settlement out of court.*

REDIRECTED CLAIMS *			
	2006	2007	2008
	533	7,998	737

**A special effort is made so that individuals who mistakenly turn to the HALDE are guided towards the institution best qualified to provide them with assistance. These are claims redirected to other independent statutory authorities: the National Ombudsman (Médiateur de la République), the National Commission for a Security Code of Conduct (Commission Nationale de la Déontologie de la Sécurité), the Children's Ombudsman (Défenseur des Enfants), the Higher Authority for Audiovisual Technology (Conseil Supérieur de l'Audiovisuel), or state departments which have authority to deal with the matter. Acts liable to constitute a criminal offence not within the HALDE's jurisdiction, such as insults or violence (Art. 40 of the Code of Criminal Procedure), are also transferred to the public prosecutor's office.*

CLAIMS REJECTED BEFORE SUBMISSION TO COUNCIL DECISION*			
	2006	2007	2008
Inadmissible or unfounded claims	918	1,477	3,522
Claims abandoned by the claimant	207	249	1,153
TOTAL	1,125	1,726	4,675

**Cases are declared inadmissible if the claimant clearly had no legal grounds for filing a claim with the HALDE and if the case could not be redirected elsewhere. Claims are deemed abandoned if the claimant withdraws them or fails to respond.*

Action taken pursuant to HALDE decisions

Most of the time the HALDE decisions are respected. In the decisions where follow-up action has been taken, we can note:

- 5% of cases result in positive action following referrals to the Public Prosecutor;
- 54% of cases result in positive action following mediation;
- 70% of cases result in positive action following general recommendations;
- 77% of cases result in positive action following individual recommendations;
- 82% of cases result in positive action following observations before the Court;
- 98% of the settlements proposed in 2006 were approved.

The HALDE is careful to monitor cases where decisions are pending.

For more details and concrete example, please refer to the Annual Report of the HALDE⁴².

Action taken pursuant to 2006 decisions

General recommendations			Individual recommendations			Observations before the court			Mediation			Referrals to the Public Prosecutor		
Followed	Not followed	Decision pending	Followed	Not followed	Decision pending	Followed	Not followed	Underway	Success	Failure	Underway	Prosecution	Closed or 3 rd path	Underway
39	26	22	29	5	30	29	6	13	12	12	0	27	7	8

“Prosecution” encompasses all circumstances where the public prosecutor’s office transfers the case to the investigating magistrate or court for judgment.

The 3rd path encompasses reminders of the law and settlements with payment of a fine.

Action taken pursuant to 2007 decisions

General recommendations			Individual recommendations			Observations before the court			Mediation			Referrals to the Public Prosecutor		
Followed	Not followed	Decision pending	Followed	Not followed	Decision pending	Followed	Not followed	Underway	Success	Failure	Underway	Prosecution	Closed or 3 rd path	Underway
114	43	40	78	30	27	65	15	35	30	15	4	-	0	1

“Prosecution” encompasses all circumstances where the public prosecutor’s office transfers the case to the investigating magistrate or court for judgment.

The 3rd path encompasses reminders of the law and settlements with payment of a fine.

⁴² HALDE (2009), *Annual Report 2008*, Paris : La Documentation Française.
http://www.halde.fr/rapport-annuel/2008/Rapport_annuel_2008.pdf

Racist Violence and Crime

Cases registered by the Prosecution offices between July 2007 and June 2008

Offences ⁴³	Damage to dignity		Damage to persons		Damage to property		Discrimination		Verbal abuse and defamation		TOTAL	
	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified
Racism	36	14	311	266	68	27	646	513	2.595	2.199	3.656	3.019
Anti-religion	7	2	21	21	33	4	49	34	74	66	184	127
Anti-Semitism	2	1	52	34	72	12	13	112	138	98	277	156
Total	45	17	384	321	173	43	708	558	2807	2363	4117	3302

Source: studies and evaluation office-DACG⁴⁴ - October 2008

⁴³ Explanation of offences:

- "damage to dignity" is desecration of graves and damage to the integrity of a corpse
- "damage to persons" is murders, wilful acts of violence and threats directed at individuals
- "damage to property" is destruction, deterioration, theft, extortion, and threats directed at property
- "discrimination" is discrimination in hiring or dismissing an employee, discrimination in supplying goods or services (Article 225-1 to 225-4 and 432-7 of the Penal Code)
- "verbal abuse and defamation": verbal abuse, defamation, incitement to discrimination, hatred and racial violence (Freedom of the Press Act).

