



LES ESSENTIELS

2021 REPORT ON THE FIGHT AGAINST RACISM, ANTISEMITISM AND XENOPHOBIA





Foreword

We celebrate this year the 50 years of existence of the law of 1 July 1972, known as the “Pleven Law”; this law created the specific offences of libel and defamation of a racist nature as well as provocation to discrimination, hatred or racial violence. However, it should be noted that stigmatising discourse to racist and xenophobic relents have not disappeared from public and media space. The whole health crisis period revived conspiracy anti-Semitic theories, and the presidential campaign brought about the obsessional revival of the security theme, likely to increase xenophobic reactions and fallback positions.

Paradoxically, the minority acceptance index, which has been the flagship instrument of our report for more than 30 years, does not highlight any rise of intolerance. However, some groups remain particularly stigmatised, particularly Roma people; they are digitally very weak, faced with the most persistent and most assumed prejudice, concrete discrimination and cumulative difficulties in their access to rights.

While progress has also been made in the way racist litigation is handled, the path of victims remains full of obstacles, starting with the difficulty of filing a complaint. The Commission nationale consultative des droits de l’homme (CNC DH, French National Consultative Commission on Human Rights) recalls the need to act on several complementary fronts – on both the preventive and legal aspects, both in terms of training and in terms of mobilisation of public authorities.

In its report, the CNC DH made 55 recommendations, a number of which asks in particular that awareness-raising and training actions be reviewed and strengthened. Convinced that the most effective way to prevent racism, anti-Semitism, xenophobia and all forms of discrimination is that prevention should be aimed at the youngest citizens, the CNC DH stresses the importance of education to human rights and reasserts its commitment to this mission.

Jean-Marie Burguburu
President of the CNC DH



In 1990, the CNCDH was appointed National Independent Rapporteur on the fight against racism, anti-Semitism and xenophobia. 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 implemented, and drawing on the observations made by international bodies, the CNCDH formulates a series of recommendations designed to better grasp, understand and fight 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 that need to be analysed in the light of the many contributions of institutional, community and international stakeholders.



Focus : training and awareness

For 2021, the CNCDH decided to pay particular attention to the training and awareness-raising actions aimed at the whole society, – from schools, then in higher education and within the civil service and companies – of the fight against racist and anti-Semitic prejudices and the direct or indirect discrimination they cause. This focus will be placed on specifying the parameters that this awareness-raising action should take into account in order to be truly effective and achieve its goal.



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The CNCDH Barometer

Since 1990, the CNCDH's report has been complemented 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 prejudice.

Over 30 years of change

Renewed every year with the support of the Service d'information du Gouvernement (SIG, French Government's Information Department) and by a team of researchers, this barometer enables us to assess the changes in and structure of opinions underlying racism, anti-Semitism and xenophobia over time. From 1990 to 2022, when the latest face-to-face survey was conducted, the overall acceptance of minorities has increased in France, with moments of decline, sometimes linked to particular events (terrorist attacks, periods of economic insecurity) or to their political and media scoping. Since 2015, the level of tolerance seems to have continued its upward trend.

How is tolerance of minorities according to the March-April 2022 Barometer ?

