

**CNC DH**

COMMISSION NATIONALE  
CONSULTATIVE  
DES DROITS DE L'HOMME

RÉPUBLIQUE FRANÇAISE

REPORT

30<sup>th</sup> edition

2020



LES ESSENTIELS

# REPORT ON THE FIGHT AGAINST RACISM, ANTISEMITISM AND XENOPHOBIA





The Commission nationale consultative des droits de l'homme (French National Advisory Committee on Human Rights - CNCDH) was appointed in 1990 as the National Independent Rapporteur on the fight against racism in all its forms.

Each year, it submits a report to the Government which takes stock of racism, anti-Semitism and xenophobia in France, as well as the means of combating them implemented by the institutions of the Republic and civil society.

Based on a critical analysis of the policies conducted and drawing on the observations of international bodies, the CNCDH formulates a series of recommendations aimed at better knowing, understanding and combating all forms of racism and discrimination.

For the past 30 years, the CNCDH has endeavoured to base its analyses and recommendations on a variety of complementary tools. Surveys on the state of public opinion, the statistical report of the Ministry of the Interior and the Ministry of Justice are all elements to be analysed in the light of the numerous contributions of institutional, community and international stakeholders.

#### Focus

In 2020, the CNCDH decided to pay particular attention to the effect of the health crisis on racist and anti-Semitic behaviour, focusing in particular on manifestations of anti-Asian racism and anti-Semitic abuse on YouTube.



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# Editorial

Shaken by the Covid-19 pandemic, the year 2020 has unfortunately reminded us how easily crisis situations can reactivate xenophobic reflexes and transform prejudices into rejection of the other. Racist phenomena are multi-faceted, and combating and preventing them requires diverse, complementary and wide-ranging approaches.

This work requires a sustained commitment from the State and institutions at national and local level and a willingness to look with clarity at the multiple forms of racism, anti-Semitism, xenophobia and discrimination that are developing in our society. Fighting racism also requires a constant effort from everyone to prevent and deconstruct prejudice.

Faced with phenomena that are complex in nature and variable in their manifestations, the Commission nationale consultative de droits de l'homme (French National Advisory Committee on Human Rights - CNCDH), in its capacity as the independent national rapporteur on the fight against racism, has a threefold function consisting of monitoring, observation and proposal. Every year for the past thirty years, it has drawn up a report on the state of racism in France and has set itself the task of monitoring and evaluating the means of prevention implemented by the institutions of the Republic and civil society.

In addition to its annual report of some 300 pages, the CNCDH wanted to develop a teaching and educational tool. With the brochure «Les Essentiels», the CNCDH reminds us of the urgent need to take action, and gives us the tools to better understand racist phenomena and to learn how to combat them.

Jean-Marie Burguburu  
President of the CNCDH

# The CNCDH Barometre

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Since 1990, the CNCDH's report has been accompanied by a survey aimed at assessing racist perceptions and attitudes, analysing French people's opinions about others, and trying to understand the underlying logic behind the appearance and persistence of certain prejudices. Renewed every year with the support of the French Government's Information Department (SIG - Service d'information du Gouvernement) and by a team of researchers, this survey constitutes a real «barometer» that allows us to assess the changes in and structure of opinions underlying racism, anti-Semitism and xenophobia over time.

## 30 years of change

From 1990 to 2019, the date of the last face-to-face survey, the acceptance of minorities has generally increased in France, with moments of decline, sometimes linked to particular events (attacks, periods of economic insecurity) or to their political and media framing. Since 2016, the level of tolerance seems to have stabilised upwards.

## What is the tolerance towards minorities in 2020?

Despite a very difficult context, marked by the health crisis and deadly attacks, a comparison of the last two online surveys, that of 2019 and that of 2021, shows that, on almost all indicators, tolerance towards minorities continues to increase.

## The importance of economic, social and political factors in the evolution of tolerance

The predisposition to tolerance is related to multiple variables. It depends in part on the general economic, social and political context: the sense of economic insecurity and the political and media framing of certain events can influence the way minorities are viewed. The environment in which a person evolves and his or her personal experience also plays a role: knowledge of and openness to other cultures, level of education and age are closely correlated with the level of tolerance, and even more so with political positioning.

## General evolution of tolerance in France

The Longitudinal Tolerance Index has been calculated every year since its inception in 2008 until 2019 by one of the researchers in the team. It aims to measure the changes in prejudices in a summary way. The closer the index is to 100, the higher the tolerance level. It provides an overview of the yearly changes in the opinions and feelings of the respondents towards minorities.

The Index could not be measured in 2020, as the pandemic made it impossible to carry out a face-to-face survey comparable to those of previous years, but an overall trend has nevertheless emerged over the past 30 years, supported by the results of the last two on-line surveys.

In 2019, on a scale of 0 to 100, the Tolerance Index is:

**66** points  
+ 13 points between 2013 and 2019

**79** with regard to Black people

**79** with regard to Jewish people

**72** with regard to North Africans

**60** with regard to Muslims

**36** with regard to Roma people

Although some prejudices are still very present in the March 2021 online survey, they have nevertheless decreased compared to the 2019 online survey:

**59%** of respondents think that «Islam is a threat to France's identity» (62% in 2019)

**45%** of respondents think that «Jews have a special relationship with money» (48% in 2019)

**72%** of respondents believe that «many immigrants come to France only to benefit from social protection» (74% in 2019)

**33%** of respondents think that «children of immigrants born in France are not really French» (40% in 2019)

**58%** of respondents believe that 'Roma live mainly from theft and trafficking' (67% in 2019)

# Ministry figures



Figures from different ministries are important sources for measuring annual changes in racist speech and acts experienced by victims.

