

RAXEN BULLETIN N° 2 _ FRANCE

1. UPDATE ON POLICY DEVELOPMENTS

Significant policy developments: national or local governmental policy initiatives, administrative measures, financial instruments and good practice projects regarding the fight against racism, xenophobia and related intolerance (including issues regarding the Jewish, Muslim and Roma communities). Provide information about the initiatives' scope, objectives and intended results. In case you are reporting about a completed initiative, provide information about any evaluation conducted or final report. **Focus on issues for which additional online information is available** (preferably from governmental bodies or important NGOs). Please do not present more than 3 items. (*max. 2000 characters*)

Discriminations in companies: testing of the HALDE

On June 11 2008, the HALDE published the result of a large survey on discrimination in the French big companies. For this "big testing", the HALDE tested discrimination in recruitment in 20 companies (15 are big companies of the CAC 40 and 5 are recruiting agencies). According to the president of the HALDE, the big French companies are not really discriminating. The results show that a candidate from African origin would have 22,7% of chance less to be recruited than a French candidate (NB : the testing of the ILO in 2006 stated 80% less...). Louis Schweitzer explain these positive results by the fact that the testing had be done in big companies, which all have a policy to fight discrimination and to promote diversity... the result could have been different in small and medium-sized firms, less famous... The HALDE pointed out only two companies Accor and the Crédit Agricole, but without giving data... The problem with this testing is that no data have been published, because throughout the study, its methods had been criticized and so the results are subject questionable...

As the results were not published by the HALDE, we can only give indirect references :

Le Monde, 10/06/2008, "*La HALDE va publier les résultats d'un grand testing sujet à controverse*"

Libération, 11/06/2008, "*La HALDE : un discours mais pas de méthode*"

Antisemitism and communities confrontation

On Saturday June 21 2008, a young Jewish, Rudy H., had been lynched in Paris, by several young people from African and Maghrebian origin. The Public Prosecutor upheld the aggravating charge of anti-Semitism against the authors, as it seemed obvious that this lynching was linked to the Judaism of the victim, who wore a kippa. This event enlightened the communities' tensions that exist in some Paris area, where groups of young people from Jewish origin are confronted to groups from African and Maghrebian origin. Some weekends the confrontation could be violent, as on this summer Saturday. And several Jewish people testified of the difficulties they faced when cohabiting with other communities.

Le Monde, 25/06/2008, "*Agression de Rudy H. : le procureur reticent l'antisémitisme par incidence*"

L'express, 26/06/2008, "*La haine du samedi soir*"

Le Nouvel Observateur, 26/06/2008, "*Les bandes à part de la rue Petit*"

Arson fire at a detention center

A fire destroyed on Sunday, June 22, most part of the detention centre in Vincennes (Val-de-Marne) (the most important in France), where foreigners without papers face expulsion. The 280 detainees were able to be evacuated in time, but many people had been injured, mostly from asphyxiation. According to some foreigners held in Vincennes, the fire was linked to a riot, which would be notably linked to the heart attack death of a Tunisian without papers, the day before, at the detention centre. This story seems corroborated by the prefecture of police, who mentioned a "voluntary" fire and the "simultaneous setting of fires in the two buildings of the centre". The death of this 41-year-old Tunisian had provoked, according to the association RESF (Réseau éducation sans frontières), strong emotions among detainees at the centre, while the police were assuring that the victim did not suffer from any violence. A collective of foreigners without papers had called for a protest in front of the building on Sunday afternoon. It was not known if this protest was related to the fire. The detention centres was overcrowded and the tension there was higher and higher, according to the organisations in defence of foreigners. This fire enlightened the very poor conditions in which foreigners facing expulsion are detained in French detention centres (conditions which are regularly denounced by ONGs or International International organisations such as the Council of Europe). Few days before the incident a report of the National commission of control of the detention centres (CRAZA) "blew the whistle", it underlined that the tense atmosphere and the violence which reign permanently in all French detention centres and especially in Vincennes, could lead to an explosive situation.

La Croix, 24/06/2006, "*Il faut revoir l'organisation de la vie dans les centres de rétention*"

Libération, 24/06/2008, "*Rétention : les foyers d'une colère*"

Libération, 17/07/2008, "*Centre rétention Vincennes: le rapport qui tirait la sonnette d'alarme*" (you can also download the CRAZA report) _ <http://www.liberation.fr/actualite/societe/339655.FR.php>

2. UPDATE ON LEGAL DEVELOPMENTS AND AWARENESS-RAISING CAMPAIGNS

A. Significant legal developments regarding racism, xenophobia and related intolerance (within the framework of actual or proposed EU legislation): Adoption of new national legislation (give precise information on the status of adoption, purpose and key elements of the legislation), key developments in exemplary court cases relating to racism. It is crucially important that you quote the primary official source/s and the link to website/s.