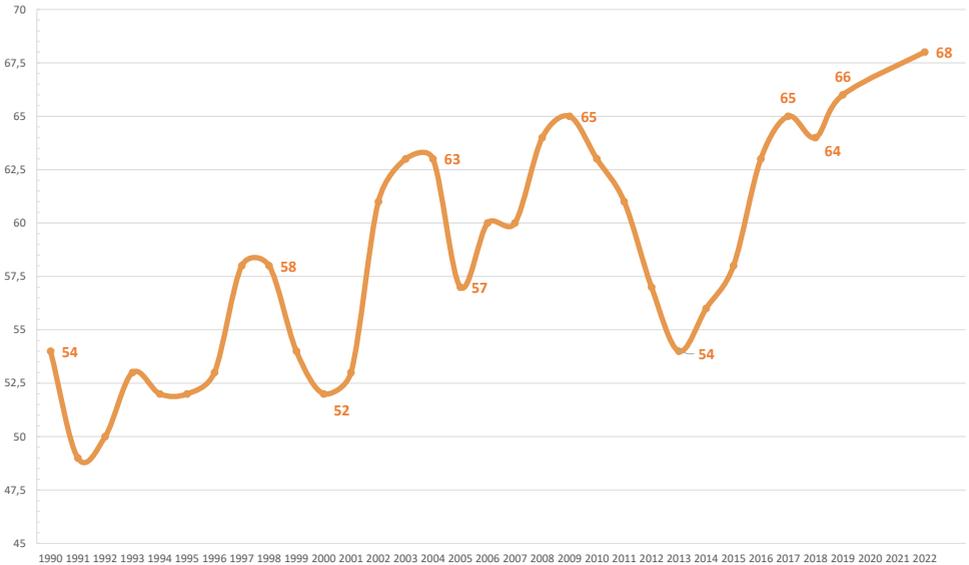
Despite a very difficult context marked by the health crisis and a degraded international situation, the comparison of the last two online surveys, that of 2019 and that of 2021, like that of the last two face-to-face surveys (2019 and 2022), shows that, on almost all indicators, tolerance of minorities continues to increase.

What part do economic, social and political factors play in the evolution of tolerance ?

Predisposition to tolerance is linked to multiple variables. It depends in part on the national and international economic and political contexts and the anxiety they may give rise to. It also depends on the social environment in which people live and their own experience: knowledge and openness to other cultures, educational level and age, and more importantly political positions, correlate highly with the level of tolerance.

General evolution of tolerance in France

The Longitudinal Tolerance Index has been calculated every year since it was created in 2008 until 2022 by one of the researchers in the team, Vincent Tiberj. It measures the changes in prejudice in a concise way. The closer the index is to 100, the higher the tolerance level. It provides an overview of yearly changes in the opinions and feelings of the respondents towards minorities. The index could not be measured in 2020 or 2021 due to the pandemic since it was impossible to conduct a face-to-face survey comparable to those in previous years. But the 2022 survey confirms the overall evolution that has been taking shape for more than 30 years.



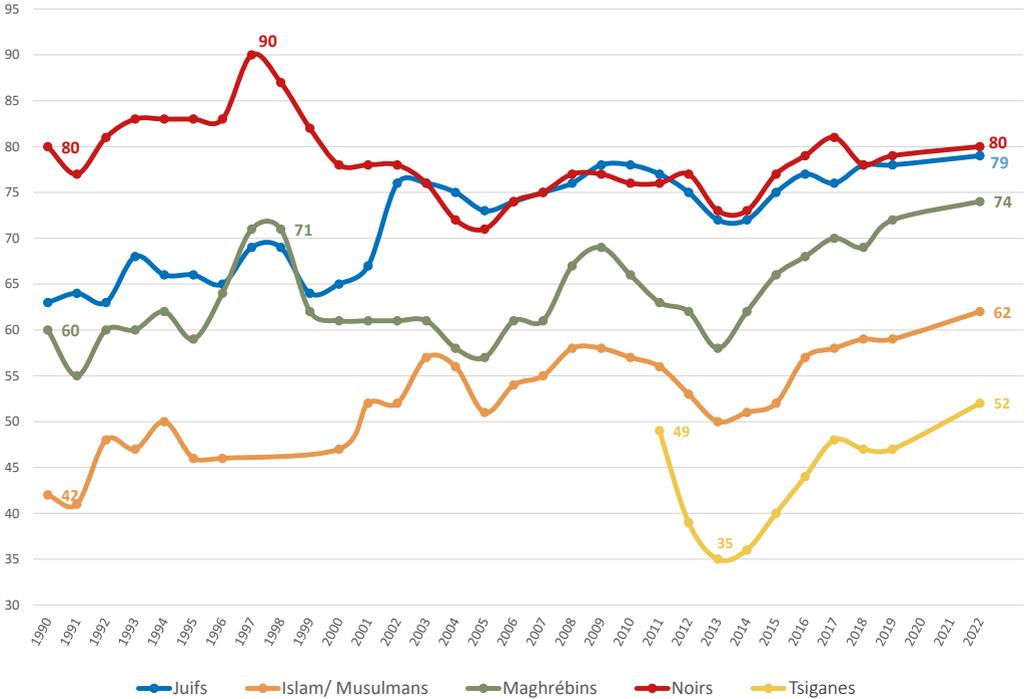
Source : CNCDH face-to-face Barometers

In 2022, on a scale of 0 to 100,
the Tolerance Index reached **68**.