## SSMSI statistical data

The Ministry of the Interior's Service statistique ministériel de la sécurité intérieure (SSMSI - Ministerial Statistical Office for Internal Security) records offences, from the police and gendarmerie services throughout France, classified as «of a criminal or delinquent nature, committed on the basis of origin, ethnicity, nation, alleged race or religion».

In 2020, the number of such offences amounted to 5,511, with a slight decrease (2%), linked to the slowdown of activities due to the health crisis.

## SCRT data

The Ministry of the Interior's Service Central du Renseignement Territorial (SCRT - Central Territorial Intelligence Service) monitors the events reported to it by its intermediaries and community partners. It categorises them as anti-Semitic, anti-Muslim, and "other racist and xenophobic acts».

From 2019 to 2020, these figures show an overall decrease (from 1983 to 1461 incidents) compared to the same period in 2019, during the months of strict lockdown, but a sharp increase (by 40%) in the fourth quarter, mainly due to an increase in anti-Muslim acts.

## Statistical data from the Ministry of Justice

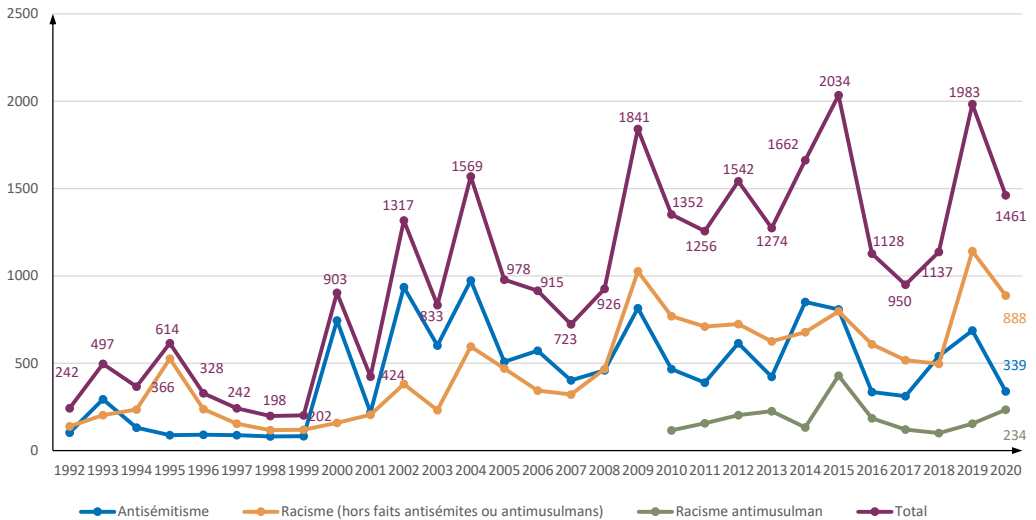
In 2019, 7,283 racially motivated cases were referred by public prosecutors, involving 6,386 defendants. The criminal response for these cases is again this year lower than the criminal response rate for all offences referred to the public prosecutor. Finally, 843 racist offences or offences committed with the aggravating circumstance of racism were punished by convictions, a figure that is up on previous years (+37.5%).



## ZOOM ON THE SCRT FIGURES

The SCRT records racist and anti-Semitic incidents (actions and threats) throughout the year. Its figures are based on feedback from its regional contacts, local partners, the media and associations representing the Muslim and Jewish religious communities, with which it has a partnership. These figures are not exhaustive and contain a number of biases.

### OVERALL CHANGES IN RACIST INCIDENTS RECORDED BY THE CSRT IN THE LONG TERM



### CHANGES IN RACIST INCIDENTS BETWEEN 2019 AND 2020

**1 461** recorded incidents

**-51%** for anti-Semitic acts  
or 339 acts

**+52%** for anti-Muslim acts  
or 234 acts (up sharply in the last quarter of 2020)

**-22%** for all other racist acts  
or 888 incidents

# The «dark number»

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The term «dark number» refers to all racist acts that are not reported and therefore escape justice. The state of massive under-reporting of racism contributes to impunity for these acts, harms the victims and undermines social cohesion.

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

The Ministry of the Interior's figures represent only a tiny fraction of the racist acts committed in France, due to the largely under-reported nature of the crime. The «Cadre de vie et sécurité» («Living environment and security») victimisation survey, conducted jointly by INSEE and the Ministry of the Interior, aims to evaluate and describe offences of which households and individuals may have been victims. In addition to these figures, there are contributions from anti-racist associations.

## What is the reason for this under-reporting?

### 1. The difficulty of dealing with racism-related cases

More often than not, victims of racism have suffered oral abuse, making it difficult to report evidence. Due to the complexity of qualifying a racist act in court, few prosecutions are initiated, which discourages people from filing complaints.

### 2. Filing a complaint is often difficult

Filing a complaint is not a trivial act and represents a painful step for the victim, who has already suffered from the events he or she has undergone. Difficulties in speaking out, shame or fear of reprisals can discourage reporting, and police and gendarmerie staff need to be specifically trained in the particular issues of racism-related cases in order to take these factors into account. An increase in the use of online pre-complaints could be beneficial, provided it does not replace talking to complainants.