B. Government-led or significant other information and awareness-raising campaigns on anti-discrimination and anti-racist legislation, particularly related to the implementation of the EU Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

(max. 2000 characters)

Law n° 2008-496, May 27 2008, on transposition into French Law of several European Directives in matters of the fight against discriminations

National Assembly finally adopted the law on May 27, 2008 (see French Bulletin n° 1 and French NDCR).

The law completes the transposition into French Law of several European directives regarding equal opportunities and fight against discrimination. The main measures are:

- Definition of direct and indirect discrimination, as stipulated in European Directive 2000-43
- Definition of the conditions in which differences of treatment are allowed (i.e : when they are due to a professional requirement essential and deciding and if the employer's aim is justifiable.

Loi n° 2008-496 du 27 mai 2008 portant diverses dispositions d'adaptation au droit communautaire dans le domaine de la lutte contre les discriminations (NOR: MTSX0769280L)

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000018877783&dateTexte=&fastPos=1&fastReqId=1299414599&oldAction=rechTexte>

For many people acting in the field of fight against discriminations, this law is purely technical and the government did not take the opportunity it has to really improve French law as regards fight against discriminations. For many actors, in France the fight against discrimination is "out of order".

See Patrick SIMON, "*Sortir de l'inaction contre les discriminations*", in Libération, 04/06/2008

3. RESEARCH

Significant new reports and innovative research studies on racism, xenophobia and related intolerance. Provide a concise, but meaningful summary of key findings and state their relevance for an assessment of the issue. It is crucially important that you quote the primary source/s and the link to website/s. (*max. 2000 characters*)

Shanny Peer and Daniel Sabbagh (dir.) “French Color-Blindness in Perspective: The Controversy over “Statistiques ethniques”, in *French Politics, Culture and Society*, 26 (1), spring 2008, pp.1-70

In this report, the different authors (political scientists, sociologist, demographers...) try to analyse the French controversy on ethnic statistics, the French taboos on measuring diversity and minorities.

Summary

French Color Blindness in Perspective The Controversy over “*Statistiques Ethniques*”

Authors: Sabbagh, Daniel; Peer, Shanny

The Choice of Ignorance The Debate on Ethnic and Racial Statistics in France

Author: Simon, Patrick

Who is Afraid of Blacks in France? The Black Question: The Name Taboo, the Number Taboo

Author: Tin, Louis-Georges

From Measuring Integration to Fighting Discrimination The Illusion of “Ethnic Statistics”

Authors: Blum, Alain; Guérin-Pace

<http://berghahn.publisher.ingentaconnect.com/content/berghahn/fpcs/2008/00000026/00000001>

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)

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 Mai 11, 1998, which give the right to sick foreign people to have a residency permit in order to stay legally in France and to be treated.

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 an humanitarian device.

This report is published in the same time as some French deputies are considering to reform the law and to make it harder for sick foreigners to obtain residency permit.

The report is available at:

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

See also the ODSE website :

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

Commission Mazeaud report on immigration

In January 2008, Brice Hortefeux, minister of immigration entrusted Pierre Mazeaud and some other personalities, with the task to write a report on constitutional conditions for the new immigration policy, in order to answer three main questions:

- How define quota for immigration?
- How better administer the justice for foreign people (in fact it is relevant to unify litigation of entry, residency and removal?)
- Is it relevant to modify the French Constitution in order to change French immigration policy? If yes, how?

To these three questions, the Commission answer “no”: no quota, no judicial reform, no revision of the Constitution.

The report is available at: http://www.immigration.gouv.fr/IMG/pdf/Rapport_Mazeaud.pdf

4. Official / unofficial statistical data

Present the latest published official / unofficial statistical data or incidents lists on racist violence and crimes, antisemitism and Islamophobia with a statement on their relevance and validity. (*max. 2000 characters*)

Annual Report of the HALDE : better monitored, discriminations drop.

On May 22, 2008 the HALDE published its annual report for the year 2007. In 2007 it registered 53% extra complaints for discrimination.

But, Louis Schweitzer, president of the Halde note that *“as usual, when a problem is better perceived, it give the impression to increase, because it is better monitored. Even so, I think that, in fact, in France discrimination drop little by little”*. The Halde actions these last three years have contributed to change behaviours, people, employers, administration are better aware of the phenomenon.

- 6.222 complaints registered in 2007 (vs. 4.058 in 2006, i.e +53%)
- 518 complaints per month
- 8% of French people assert that they had been victim of discrimination
- 27% of the complaints deal with ethnic origin
- 50% of the complaints concern employment, 20 % public services, 13% private goods and services, 6% housing and 11% other areas
- The number of interventions of the HALDE in front of courts has increased of 140%

The report is available on the Halde website: www.halde.fr
<http://www.halde.fr/rapport-annuel/2007/>