+ 2 points for the global index since 2019.

+ 14 points since 2013.

The evolution of tolerance by minority interests



Source : CNCDH face-to-face barometers

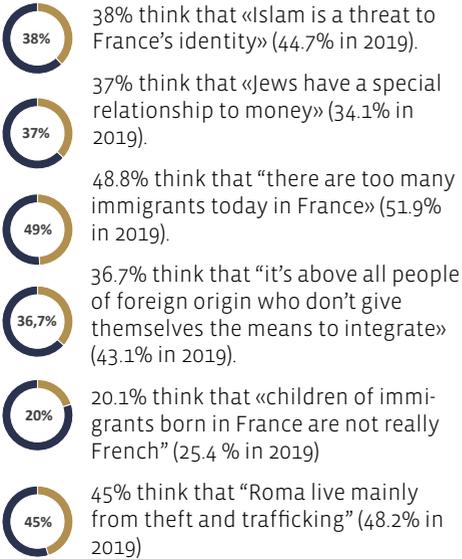
Calculated by minority shareholders, the tolerance index was in 2022 at:

- 80** with regard to Black people.
- 79** with regard to Jewish people.
- 74** with regard to North African.
- 62** with regard to Muslim people.
- 52** with regard to Roma people.

Préjudices against minorities

While some prejudice remains in the March-April 2022 online survey, it is nevertheless down compared with the 2019 face-to-face survey.

Among the respondents,



And the idea that we need to fight against prejudice is shared by an increasing number of people:



81.5% of respondents think that “a strong fight against racism is necessary in France» (76.1% in 2019).

Ministry figures

Figures from various ministries are important sources of information to help measure the annual changes in racist acts.

Statistical data from the SSMSI (Ministry of the Interior)

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

In 2021, 6,276 offences were recorded, an increase of 16% compared to 2020, and 13.4% compared to 2019 (5, 536 offences in 2019 and 5,414 in 2020).

The data from the SCRT (Ministry of the Interior)

The Service central du renseignement territorial (SCRT, Central Home Intelligence Service) monitors the cases reported to it by its local contacts – police stations and gendarmerie brigades – and its non-profit partners. It brings things down into the following categories: anti-Semitic, Islamophobic, and «other racist and xenophobic acts» (heterogeneous category bringing together the facts involving black, Arab, Asian, Roma, etc.).

In 2021, the total of these cases was 2,128, confirming the overall upward trend observed since 2017, with the exception of the atypical year of 2020. The share of the «other» category is the one with the biggest increase, from 43% in 2018 to 62% in 2021.

Platform for harmonising, analysing, cross-checking and referring (PHAROS)

Created in 2009, PHAROS is an online platform for reporting illegal contents or behaviours on the Internet. Its workforce has increased regularly as well as its partnerships with civil society.

In 2021, PHAROS received 263,825 notifications (versus 289,590 in 2020, with a peak in the number of notifications during lockdown, contrary to what is observed for the SCRT and, to a lesser extent, the SSMSI, and 228,545 in 2019), including 15,102 notifications (i.e. 5.7% of notifications) falling under «discrimination», which may include, but not exclusively, racist and anti-Semitic content.