# THE DARK NUMBER

## RACISM: LEGAL CASES THAT DO NOT REFLECT THE EXTENT OF THE PHENOMENON



1.2 MILLION PEOPLE ARE REPORTED TO BE THE VICTIMS OF AT LEAST ONE RACIST, ANTI-SEMITIC OR XENOPHOBIC ATTACK EACH YEAR - INSULTS, THREATS, VIOLENCE OR DISCRIMINATION



7 283 CASES REFERRED TO COURT



843 CONVICTIONS

## WHY SO FEW CONVICTIONS?



FEAR OF HOW THE VICTIM WILL BE RECEIVED BY THE POLICE WHEN FILING A COMPLAINT



HIGH DROP-OUT RATE



VERY FEW VICTIMS FILE A COMPLAINT - ONLY 2%



DIFFICULTY IN PROVING THE RACIST ACT

## THE CNCDH'S PROPOSALS



RAISE AWARENESS OF HOW TO MAKE A COMPLAINT



IMPROVE THE RECEPTION OF VICTIMS WHO COME TO FILE A COMPLAINT



STRENGTHEN THE LISTENING AND SUPPORT UNITS FOR VICTIMS



MAINTAIN AND IMPROVE THE ONLINE PRE-COMPLAINT FACILITY



IMPROVE THE TRAINING OF LAW ENFORCEMENT AND THE JUDICIARY



## Focus « Health crisis » : Anti-Asian racism

The context of the Covid-19 crisis has helped to highlight xenophobic tendencies, in particular the persistence of ambivalent anti-Asian racism.

### The stigmatisation of people of Asian origin at the beginning of the health crisis

In early 2020, the mystery of the origin of the new coronavirus, identified in December 2019 in China in the city of Wuhan, Hubei province, contributed greatly to the stigmatisation and increase in racist behaviour towards people of Chinese origin and, due to an amalgam, anyone whose features might appear «Asian». Far from being a trigger for a new form of racism, the health crisis was a reminder of the extent of prejudice that is regularly directed at Asian people.

### The prevalence of prejudices and stereotypes that are often old and ambivalent

In the comments that flourished on social networks in 2020, we find old and recurrent stereotypes that essentialise people of Asian origin, and that the health crisis has helped to reactivate: suspicions of unhealthy eating practices, clichés of a powerful and united community to hide dishonest practices, etc. This mistrust of people seen as Asian is paradoxically accompanied by a tendency to associate them with stereotypes that are intended to be positive. For example, Asian students are often seen as «good» students, hard-working and dis-

creet. These positive stereotypes can have significant negative consequences for people, who find it difficult to have their racism recognised, and they also contribute to the continuation of ethno-racial discrimination in the labour market.

### Towards a better consideration of the phenomenon??

The discrimination and violence suffered by people of Asian origin are still too little known, little analysed in France and often minimised and concealed, sometimes even by the people themselves, leading to under-reporting. It seems essential to strengthen the mechanisms and awareness-raising actions, both towards the communities concerned, in schools and with the police.



#### RECOMMENDATION

The CNCDH encourages the perpetuation of the funds allocated, in the context of the health crisis, to research projects, allowing the objectification and analysis of anti-Asian racism. It calls for the expansion of research resources to collect additional data and to better take this phenomenon into account.

# COMBATING ANTI-ASIAN RACISM



THE WORLD HEALTH ORGANIZATION ADVISES AGAINST NAMING DISEASES AFTER A POPULATION AND CONDEMNS THE USE OF EXPRESSIONS THAT MAY LEAD TO STIGMATISATION AND DISCRIMINATION OF PEOPLE.  
Guide on disease naming, 2015

## HEALTH CRISIS



“ All the media talked about the "Chinese virus". I was blamed for the epidemic and some people were afraid that I was contagious.

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IT IS THE RESPONSIBILITY OF THE MEDIA NOT ONLY TO DENOUNCE RACIST STATEMENTS, BUT ALSO TO ENSURE THAT THEY DO NOT CONTRIBUTE TO THE TRANSMISSION OF DISCRIMINATORY CLICHÉS AND STEREOTYPES.



77% OF RESPONDENTS SHARE THE STEREOTYPE THAT "CHINESE" PEOPLE ARE "VERY HARDWORKING"  
CNC DH 2017 Barometer

## EDUCATION



“ I'm thought to be naturally good at maths, so people forget to come and help me when I'm having difficulties. I even feel pressure to study science, and that makes me anxious...

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TEACHERS PLAY AN ESSENTIAL ROLE IN INFORMING AND MONITORING ISSUES RELATING TO THE DIFFERENT FORMS OF RACISM IN SCHOOLS. THEIR TRAINING NEEDS TO BE STRENGTHENED ON THESE ISSUES.



THE TERM "BAMBOO CEILING" REFERS TO THE BARRIERS FACED BY ASIAN PEOPLE IN ATTAINING POSITIONS OF RESPONSIBILITY  
Jane Hyun, Breaking the Bamboo Ceiling: Career Strategies for Asians, 2005

## EMPLOYMENT



“ No matter how hard I try, I remain in a subordinate position in the company because I am not believed to be capable of leadership.

**CNC DH**

EMPLOYERS ARE ENCOURAGED TO ENSURE THAT ASIAN MEN AND WOMEN HAVE ACCESS TO EXPERT POSITIONS.



ACCORDING TO THE ASSOCIATION OF YOUNG CHINESE IN FRANCE, PEOPLE WHO ARE VICTIMS OF ANTI-ASIAN RACISM UNDER-REPORT INCIDENTS. THE ASSOCIATION DEPLORES THE LACK OF VICTIM SUPPORT SERVICES, FOR EXAMPLE THE LACK OF TRANSLATION IN POLICE STATIONS.

## DARK NUMBER



“ As a victim of a racist insult, I did not dare to lodge a complaint for fear that it would not succeed. Too many people seem to think that jokes about Asian people are funny and that there is nothing wrong with making them...