⁴⁴ DACG = Direction des affaires criminelles et des grâces = Criminal affairs and Pardon Board

Rate of penal response

The rate of penal response compares the number of cases that were actually prosecuted to the number of cases that could be prosecuted. These cases may be prosecuted since they meet factual and legal conditions. Cases where the perpetrator was not identified or where the statutory period had expired are excluded.

It shall encompass not only traditional prosecution, such as setting up a preliminary investigation or summons before a criminal court, or summons upon preliminary admission of guilt, but also alternative procedures such as closing a case subject to conditions or penal mediation.

Offence	Racism	Anti-religion	Anti-Semitism	Total
Damage to dignity	89%	**	0	**
Damage to property	82%	67%	67%	75%
Damage to individuals	72%	100%	85%	75%
Discrimination	79%	71%	100%	79%
Verbal abuse and defamation	77%	89%	82%	71%
Total	77%	83%	80%	73%

Source: studies and evaluation office -DACG- October 2008

Prosecution rate over the studied period

Offence	Racism	Anti-religion	Anti-Semitism	Total
Damage to dignity	33%	**	0	30%
Damage to property	35%	67%	33%	44%
Damage to individuals	41%	50%	62%	39%
Discrimination	33%	43%	0	33%
Verbal abuse and defamation	33%	28%	67%	35%
Total	34%	37%	61%	35%

Source: studies and evaluation office - DACG- October 2008

Number of condemnations pronounced for racist, anti-Semitic or discriminatory offences

	Damage to dignity	Damage to individuals	Damage to property	Discrimination	Verbal abuse and defamation	TOTAL
Racism	7	13	6	23	204	253
Anti-religion	0	0	1	3	5	9
Anti-Semitism	0	2	0	0	10	12
TOTAL	7	15	7	26	219	274

Employment

Unemployment rate of immigrant people, according to gender and age - 2007

	Total	Per cent		
		Age		
		25 - 39	40-49	+ 50
Immigrant working men	13,5	14,6	12,2	12,1
Non immigrant working men	6,8	6,9	4,4	4,4
Whole working men	7,4	7,5	5,2	5,2
Immigrant working women	17,3	21,3	13,2	13,9
Non immigrant working women	7,8	8,5	5,5	4,8
Whole working women	8,5	9,5	6,2	5,6
Immigrant working population	15,2	17,5	12,6	12,9
Non immigrant working population	7,3	7,6	5,0	4,6
Whole working population	8,0	8,4	5,7	5,4

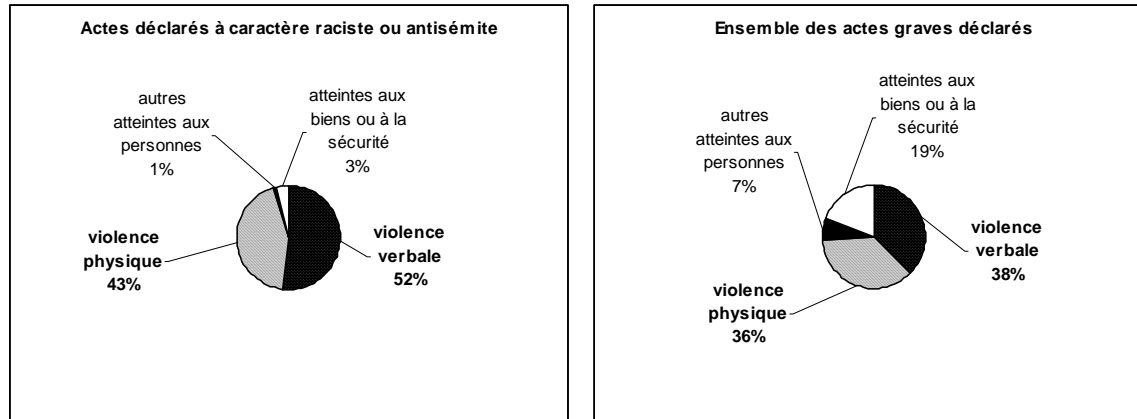
NB : Results = annual mean

Metropolitan France, people aged of 15 years and more.

Source : Insee, enquêtes Emploi du 1er au 4ème trimestre 2007.