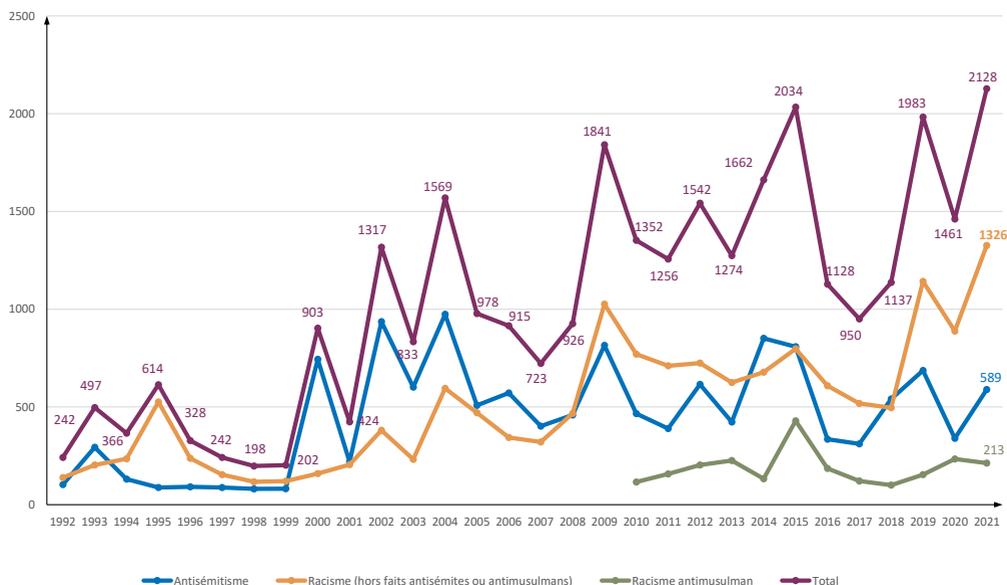
Statistical data from the Ministry of Justice

In 2020 (most recent stabilised data), 7,759 racially motivated cases were referred to the public prosecutors' office, and involved 6,740 defendants. 51% of these cases were dismissed without further action. With regard to cases that were brought before a criminal court, 45% resulted in prosecutions before the criminal courts, and 55% in alternative proceedings to prosecution. Finally, 955 racist offences or committed with the aggravating factor of racism led to the sentencing of defendants, a figure that is up on previous years (+37.5%).

Focus on SCRT figures

The SCRT records racist and anti-Semitic incidents (actions and threats) throughout the year. The figures it provides are based on feedback from its regional contact people, local partners, the media and associations representing the Muslim and Jewish religious communities, with which it has a partnership. This collection method leads to the recording of a hard core of the anti-racist delinquency, which explains why the figures are in the order of one third of those of the SSMSI and more fluctuating than these, because they are more sensitive to current events. It is the development they present that is particularly interesting to observe.

Overall evolution of racist incidents recorded by the SCRT in the long term



Evolution of racist incidents by categories between 2019 and 2021

2,128 incidents identified in 2021 :

- **14 %** for anti-Semitic incidents, *i.e.* 589 incidents ;
- + **38 %** for Islamophobic incidents, *i.e.* 213 incidents ;
- + **8 %** for all other racist incidents, *i.e.* 1,326 incidents.

The “dark number”

The term «dark number» refers to all racist acts that are not reported and therefore are not referred to courts. Indeed, the figures of the Ministry of the Interior only represent a small proportion of racist and anti-Semitic acts committed in France, even if they account for the most obvious, and for a large part, the most serious of them. The state of massive under-reporting of racism contributes to impunity for these acts, harms the victims and undermines social cohesion.

Racism : a largely underestimated litigation acisme : un contentieux largement sous-estimé

The “Cadre de vie et sécurité” (Living environment and security) victimisation survey, conducted jointly by INSEE and the Ministry of the Interior, aims at evaluating and describing offences of which households and individuals may have been the victims. In addition to these figures, there are contributions from anti-racist non-profit stakeholders. These investigations highlight the gap between the number of acts of a racist and discriminatory nature and the number of convictions. raciste et discriminatoire et le nombre de condamnations.



1.2 million people would be the victims each year of at least one racist, anti-Semitic or xenophobic attack (injuries, threats, violence or discrimination), as estimated (Life and Security Survey 2019).