**CNC DH**

PREVENTION AND AWARENESS-RAISING ACTIONS ON ANTI-ASIAN RACISM MUST BE CARRIED OUT, AND BE ACCOMPANIED BY A CONSIDERATION OF PREJUDICES THAT ARE AT FIRST SIGHT "POSITIVE", BUT JUST AS HARMFUL.

# Fighting online hate.

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In its 2020 report, the CNCDH points out that racism and anti-Semitism occupy a prominent place in hate speech on the Internet and that it is important to be able to better combat this phenomenon. It will debate an opinion on the subject in July 2021.

## What is online hate ?

Hate speech on the Internet is characterised by its anonymous and viral dimension. The appearance of anonymity gives a sense of impunity and leaves room for uninhibited behaviour on the part of the perpetrators. The particularity of these discourses is their potential visibility, increased by the multiplicity of connections between Internet users and their virality. Whether in the form of words, images or videos, they contribute to the dissemination of racist and anti-Semitic prejudices through the content they convey, and can have serious consequences on the lives of those who are subjected to them.

## What can be done to combat this phenomenon?

In order to combat this, social networks have made tools available to users to report content they consider hateful so that it can be removed; there is therefore a risk that content that is not illegal will be censored. In France, this is in addition to the PHAROS online reporting platform and the gendarmerie's digital brigade, created in 2017, which allows for electronic interaction with a member of law enforcement.

More generally, every Internet user should be specifically trained to critically analyse information, to understand the issues resulting from the intensity of sharing and visibility of content on the web.

## How can the fight against online hate be better regulated?

The fight against online hate must first and foremost involve strengthening state action at national level: the French state should create a new regulatory body that would be responsible for preventing online hate speech and facilitating exchanges between users and platforms. In addition to strengthening the role of the State, platforms, whose role in the fight against online hate is fundamental, must also have new obligations: obligations to moderate and fight against the virality of hateful content, obligations to inform and protect users, and obligations to be transparent and explain the moderation tools and policies used by each platform, in order to avoid the unjustified censorship of certain content.



### RECOMMENDATION

The CNCDH recommends that the French state provide more training to users on the risks and challenges of digital technology, especially to under-age users, notably through the implementation of a national action plan on digital education and citizenship.

# HOW CAN BE COMBAT HATE ON LINE ?

## ALERTS COLLECTED AND FILTERED BY PHAROS



PHAROS IS THE THE SPECIALISED PLATFORM FOR REPORTING ILLEGAL CONTENT AND BEHAVIOUR ON THE INTERNET



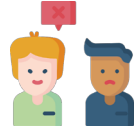
289,590 ALERTS PROCESSED IN 2020



26.7% MORE ALERTS BETWEEN 2019 AND 2020



PROCESSED BY 38 STAFF INVESTIGATORS IN EARLY 2021



23,525 ALERTS PROCESSED OF A RACIST OR DISCRIMINATORY NATURE

## THE CHALLENGES OF COMBATING ONLINE HATE



LACK OF A CLEAR LEGAL DEFINITION OF WHAT CONSTITUTES HATE CONTENT



RISK OF MASS REMOVAL OF CONTENT AND OVER-CENSORSHIP



MASSIVE USE OF NON-TRANSPARENT ALGORITHMS



LACK OF HUMAN INTERVENTION



SIGNIFICANT NUMBER OF HATEFUL COMMENTS THAT REMAIN VISIBLE ON THE PLATFORMS

## THE CNCDDH'S PROPOSALS



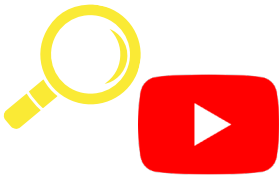
CREATE A SPECIFIC REGULATORY BODY FOR THE WEB



MAINTAIN THE PLACE OF THE JUDICIARY IN THE CONTENT REMOVAL AND SANCTIONING PROCESS



WORK WITH PLATFORMS TO REGULATE HATE CONTENT TO ENSURE GREATER TRANSPARENCY



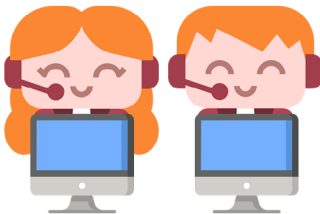
## Survey by Sciences Po (medialab, CEE) and the University Gustave Eiffel (LISIS) on the anti-Semitic footprint in YouTube comments\*

The video platform YouTube is now the second most visited site in the world with 1.86 billion visitors in 2019 and occupies a privileged place in the French digital space\*\*. This expanded space for speech has encouraged uninhibited and creative expression, but it also opens the door to dubious or hateful discourse and the dissemination of conspiracy theories, which regularly repeat old anti-Semitic prejudices associating Jews with power and money.

The survey, which is the result of a collaboration between several research laboratories (médialab, a laboratory studying the relations between digital and society, CEE and LISIS) proposes a mapping of the anti-Semitic footprint in the comments present on YouTube, with, in a more ge-

neral perspective, a plan to evaluate the place occupied by conspiracy theories in the French digital space. The research work allowed for the measurement of a small but significant anti-Semitic footprint in the corpus studied, despite the «cleaning» carried out upstream by the platform itself to remove questionable accounts. It is more often found in comments from channels associated with different tendencies of the French political extreme right or «counter-information».

However, due to the extremely uneven distribution of the audience on YouTube, it is on the YouTube channels of the major mainstream media that a user is much more likely to encounter a comment with an anti-Semitic slant.



Despite an active moderation policy put in place by the platform...



... there remains a proportion of 0.65% of the comments posted that are anti-Semitic\*\*\* (i.e. about one in 150 comments)

\* The survey only covers news and current affairs YouTube channels.