N.B. More recent data not available

Education



Responsibles and victims of violence on the basis of motivation (%) :

	Racist or Anti-Semitist violence		Total of declared violent incidents	
	Responsibles	Victims	Responsibles	Victims
Student or group of students	94,8	70,8	85,0	43,2
School staff	0,0	23,5	0,7	44,7
Other persons	5,2	3,11	14,4	1,9
Collectivity or without subject	-	2,6	-	10,3
Total	100,0	100,0	100,0	100,0

Reportings and complaints on the basis of nature and motivation of the violent incidents:

	In % of the declared racist or anti-semitist incidents			In % of the declared serious incidents		
	Verbal violence	Physical violence	Total	Verbal violence	Physical violence	Total
Reporting (Academic Inspection, General Council, Police or Justice)	26	40	33	22	49	40
Introducing of complaint	12	23	18	10	38	30

Reportings and complaints on the basis of type of victim and motivation of the violent incidents:

	In % of the declared racist or anti-semitist incidents			In % of the declared serious incidents		
	Student(s) victim	Staff victim	Total	Student(s) victim	Staff victim	Total
Reporting or introducing of complaint	33	42	38	62	34	50

Source : DEPP – SIVIS Survey 2007-2008.

Field of enquiry : the totality of the public secondary schools (metropolitan and overseas departments).

Annex 2 – Positive initiatives

Area	Racist Violence
Title (original language)	Convention cadre Ministère de la Justice – Licra – SOS Racisme
Title (EN)	Framework contract Ministry of Justice – LICRA – SOS Racisme
Organisation (original language)	Ligue internationale contre le racisme et l'antisémitisme (LICRA) SOS Racisme Ministère de la Justice
Organisation (EN)	International League against Racism and Anti-Semitism (LICRA) SOS Racisme Ministry of Justice
Government / Civil society	Government and Civil society (NGOs)
Internet link	http://www.justice.gouv.fr/index.php?rubrique=10030&article=13841 http://www.justice.gouv.fr/art_pix/1_LICRA.pdf http://www.justice.gouv.fr/art_pix/1_sosracisme.pdf
Type of initiative	Training, education Awareness raising
Main target group	Justice practitioners
Brief description	These conventions have two objectives : <ul style="list-style-type: none"> - To sensitize the magistrates with the question of racism and discriminations, in particular by reinforcing the cooperation between the Prosecution Services and the local committees of the two associations. - To entrust to the two associations a mission of training the justice practitioners.

Area	Racist Violence
Title (original language)	Guide pratique de lutte contre les discriminations
Title (EN)	Technical guide for fighting against discriminations
Organisation (original language)	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité Ministère de l'Intérieur – Direction générale de la police nationale
Organisation (EN)	HALDE (High Authority against discrimination and for equality – French equality body) Ministry of Interior – General Direction of National Police
Government / Civil society	Government and Civil society
Internet link	http://www.halde.fr/police-nationale/
Type of initiative	Training, education Awareness raising
Main target group	Police
Brief description	<p>This module is real directions available to the police officers on Intranet, it will help them to receive and treat more effectively the lodged complaints for discrimination.</p> <p>It contains the applicable texts as regards discriminations, racism and anti-Semitism, some practical advices and some models of official reports.</p> <p>This tool of training and awareness lies within the framework of the partnership convention signed in December 2006.</p> <p>It answers requests of the police officers who need help to face the difficulties encountered on the ground.</p> <p>The software will be used within the framework of the initial training and continuous</p>

	training of the police officers.
Area	Racist Violence
Title (original language)	Convention de partenariat pour lutter contre le racisme
Title (EN)	Convention of partnership against racism
Organisation (original language)	Ligue internationale contre le racisme et l'antisémitisme (LICRA) Ligue de football professionnel (LFP)
Organisation (EN)	International League against Racism and Anti-Semitism Professional Football League (LFP)
Government / Civil society	Civil Society
Internet link	http://www.lfp.fr/indexSite.asp http://www.licra.org/ http://www.licra.org/sport/communiqués-de-presse/1299-lutte-contre-le-racisme-dans-le-football-lucpf-a-la-licra-sassocient
Type of initiative	Awareness raising
Main target group	General public
Brief description	Awareness raising campaign will be held in football clubs, before the matches some messages will be diffused on the giant screens and read by the speaker of the meeting. Before some sensitive matches, players and referees can wear white T-shirts with the message "Racism, never again !" (it was the case for several matches in March 2008).