In 2020, only 955 cases resulted in convictions for offences of a racist nature or committed with the aggravating factor of racism and no conviction for discrimination.

What is the reason for this lack of reporting ?

Understanding racist litigation is complex

Most of the time, people who are the victims of racism suffer verbal assaults and, because of the complexity of an act of racism, few prosecutions are initiated, which discourages the people from filing complaints.

Filing a complaint is often difficult

Filing a complaint is not a triviality and is a painful step for the victims, who have already suffered from the events they went through. Because they feel they don't speak French well enough or feel shame or are afraid of reprisals, victims may be discouraged from filing a complaint: it is estimated that about 2% of the victims do so. Police or gendarmerie staff should be specifically trained on the specific issues related to racist litigation in order to take these factors into account. An increase in the use of online pre-complaints could have a positive impact, provided it does not replace talking to complainants.

The CNCDH's proposals



Raise awareness on how to file a complaint



Strengthen the listening and support units for victims



Improve the way victims who come to file a complaint are welcomed



Effectively implement the online complaint system



Improve the training of law enforcement and the judiciary



Encourage the creation of anti-discrimination units within the public prosecutor's offices and support their actions

Some tools to keep in mind

Generic tools



PHAROS

The Platform for harmonising, analysing, cross-checking and referring notifications, «PHAROS» makes it possible to escalate any illegal and discriminatory situation on the Internet. It is police officers and gendarmes who check whether the content reported violates French law and then alert the competent departments. An investigation is then initiated under the authority of the public prosecutors' office.

<https://internet-signalement.gouv.fr/PortailWeb/planets/Accueilinput.action>



antidiscriminations.fr

The Anti-discrimination.fr platform is a system for access to rights directed by the Defender of Rights, which aims at making discrimination visible and to provide a remedy to those who are victims of it. It includes a hotline, on 3928, and a website with a «tchat» to talk with the lawyers of the institution on the various types of action that individuals can take, with the institution or with its network of partners (associations, trade union organisations, competent State departments, etc.)

<https://www.antidiscriminations.fr/>



The on-line pre-complaint

The online pre-complaint makes it possible to file an online pre-filing for damage to property or discriminatory acts by an unknown author. After the online pre-filing, victims must make an appointment at the police station or gendarmerie brigade of their choosing to sign the complaint. Such a tool facilitates the access of complainants to information, helps victims formalise criminal acts and favours the search for evidence. The fact that investigators already have the elements mentioned in the pre-claim can allow them to welcome complainants in a more efficient and appropriate manner.

<https://www.pre-plainte-en-ligne.gouv.fr/>



Digital brigade

Whatever the tool used (social networks, chat, contact form), every citizen can contact the Gendarmerie at all times. An operator evaluates the request and suggests either online support or an appointment with a gendarme in the place of their choosing. The mission of the Digital Brigade is to welcome, guide, inform and guide Internet users.

<https://www.gendarmerie.interieur.gouv.fr/Brigade-numerique>

More specific initiatives

In higher education



The racism-anti-Semitism contact people

In a higher education institution, the mission of the contact person or the racism-anti-Semitism contact is to inform and raise awareness among the largest number of students and staff members, particularly during the annual week dedicated to the fight against racism and anti-Semitism.



The watch and listening unit

The watch and listening unit provides a space for discussion and information. Its mission is to make the reporting of situations of gender-based and sexual violence, harassment, hazing and discrimination. It does not have a disciplinary function and cannot issue sanctions. The unit may, however, guide and assist people in their procedures.

In companies: means to use to highlight individual or systemic discriminations



The Clerc method.

The Clerc method analyses a situation of discrimination - racist or otherwise - by comparing it with that of a group of employees within a given company. In particular, it makes it possible to show the difference in career path between employees, in terms of remuneration, qualification, and to highlight any discrimination. Ultimately, it makes it possible to assess the various forms of harm and determines the amounts of compensation in the form of damages, proportional to the losses suffered and their impact.



Possible filing of grouped actions.

Collective actions enable several people, victims of the same offence, to come together to file an action and seek redress in a collective manner. Brought by an association or trade union, these actions are filed collectively and may individually benefit all people associated with it. This legal process makes it possible overcome the issue of procedural costs.