\*\* 70% of the 60.4 million French internet users visit it regularly (Source: Statista).

\*\*\* i.e. 12,756 out of 1,952,717 comments analysed



# ALGORITHMS AND ARTIFICIAL INTELLIGENCE IN THE FIGHT AGAINST RACIST AND DISCRIMINATORY BIAS

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## WHAT IS AN ALGORITHM?

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AN ALGORITHM IS A SET OF COMMANDS GIVEN TO A MACHINE TO PERFORM A SPECIFIC SET OF OPERATIONS TO ACHIEVE A RESULT. ALGORITHMS ARE FREQUENTLY USED IN COMPUTER PROGRAMMING.



MACHINES CAN BE GIVEN THE ABILITY TO LEARN FROM DATA, I.E. TO IMPROVE THEIR PERFORMANCE IN SOLVING TASKS, WITHOUT BEING EXPLICITLY PROGRAMMED FOR EACH ONE.

THESE TOOLS ARE USED EXTENSIVELY TO PERFORM COMPLEX TASKS ON LARGE VOLUMES OF DATA, THUS REDUCING HUMAN INTERVENTION.

## EXAMPLES OF THE USE OF ALGORITHMS

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IN THE SELECTION AND SORTING OF APPLICATIONS HIGHER EDUCATION, EMPLOYMENT, HOUSING, ETC.



IN THE RECOGNITION AND REMOVAL OF HATE, RACIST, XENOPHOBIC AND ANTI-SEMITIC CONTENT PUBLISHED ON THE INTERNET FOR SOME COUNTRIES



, IN FACIAL RECOGNITION - FOR EXAMPLE IN BORDER CONTROLS

## TOOLS THAT CARRY A NUMBER OF RISKS

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RISK OF REPRODUCING VOLUNTARY, UNCONSCIOUS OR SYSTEMIC DISCRIMINATORY BIASES IN THE SELECTION OF FILES OR APPLICATIONS



RISK OF CENSORING NON-ILLEGAL CONTENT AND INFRINGING INDIVIDUAL FREEDOMS



HIGH RISK OF ERROR WITH FACIAL RECOGNITION TOOLS - ERROR RATE ESTIMATED 10 TIMES HIGHER FOR BLACK WOMEN THAN WHITE WOMEN  
\*National Institute of Standards and Technology (USA) Study



ALGORITHMS, TO BE FREE OF BIAS, MUST BE TRANSPARENT, EXPLAINABLE, FREQUENTLY CHECKED AND AUDITED

# Racism and discrimination in everyday life

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«Origin» – considered here in the broad sense, including reference to country of birth (or that of ancestors), nationality, place of residence, physical appearance, language, surname – is unfortunately one of the main sources of discrimination, particularly in access to employment and housing.

## How do racism and discrimination manifest themselves?

Racism is exercised against individuals or groups of individuals through differences in access to employment, internships, discriminatory treatment, particularly in terms of pay and career development.

It is manifested in the housing sector, in visits for buying or renting or in the allocation of social housing. It is also found in the practice of harassment or demeaning treatment in daily life.

Indirect and systemic discrimination also leads to the perpetuation of reprehensible situations and practices, such as the racial distribution of professional roles in certain companies or the distribution of the least attractive social housing.

## An under-addressed issue

Much discrimination occurs even before access to employment or housing, during the application process. This makes it particularly difficult for people to prove that they have been potentially discriminated against. However, the major test survey allows us to objectively highlight the differences in treatment, with equal skills and situation, between the files of applicants for housing or employment - in particular for profiles whose application evokes a North African or sub-Saharan origin.

Once the selection process is over, several difficulties may also lead victims not to assert their rights when they suffer discrimination, particularly in the workplace: the fear of being ostracised from the team, of being further stigmatised, of being slowed down in their career, or even of risking a loss of job, lead them not to denounce the discrimination they have suffered. Moreover, the overwhelming majority of disputes are about dismissals, as workers are reluctant to challenge their employer's actions within the company.

## How can this be stopped?

Survey work and studies on discrimination in housing and employment need to be continued, which requires training and information to raise awareness of these realities. The responsibility of employers in particular is paramount and their choices can go a long way to preventing discriminatory treatment. At the same time, people need to be informed and made aware of their rights, so that they are empowered to act in cases of discrimination.



### RECOMMENDATION

Regular awareness-raising and information campaigns should be organised and it would be desirable for school curricula to raise awareness of the fact that every human being has rights, of the importance of filing a complaint and, more generally, of the functioning of the justice system.

# Discrimination that can be cumulative



The 2001 Durban Conference recognises «*that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status.*»

From the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001

## The accumulation of inequalities and discrimination linked to origin

Discrimination on the basis of origin, especially when it occurs at the intersection of several grounds of discrimination, can lead to differences in the daily lives of the victims and difficulties that can accumulate and reinforce each other. Major surveys, such as «Trajectoires et origines» («Trajectories and Origins») (INED/INSEE), try to measure how origins modify the chances of access to housing, education, employment and public services.

## Thinking about the intersection and accumulation of discrimination: «intersectionality» and the notion of systemic discrimination

The concept of «intersectionality» refers to the accumulation and interaction of several forms of categorisation, domination or discrimination (gender, social class, origin, etc.).

Discrimination is said to be «systemic» when it results from institutional or societal logics that do not, in principle, aim to produce it.