Area	Racist Violence
Title (original language)	« Pseudo-supporter reste chez toi »
Title (EN)	“Pseudo supporter, stay at home”
Organisation (original language)	Ministère de la Santé, de la Jeunesse et des Sports Ligue internationale contre le racisme et l’antisémitisme (LICRA)
Organisation (EN)	International League against Racism and Anti-Semitism Ministry of Health, Youth and Sports
Government / Civil society	Civil Society and Government
Internet link	http://www.tsr.ch/tsr/index.html?siteSect=200003&sid=7326676 http://www.licra.org/sport/nos-campagnes/307-campagne-contre-le-racisme-dans-le-stades
Type of initiative	Awareness raising
Main target group	General public
Brief description	Two videos were broadcasted denouncing racist supporters. They are showing supporters acting as a racist against their red fish or their fridge. This discredits violence and racism in football stadiums. People are encouraged to share these two videos on the Internet in order to denounce this behaviour and promote tolerance in football.

Area	Employment
Title (original language)	Label Diversité
Title (EN)	Diversity Label
Organisation (original language)	Association nationale des directeurs de ressources humaines (ANDRH)
Organisation (EN)	National Association of Human Resources Managers
Government / Civil society	Civil Society, but with the support of the government
Internet link	http://www.afaq.org/web/ressources.nsf/vpdf/Label-diversite-CahierDesCharges.pdf/\$file/Label-diversite-CahierDesCharges.pdf
Type of initiative	Awards Codes of ethics, code of conduct
Main target group	Employers and their associations
Brief description	This label is not a simple “decoration”, it is a real framework for concrete actions in favour of diversity in French companies. The companies which want to obtain the label, will have to submit themselves to a very precise schedule of conditions, a kind of “good practices guide”. They will be audited by Afnor-certification ⁴⁵ . The audit, in the framework of diversity, will test communication, training, careers, partnership with trade-unions and concrete actions. The label will be given for three years, by a committee composed by State representatives, ANDRH, employers, trade-unions and experts. Four hundred companies are already candidate.

⁴⁵ The leading body for certification and evaluation of products, services, systems and competences in France and one of the foremost at international level

Area	Employment
Title (original language)	Baromètre de l'égalité dans l'emploi
Title (EN)	Barometer of equal opportunity in employment
Organisation (original language)	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité Organisation internationale du travail (OIT))
Organisation (EN)	HALDE (High Authority against discrimination and for equality – French equality body) International Labour Organisation (ILO)
Government / Civil society	Civil Society – International Organisation
Internet link	http://www.ilo.org/public/french/region/eurpro/paris/actualites/download/conventionoithalde.pdf
Type of initiative	Awareness raising
Main target group	Employers and their associations Employees and their associations
Brief description	The HALDE and ILO decided to share their knowledge and their expertises on the question of discriminations in employment. They signed in February 2008 a partnership convention. According to this convention, the two organisations will annually conduct survey and analysis on discriminations in employment and thus will install a barometer of discrimination and good practices to fight for equal opportunity in employment.

Area	Employment
Title (original language)	Les quatre recommandations de la HALDE et de l'OIT pour prévenir les discriminations dans l'entreprise
Title (EN)	Four recommendations of the HALDE and ILO in order to prevent discrimination on workplace
Organisation (original language)	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité Organisation internationale du travail (OIT))
Organisation (EN)	HALDE (High Authority against discrimination and for equality – French equality body) International Labour Organisation (ILO)
Government / Civil society	Civil Society – International Organisation
Internet link	http://www.halde.fr/IMG/pdf/Recommandations_HALDE_OIT-2.pdf
Type of initiative	Awareness raising
Main target group	Employers and their associations Employees and their associations
Brief description	<p>The HALDE and the French office of the ILO presented on February 2008 four recommendations in order to fight discriminations on the workplaces:</p> <ul style="list-style-type: none"> - Role and importance of employees representatives in the denunciation of discrimination - Establishment by companies of internal warning devices - Application of the negotiation obligations, as stipulated in the Law - Involvement in negotiations for global promotion of equality