Document to better fight racism and anti-Semitism

Surveys to measure the phenomenon

Several measurement tools exist to assess the occurrence of racist and discriminatory acts in various contexts. Whether they come from the statistical services of the ministries, collected by national and international institutions or associations, the data collected makes it possible to better assess the extent of the phenomenon, to clarify its overall features and to point out the gaps in the policies implemented to deal with it.

Victim investigations, which are based on the statements of those questioned, make it possible to explore more precisely the characteristics of the victims, the perpetrators, the circumstances of the acts, the rates of appeal, the knowledge of the possible legal actions etc., providing valuable information complementary to the ministerial figures. Barometers, updated each year, also make it possible to track changes and monitor the phenomena over time



Data from ministerial statistical services: Ministry of the Interior, Justice, National Education and Youth



Barometers of independent authorities, such as the barometer of the Defender of Rights on how discrimination in employment is perceived



Surveys conducted by associations, such as those of the Union of French Jewish students on anti-Semitism, or SOS Racisme testing, identification and support of victims by Licra, LDH or MRAP



Major European comparative surveys, in particular those carried out within the framework of the Eurobarometer on perceptions, attitudes and opinions of individuals on discrimination, or by the European Union Agency for Fundamental Rights

“Tests of discrimination” or testing campaigns

Testing makes it possible to detect a situation of discrimination: for example, it compares the behaviour of a third party (human resources departments, telephone reception, real estate agencies, banks, administration, etc.) to people with comparable profiles for all relevant characteristics (training, experience, resources, etc.), with the exception of those suspected of giving rise to discrimination (such as family name or place of life). The Research Federation «Theory and Evaluation of Public Policies» (TEPP), one of the main operators for the evaluation of public policies in France, regularly carries out national coverage testing campaigns to better measure racial discrimination, particularly in access to housing, recruitment processes, access to care or even access to study cycles (a specific search is in progress on entry into master).



It is with a view to being able to better identify any dysfunctions and abuse that the CNCDDH periodically recommends that the way identity checks are performed be assessed in a quantitative and qualitative manner, studying their usefulness, the places where they are done, as well as the causes and remedies associated to them. In addition, the delivery of a nominative receipt at the end of each check would make it possible to keep track of it.



RESEARCH PROJECTS TO FIGHT RACISM, ANTI-SEMITISM AND DISCRIMINATION AT THE ORIGIN

In addition to the data collected by the statistical departments of the ministries, academic research, conducted at local or national level, make it possible to better understand the processes of discrimination and the demonstrations of the racism and anti-Semitism. This is the case of the “ACADISCRi” survey, which aims at documenting and measuring, within higher education institutions, the unequal treatment based on ethnicity, religion, sexual orientation or gender identity, for which there are few studies and statistical data. This project, led in collaboration by several research laboratories attached to various universities (including the University of Paris Nanterre and the University of Côte d’Azur), aims at assessing “*the phenomenon of unequal treatments and discrimination in the academic world*”, and to allow “*estimate needs*» to «*improve actions to correct inequalities*”. (See <https://acadiscri.parisnanterre.fr/>)

It is also interesting to carry out participatory research and action, where the people involved, associated with researchers, participate in the various stages of the research process, from the way questions are phrased to the dissemination of results: these are initiatives to be developed and supported. By way of example, as part of the PoliCité project, researchers and young people in Vaulx-en-Verin districts investigated together the relationship between the police forces and the population, in particular young people, and the resulting representations; the ambition was to better think about concrete ways to eradicate confrontation relationships and to put in place the conditions of a constructive and nuanced dialogue. The project led to several meetings held in school and district councils, to times for discussion with public authorities (mainly with law enforcement representatives), and research visits abroad, for a comparative approach. Many participants acknowledged the effectiveness of this project, including the awareness and transformation of pre-existing bias.