## **25 CRITERIA OF DISCRIMINATION RECOGNISED BY THE LAW (TABLE)**

ORIGIN	SEX	MARITAL STATUS	PREGNANCY	PHYSICAL APPARENCE
PARTICULAR VULNERABILITY RESULTING FROM THE PERPETRATOR'S APPARENT OR KNOWN ECONOMIC SITUATION	FAMILY NAME	STATE OF HEALTH	LOSS OF AUTONOMY	DISABILITY
GENETIC CHARACTERISTICS	CUSTOMS	SEXUAL ORIENTATION	GENDER IDENTITY	AGE
POLITICAL OPINION	TRADE UNION ACTIVITIES	THE ABILITY TO EXPRESS ONESELF IN A LANGUAGE OTHER THAN FRENCH	REAL OR SUPPOSED MEMBERSHIP OF AN ETHNIC GROUP	REAL OR SUPPOSED MEMBERSHIP OF A NATION
REAL OR SUPPOSED MEMBERSHIP OF AN ALLEGED RACE	BELIEFS OR MEMBERSHIP OR NON-MEMBERSHIP, REAL OR ASSUMED, OF A PARTICULAR RELIGION	PLACE OF RESIDENCE	PHILOSOPHICAL VIEWS	BANK IDENTIFICATION INFORMATION

# Discriminatory identity checks

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In its 2020 report, the CNCDDH recalls the essential nature of the fight against the risks of discriminatory checks and, following on from its report on relations between the police and the public (A - 2021 - 2), it calls for a redefinition of the procedures for identity checks by means of a more precise legal framework and better traceability.

## FINDINGS



MEN UNDER 25 WHO ARE PERCEIVED AS ARAB, NORTH AFRICAN OR BLACK ARE 20 TIMES MORE LIKELY THAN THE REST OF THE MALE POPULATION TO BE STOPPED BY POLICE OFFICERS

*Survey on access to rights, Défenseur des droits (Rights Defender), 2017*

## WHAT ARE THE CONSEQUENCES FOR THE VICTIMS?



NON-REPORTING DUE TO FEAR, DISCOURAGEMENT OR LACK OF CONFIDENCE IN THE USEFULNESS OF PROSECUTION



A FEELING OF MARGINALISATION AND STIGMATISATION IN RELATION TO THE REST OF THE POPULATION



WEAKENING OF THE SOCIAL LINK LACK OF TRUST IN THE SECURITY FORCES AND INSTITUTIONS OF THE REPUBLIC

## CNCDDH PROPOSALS



STRENGTHEN THE TRAINING OF POLICE OFFICERS



SET UP A MONITORING SYSTEM FOR CHECKS



IMPROVE THE TREATMENT OF VICTIMS WHEN THEY FILE A COMPLAINT



INTRODUCE THE ISSUING OF A RECEIPT TO THOSE WHO ARE CHECKED



## Opinion on the relationship between the police and the public: Restoring trust between the police and the public

*« The guarantee of the rights of Man and of the Citizen requires a public force: this force is therefore instituted for the benefit of all, and not for the particular utility of those to whom it is entrusted. »*

*Article 12 of the Déclaration des droits de l'homme et du citoyen  
(Declaration of the Rights of Man and of the Citizen)*

After numerous hearings, in February 2021, the CNCDH unanimously adopted an opinion on police-population relations, in which it formulated recommendations to help restore trust between the police and the population.

For several years now, France has been in the bottom third of European Union countries in terms of the level of confidence expressed

by the population in its police. Fully aware of the difficulties faced by police officers in the exercise of their duties, the CNCDH invites the public authorities, in more than twenty recommendations, to introduce structural reforms (framework of intervention, training, management, investigation and inspection services, etc.) in order to promote a republican police force, at the service of the population and guarantor of fundamental rights and freedoms.

By giving themselves the means to pursue this objective, the authorities will not only contribute to restoring trust between citizens and the police, but also to revaluing and facilitating the work of the latter.

[Click here to read the full A - 2021 - 2 opinion.](#)

# Better education, training and awareness

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Because some racist prejudice is based on unconscious reflexes that must be defused, the fight against racism, anti-Semitism, xenophobia and discriminatory biases requires training for all.

## Raising awareness at school

Schools have an essential role to play in the fight against prejudice, both through the subjects and topics taught, which must allow for intercultural openness, and in learning to dialogue, debate and live together. The way in which history and literature are taught can, for example, raise awareness of the plurality of points of view and could give even more space to the deconstruction of prejudices by opening up more to the history of colonisation and decolonisation, that of the overseas populations and territories, as well as that of the Roma and Travellers.

## More training in the fight against racism, anti-Semitism and discrimination

Teachers, law enforcement officers, judges and legal professionals, among others, can already receive training on racism, anti-Semitism and discrimination at the beginning of their careers.

But combating racism and anti-Semitism requires regular reminders and moments of awareness-raising, which should be mandatory. This also applies to journalists, housing and health professionals, and more generally to all professions that deal with the public.

## Make the monitoring and listening units more widespread and visible

At university and then in the workplace, monitoring and listening units play an essential role in providing better support for victims or witnesses of racism and discrimination. These facilities, which are sometimes understaffed, are not always sufficiently visible and known to the general public.

Regular poster campaigns and awareness-raising campaigns should be organised so that everyone has a clear understanding of the structures that can support them and the steps that can be taken.

## Responsabiliser les médias

The media also have an undeniable role to play in changing the way people look at otherness and minorities in France. It is through them that individuals become aware of environments whose culture is different from their own and that they form their representation of others and of themselves. The media have the opportunity to bring to life the values of equality and fraternity in order to better represent the diversity of society, to fight against exclusion and stigmatising rhetoric. To this end, it is important that the socio-professional composition of the media sector reflects the plurality of French society as much as possible.