Area	Employment
Title (original language)	Lancement de l'expérimentation du CV anonyme
Title (EN)	Experimentation of the anonymous Curriculum Vitae
Organisation (original language)	Ministère du Travail, des relations sociales, de la Famille, de la solidarité et de la Ville
Organisation (EN)	Ministry for Labour, Social Relations, Family, Solidarity and the City.
Government / Civil society	Government
Internet link	http://www.travail-solidarite.gouv.fr/actualite-presse/discours/operation-cv-anonyme.-dicours-xavier-darcos.-3-novembre-2009-.html
Type of initiative	Experimentation
Main target group	Employers
Brief description	<p>On the November 3rd 2009, the French Government launched the experimentation of the anonymous curriculum vitae in seven regions.</p> <p>These curriculum vitae should not contain any information that could motivate discrimination. Thus, the name, the first name, the age, the sex, the date and place of birth, the nationality and photography of the candidate don't appear on the Curriculum Vitae.</p> <p>It may allow a selection of candidates only based on professional experience and may avoid the discrimination of a candidate based on other criteria.</p>

Area	Housing
Title (original language)	Prévenir les discriminations dans l'accès au logement
Title (EN)	Prevent discriminations in access to housing
Organisation (original language)	L'Agence nationale pour la Cohésion Sociale et l'Égalité des chances (Acsé) et l'Action Régionale pour l'Information et la Formation et l'Orientation de Champagne-Ardennes
Organisation (EN)	National Agency for Social Cohesion and equal opportunities Regional Action for Information and Training and Orientation in Champagne-Ardennes
Government / Civil society	Government
Internet link	http://www.infos-discriminations.fr/category/logement/ http://www.lacse.fr/ressources/files/GuideLogement-14Spet.pdf
Type of initiative	Guide
Main target group	Owners and people intervening in the selection for a rent or a sale of real assets
Brief description	The National Agency for Social Cohesion and Equal opportunities and the Regional Action for Information and Training and Orientation in Champagne-Ardennes published a guide for professionals in the housing sector. It reminds what discrimination is, explains rights and obligations for owners and gives few examples of discrimination in access to housing in the public and private sector.

Area	Housing
Title (original language)	Comment louer sans discriminer ?
Title (EN)	How rent a house without discriminating?
Organisation (original language)	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité)
Organisation (EN)	HALDE (High Authority against discrimination and for equality – French equality body)
Government / Civil society	Civil society
Internet link	http://www.halde.fr/-Brochures-.html
Type of initiative	Awareness raising
Main target group	General public Housing professionals and owners
Brief description	How an owner should behave in order not to discriminate, when he wants to rent an housing? How a real estate agent should react when an owner makes a discriminatory request? In order to answer these questions, the HALDE launched an information campaign directed at owners and real estate professionals. It published two pamphlets (questions-

	answers, the Law and good practices) carried out in partnership with key players in the private housing (CNAB, CSAB, FNAIM, SNPI, UNIT, UNPI). These documents are broadcast to 150,000 copies each. A campaign website had be conducted from April 15 to May 5, 2008.
--	--

Area	Housing
Title (original language)	Plan banlieue – espoir banlieue
Title (EN)	Action plan for suburbs – Hope for suburbs
Organisation (original language)	Secrétariat d’Etat chargé de la Politique de la ville
Organisation (EN)	State secretary for Urban Policy
Government / Civil society	Government
Internet link	http://www.premierministre.gouv.fr/chantiers/ville_logement_857/plan_espoir_banlieues_un_1059/espoir_banlieues_pour_une_59185.html
Type of initiative	Community cohesion – social integration
Main target group	Youth Ethnic minorities Migrants

<p>Brief description</p>	<p>Equal opportunities The French civil service must promote diversity: the French President wants to study every possibility, including special preparatory training, for integrating and promoting the descendants of immigrants at every level of the civil service, and this to be implemented within the next five years.</p> <p>Pressure will also be put on the private sector, testing out the new “autonomy contracts” offering young people intensive and personalised support to help them find stable jobs or training leading to qualifications.</p> <p>Young people who want to set up their own businesses - one in two in the suburbs today - will be given professional support to help them through the process.</p> <p>In all, the State aims to steer over 100,000 young people into employment within the next three years. The national commitment for jobs for young people from disadvantaged suburbs is due to be signed on Friday, 15 February.</p> <p>Security Security Regional police teams (GIR) will be redeployed and mobilised "day and night" to bring the underworld economy into the open. Around 200 local territorial units will be brought in to reinforce security in the most violent suburbs, in other words, an additional 4,000 policemen and women in the next three years.</p> <p>Transport Some 500 million euros will be earmarked as part of the Environment Round Table plans for poor neighborhood. These funds will be devoted to the immediate creation of bus lines and to the development of light rail systems, such as trams. Part of these funds will be used for the Ile-de-France region, and the State will contribute to regional projects presented to it.</p> <p>Associations and social housing Nicolas Sarkozy announced a new partnership involving a financial commitment on the part of the State for the benefit of associations covering a period of several years, in a bid to allow them to implement long-term projects. These will then be assessed on their results. The State will settle "minor bills within 48 hours simply be writing a check."</p> <p>Christine Boutin and Brice Hortefeux are to pursue discussions on how social housing is allocated and on the possibility of buying council homes. The President also called for a new social pact to assess the quality of services provided by social housing landlords -</p>
---------------------------------	---

	<p>especially lift maintenance - and "that such assessments will condition whether or not the advantages that they [the landlords] enjoy will be maintained."</p> <p>In a bid to step up progress on these various plans, the French President announced that a full-time State representative will be appointed for every neighborhood.</p> <p>The Minister in charge of the French civil service has been asked to propose innovative solutions to encourage civil servants, on a voluntary basis, to take up vacant jobs in suburban neighborhood.</p>
--	---

Area	Housing
Title (original language)	Charte portant lutte contre les pratiques de discrimination au logement à l'égard des français originaires d'outre-mer
Title (EN)	Charter in order to fight against discriminatory practices in access to housing against the French coming from overseas territories
Organisation (original language)	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité) Ministère du logement et de la ville Délégué interministériel pour l'égalité des chances des Français d'outre-mer
Organisation (EN)	HALDE (High Authority against discrimination and for equality – French equality body) Ministry for housing and for urban policy

	Interdepartmental deputy for equal opportunity for French of overseas territories
Government / Civil society	Government and Civil Society
Internet link	http://www.halde.fr/spip.php?page=article&id_article=12316
Type of initiative	Codes of ethics, code of conduct
Main target group	Real estate agents, professionals of housing
Brief description	<p>Many French people coming from overseas territories are victims of discrimination when they look for accommodation in Metropolitan France. Many renters refuse to rent a house/a flat when the person who stand guarantor resides in overseas territories.</p> <p>In September 2005, the HALDE recommended the reform of a discriminatory article of the Civil Code⁴⁶, inviting the Prime Minister to initiate a legislative reform. In January 2006, the French National Assembly amended article 22-1 of the law of social modernisation by making it an offence to refuse to accept as a guarantor one who resides in overseas territories.</p> <p>Despite this legislative modification, many real estate agents or professionals of housing still refuse to rent house to French people coming from overseas territories.</p> <p>With this Charter, signed on July 3rd 2008, the signatories undertake to:</p> <ul style="list-style-type: none"> - put an end to illegal practices regarding French people from overseas territories - fight against the discrimination they are victim of - aware real estate agents of the legal devices existing to fight discriminations - make HALDE's documentation/literature available in each real estate agency...

⁴⁶ Article 2018 of the civil code which dealt with the conditions of residence of the people who acts as guarantors.

Area	Health care
Title (original language)	« Nou pli fô, doubout, ansanm kont le sida »
Title (EN)	“Stand up together against AIDS”
Organisation (original language)	Ministère de la Santé, de la jeunesse et des sports Institut National de prévention et d'éducation pour la santé
Organisation (EN)	Ministry of Health, Youth and Sports National Institute for the Prevention and Education on Health
Government / Civil society	The Government
Internet link	http://www.inpes.sante.fr/
Type of initiative	Awareness raising
Main target group	General public
Brief description	<p>The Ministry of Health, Youth and Sports and the National Institute for the Prevention and Education on Health has started a campaign to mobilise people against AIDS and fight against discrimination for the ones affected by HIV.</p> <p>A song was written entitled “Nou pli Fô”. Words in the song talk about discrimination, injustice and humiliations that people of Antilles suffered from and remind that freedom was due to solidarity and unity. This song is a call to everybody not to discriminate and reminds that, thanks to solidarity, we are stronger. The song was diffused on local radios. Tee shirts and CDs have been distributed during carnival in the most important towns of each department.</p>