# FIGHT AGAINST STEREOTYPES ON TELEVISION AND IN THE MAINSTREAM MEDIA

## STEADY PROGRESS IN RECENT YEARS, BUT CATEGORIES STILL UNDER- OR MISREPRESENTED

Every year, the CSA barometer evaluates the perception of diversity. It is based on the observation of programmes and the indexing of people who speak on air, after viewing approximately 2400 programmes on 17 channels.



A STABLE AND REPRESENTATIVE RATE OF 15% OF PEOPLE PERCEIVED AS NON WHITE IN PROGRAMMES VIEWED DURING THE CSA SURVEY



A SHARP DECREASE IN THE PERCENTAGE OF PEOPLE PERCEIVED AS NON WHITE PRESENTED AS ENGAGING IN ILLEGAL OR MARGINAL ACTIVITIES  
- 16% ACCORDING TO THE LAST BAROMETER, COMPARED TO 43% IN 2018



ONLY 0.4% OF PEOPLE WHO APPEAR ON AIR LIVE IN THE OVERSEAS TERRITORIES



A PARTICULARLY LARGE UNDER REPRESENTATION OF PEOPLE AT THE INTERSECTION OF SEVERAL FORMS OF DISCRIMINATION, IN PARTICULAR WOMEN PERCEIVED AS NON WHITE, IN PRECARIOUS SITUATIONS OR WITH DISABILITIES.

## HOW CAN WE ENSURE BETTER REPRESENTATION OF DIVERSITY?



PROMOTE DIVERSITY AMONG AUDIOVISUAL PROFESSIONALS



ENCOURAGE MEDIA TO MAKE COMMITMENTS TO DIVERSITY REPRESENTATION



GIVE MORE THOUGHT TO THE CHOICE OF EXPERTS CALLED UPON

## THE CNCDDH'S PROPOSALS



REFRAIN FROM INVITING CONTROVERSIALISTS WHO ARE ACCUSTOMED TO MAKING INSULTING AND STIGMATISING REMARKS



STRENGTHEN SANCTIONS FOR REPEAT OFFENDERS



INCORPORATE MORE RACISM AND DISCRIMINATION ISSUES IN THE TRAINING OF JOURNALISTS



TO ENCOURAGE ARGUMENTATIVE DEBATE AND TO GIVE MORE ROOM TO A PEACEFUL AND POSITIVE VISION OF THE REPUBLIC AND OF A PLURAL FRANCE

# Discrimination in access to school

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The problem of discrimination in access to school is not well known to the general public. Yet it concerns thousands of children in France.

## The children involved

The profile of children who experience such discrimination varies. In particular, we identify Roma children, travellers' children, children living in shanty towns, squats or informal camps, accompanied or unaccompanied foreign minors, as well as children living in the Overseas Territories, in particular in French Guiana and Mayotte.

## Barriers to schooling

The journey to school is a real obstacle course for families whose schools are far from their homes. Some mayors still refuse to register Roma or exiled children, despite repeated instructions to do so. Going to school sometimes involves endangering children on the way and incurring transport and accommodation costs, particularly in French Guiana and Mayotte, where there is still a significant lack of school infrastructure and staff. All these children need to be better supported to facilitate seamless schooling.

## Breaks in schooling still too frequent

Continuity of education is regularly challenged for young people living in shanty towns, squats or informal camps due to repeated evictions. These breaks are extremely damaging as they set back children whose living conditions are already precarious, who often suffer from difficulties at school and who are sometimes non-native speakers. These breaks can also lead to difficulties in getting the child back into school (due to a lack of suitable facilities or a refusal by some mayors to enrol these pupils in their municipality), depriving them of their right to education. This is why the CNCDH recommends the introduction of a school truce to prevent any break in schooling linked to an eviction.



## A new decree to promote the enrolment of all children

For many years, institutions and associations have been calling for a decree setting out the list of supporting documents that can be requested at the time of school registration.

Indeed, some municipalities went beyond the list of documents required at the time of school enrolment to refuse schooling to particular profiles of children (foreigners, Roma, young people living in shanty towns or squats).

On 29 June 2020, the adoption of Decree No. 2020-811, which specifies the documents that may be requested in support of an application for registration on the list provided for in Article L.131-6 of the code de l'éducation (French Education Code), represents a major step forward. This decree facilitates the registration of all children by requiring at least a sworn statement.

It came into force at the beginning of the school year in September 2020 and will help to prevent any refusal of schooling and facilitate appeals when they are necessary. In six months this decree has already facilitated the schooling of many children. While this decree is not enough to solve the problem of schooling for all, it is a step forward in defending the right to education that all children have.

To ensure that the right to education becomes effective for all children, other priority recommendations have been put forward for several years by associations, NGOs and the CNCDH:

1. Setting up a monitoring unit for children who are not attending school;
2. Effective mediation between schools, mayors, parents and children.



### RECOMMANDATION

The CNCDH recommends that the Ministry of Education strengthen cooperation between municipalities and primary school districts. The latter could thus benefit from support to increase their skills, benefit from centralised monitoring and finally benefit from better feedback to the education authority's services regarding refusals of enrolment or enrolments on waiting lists.