Area	Education
Title (original language)	Ecris-le haut et fort !
Title (EN)	Write it!
Organisation (original language)	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité)
Organisation (EN)	HALDE (High Authority against discrimination and for equality – French equality body)
Government / Civil society	Civil society
Internet link	http://www.halde.fr/Sensibilisation-des-jeunes,12320.html http://ouvertatous.skyrock.com
Type of initiative	Awareness raising
Main target group	Youth
Brief description	<p>On July 2008, the HALDE has posted the blog http://ouvertatous.skyrock.com to young audiences.</p> <p>This blog aims to:</p> <ul style="list-style-type: none"> - explain cases of discrimination and remedies, - give people the opportunity to get involved in the fight against discrimination. <p>The bloggers can respond to articles, videos and surveys by posting comments or telling their own experiences. A downloadable sticker also allows users to display their commitment to their own blog.</p> <p>The HALDE has launched a competition for lyrics on the blog on September 24. This contest is relayed by a poster campaign in 11.400 middle and high schools since September 29, in partnership with the CIDEM (Civisme et Démocratie – Association for civic attitudes and democracy)</p>

	In addition, a radio campaign for young people was launched on October 6 for a period of 3 weeks.
--	---

Area	Education
Title (original language)	Convention-cadre pour favoriser la réussite scolaire et promouvoir l'égalité des chances pour les jeunes immigrés ou issus de l'immigration
Title (EN)	Framework agreement to promote academic success and promote equal opportunities for young immigrants or from immigrant origin
Organisation (original language)	Ministère de l'Education Nationale Ministère du Logement et de la Ville Ministère de l'immigration, de l'intégration, de l'identité nationale et du co-développement Agence nationale pour l'accueil des étrangers et des migrations - ACSE
Organisation (EN)	Ministry of National Education Ministry of Housing and Urban Policy Ministry of Immigration, Integration, National Identity National Agency for welcoming of foreigners and for migrations - ACSE
Government / Civil society	Government
Internet link	http://i.ville.gouv.fr/divbib/doc/convcadreeducationDEC2007.pdf
Type of initiative	Education Support, advice to immigrant/minorities
Main target group	Youth Ethnic minorities Migrants Teachers
Brief description	This agreement aims to improve educational pathways and a better social and professional integration of young immigrants or young from immigrant origin. It identifies six general areas of partnership between the signatories, including the fight against discrimination and promotion of equal opportunity. It also sets out modalities of implementation, monitoring and evaluation.

Area	Education
Title (original language)	Convention de partenariat entre le Ministère de l'éducation et la Fédération française de football, l'Union Nationale du Sport Scolaire (UNSS) et l'Union Sportive de l'enseignement du premier degré (USEP).
Title (EN)	Convention of partnership between the Ministry of National Education and French Football Federation, the National Union of Sports at School (UNSS) and the Sports Union of Elementary Schools (USEP).
Organisation (original language)	Ministère de l'Education Nationale Fédération française de football Union Nationale du Sport Scolaire (UNSS) Union Sportive de l'enseignement du premier degré (USEP).
Organisation (EN)	Ministry of National Education French Football Federation National Union of Sports at School (UNSS) Sports Union of Elementary Schools (USEP)
Government / Civil society	Government
Internet link	http://www.education.gouv.fr/cid25981/convention-de-partenariat-avec-la-federation-francaise-de-football-l-unss-et-l-usep.html
Type of initiative	Awareness raising
Main target group	General public Youth
Brief description	The convention of partnership defines new guidelines: <ul style="list-style-type: none"> - The promotion of football among school girls - Development of common actions to promote fight against racism and violent acts. According to the Ministry, education of young people is the best defence from violence. Everybody in the sport world, players, referees and spectators should be trained to fight against incivility and intolerance.

Area	Education
Title (original language)	Une formation « e-learning » pour prévenir les discriminations dans l'éducation
Title (EN)	An “e-learning” formation to prevent discriminations in education
Organisation (original language)	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité) Ministère de l'éducation nationale
Organisation (EN)	(High Authority against discrimination and for equality – French equality body) Ministry of National Education
Government / Civil society	Civil Society and Government
Internet link	http://www.halde.fr/IMG/pdf/Communique_de_presse_formation_E-learning-4.pdf
Type of initiative	education
Main target group	Teachers in secondary schools and high schools
Brief description	The HALDE in collaboration with the Ministry of National Education, implemented a website for teachers in secondary and high schools in order to raise their awareness. The “e-learning” website reminds teachers of the tools to take actions against discriminative behaviours and people and organisations inside or outside the educational system that can assist them.