# The 11 priority recommendations

- 1** In order to effectively combat the massive under-reporting of racism, the CNCDH reiterates the need for specific, regular and repeated training for police and gendarmerie personnel on the specific issues related to racism-related cases, so that victims can fully express themselves, understand all the issues at stake in the legal proceedings, and not be discouraged, which should enable them to follow through on their case.
- 2** The CNCDH reiterates that it is the responsibility of the media not only to denounce racist statements, but also to ensure that they do not contribute to the transmission of discriminatory clichés and stereotypes. It calls on the Conseil supérieur de l'audiovisuel (French Higher Audiovisual Council) to be more responsive in the fight against anti-Asian racism.
- 3** Since 2015, the CNCDH has been recommending that the French government establish a new regulatory body that would be responsible for preventing online hate speech and facilitating exchanges between users and platform appropriately.
- 4** The CNCDH recommends the introduction of a school truce to prevent any break in schooling linked to an eviction. The latter would apply to the exclusion of cases of imminent danger to families. When eviction is unavoidable, the CNC-DH recommends that children's schooling be taken into account by prefectures and courts before eviction decisions are made, as well as by mayors when they issue a municipal evacuation order within 48 hours. The prefect should systematically inform and involve the national education services, in order to ensure continuity of schooling, but also the rehousing of school children and their families.
- 5** School mediator and relay teacher posts, based on the model of teachers for children from itinerant and traveller families (EFIV - enfants de familles itinérantes et de voyageurs), should be created within the education authorities, in order to act as a bridge between these vulnerable groups and the educational institution, and in sufficient numbers, particularly in areas where there is the greatest concentration of shantytowns, squats and informal camps (see Dihal census).

- 6** The CNCDDH recommends that the public authorities, and first and foremost DILCRAH (French Interministerial Delegation for the Fight against Racism, Antisemitism and anti-LGBT Hatred), take a genuine interest in the issue of discrimination in the workplace. As announced, the CNCDDH hopes that the new action plan will include a section on the issue of discrimination on the grounds of origin in the field of employment, with a list of concrete objectives to which DILCRAH would commit. To this end, the CNCDDH encourages DILCRAH to maintain its partnerships with the main participants in the field of employment and to develop its working relations with trade unions.
- 7** The CNCDDH regrets that the «Sciberras» report, the result of tripartite discussions, remains largely underused by the public authorities; it recommends that its recommendations be used, in particular the proposal to complete the list of indicators in the social report on career development and pay.
- 8** In order to make the mechanisms for allocating social housing more objective, it seems essential to continue to simplify and make the allocation mechanisms and their criteria more legible and transparent (reflection on the allocation procedures, information to the public on the criteria and allocation priorities). The effectiveness of certain practices that are already in place in some places, such as anonymisation, should be evaluated with a view to their possible mainstreaming - if the approach is shown to be useful and effective in addressing racist and discriminatory biases.
- 9** The CNCDDH recommends that the persons checked be given a paper receipt with their name on it, specifying the time, place and reasons for the check (in order to avoid the creation of a personal file, the police officer's or gendarme's counterfoil should reproduce all the information on the receipt, except for the identity of the person being checked); Set up a system for monitoring the checks, to enable line management to be aware of the conditions under which they are carried out (which officers? for what reasons?); Undertake an in-depth review of the legal framework and practice of identity checks in order to combat their becoming commonplace, in particular by specifying the legal grounds for a check; Equip police and gendarmerie officers with functional pedestrian cameras and provide for the systematic recording of interventions.
- 10** The CNCDDH invites the legislator and the courts to take into account the accumulation and intersectionality of discrimination and to ensure that it is recognised.
- 11** The CNCDDH recommends that the Government ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 18 December 1990, prohibiting any discrimination in respect of their fundamental rights, and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

# The legal framework for the fight against racism

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

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



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

Any individual who is the victim of an offence of a racist nature is entitled to file a complaint at a gendarmerie or police station; the officer at reception is required to accept the individual's complaint. [Article 15-3 of the Criminal Procedure Code]

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



**Conception / Réalisation** : Axelle AMIRAUT, Céline BRANAA - ROCHE, Manon CASSOULET - FRESSINEAU, Camille TAUVERON

**Illustration** : Catherine CORDASCO

## Independent national rapporteur for 30 years

Appointed as the «Independent National Rapporteur on the fight against racism» in 1990, the Commission nationale consultative des droits de l'homme (CNCDH - French National Advisory Committee on Human Rights) submits an annual report to the Government, which takes stock of racism in France.

In its capacity as independent national Rapporteur on the fight against racism for the past 30 years, the CNCDH evaluates public policy and contributes to monitoring France's compliance with its international commitments to eliminate racial discrimination. Based on a critical analysis of the policies conducted and drawing on the observations of international bodies, the CNCDH formulates a series of recommendations aimed at better knowing, understanding and combating all forms of racism.

This report bases its analyses and recommendations on a variety of complementary tools. The statistical report of the Ministry of the Interior, that of the Ministry of Justice, surveys on the state of public opinion, and the analyses of the CNCDH's partner researchers are all elements to be collated with the numerous contributions of institutional, associative and international stakeholders, in order to understand the contours of racism in France as accurately as possible.

## The state of racism in France in 2020

After a significant increase in the context of a health crisis that reduced activity, racist incidents show an increase at the end of 2020, mainly due to anti-Muslim incidents. Although the CNCDH Barometer shows that this year the level of tolerance among the French population remains high, it is essential to firmly remind people that the fight against racism, anti-Semitism and xenophobia is still relevant and must continue to be pursued through the actions of the public authorities and civil society.

The phenomenon of racism in France requires extreme vigilance: it is still largely under-reported and often manifests itself through subtle forms of rejection that are sometimes difficult to characterise and denounce for the people who are victims of it.

## Les Essentiels (The Essentials)

Together with the annual report on the fight against racism, the CNCDH presents Les Essentiels (The Essentials), which offer a concise and educational approach at the main trends observed by the CNCDH. Structured around five themes and a focus, these Essentials from the Racism 2020 report are intended to be widely read and disseminated.