(See <http://entpe.francelink.net/fr/node/159>)

RECOMMENDATION

The CNCDH encourages public authorities to maintain and support participatory research and actions that are aimed at collecting accurate data on the territories and the discrimination experienced, to promote meetings and discussions between citizens and public authorities (citizens’ conferences, consensus conferences), and to deeply modify stereotypes and prejudice on both sides–, since prejudice may lead to conflicting relations and a loss of trust in public authorities and their ability to solve the problem of discrimination.

Strengthen awareness-raising campaigns

To combat black numbers, it is essential to generalise and strengthen awareness and prevention actions, taking into account several parameters to ensure that these initiatives are actually effective. Campaigns must help the general public step back and think what is sometimes unconscious bias, but also be informed of the various means of action if they are faced with offences.

Design campaigns involving specialised or involved people

It is necessary to promote the participation of citizens and to build campaign materials with people specialising in communication and in the fight against racism, anti-Semitism and discrimination, as well as those belonging to the target groups. This makes it possible to better understand their expectations, how these campaigns are received and the concrete uses that may result from them.

Have a subtle and long-term view over things

To develop awareness in a sustainable way, it seems interesting to design awareness-raising campaigns that will have long-term results, which can be reactivated several times by regular reminders. A large-scale campaign should also be rolled out on several types of media, while ensuring that the receipt of each medium considered in isolation is not problematic.

Provide for a more in-depth assessment

The effectiveness of each training and awareness-raising campaign should be the subject of an assessment, both from the point of view of its reception (in terms of visibility and impression of those targeted by awareness-raising) and its impact over time, with a view to making the necessary improvements in the course of dissemination or for a future edition..

RECOMMENDATION

The CNCDH recommends that national awareness-raising campaigns be rolled out over time and take several forms, to address, from different angles, all the issues associated with the fight against racism, anti-Semitism and xenophobia. These awareness-raising campaigns must systematically be evaluated, not only in terms of visibility but also effectiveness.



Focus : Training and awareness from the first school years to university

Schools have a vital role to play in the fight against bias, the reproduction of discriminatory practices and the learning of a critical mind. In order to support pupils and students, it is necessary to regularly raise awareness during their schooling and to train the entire educational team on the issue of racism and anti-Semitism as well as the means to respond to them.

Train all school staff

The educational and teaching teams must be trained both on bias and discrimination, as well as on practical, teaching and legal responses to those. Before teachers enter the profession and then periodically throughout their careers, they should receive specific training on the fight against racism, anti-Semitism and xenophobia, to help them take possession of the available tools, give rise to some critical examination of teaching practices and develop appropriate reactions to incidents.

Drive the stepping-back and reflection among pupils

In a context where certain subjects appear to polarise people, lead to connotations and the production of prejudice, the «education of the debate», particularly promoted by moral and civic teaching, must be rewarded: it is essential to make sure that each teacher is sufficiently trained to better put it into practice.

It is also essential that every young citizen has the keys necessary to understand the flows of information they receive on a daily basis and is better trained in critical thinking, particularly in the face of online hatred. The training of pupils in the use of media, social networks and information must therefore be generalised in order to provide them with tools to correct misinformation and to raise awareness of discrimination.

Continue training and awareness-raising in higher education

While tools to fight racism, anti-Semitism and xenophobia have been put in place in higher education institutions, they sometimes suffer from a lack of visibility: prevention mechanisms remain to be reinforced. Moreover, discrimination in higher education remains too little documented, and the CNCDDH recommends that more quantitative and qualitative surveys be conducted both at national and local levels, on the racism, anti-Semitism and xenophobia in higher education and research institutions, in order to support awareness-raising campaigns and public policies on the issue.

RECOMMENDATION

The CNCDDH recommends the onlining by the Ministry of Higher Education and Research of an up-to-date website which clearly identifies, for each institution, all the systems that exist, provides the names of the people to contact, and their availabilities, and watch and listening units (CVE) as well as lists the initiatives put in place.



A survey conducted in 2015 in Ile-de-France assessed that 5% to 15% of future professionals are actually aware of discrimination issues
(«Train and teach» survey on (non-) discrimination at school? », Report for the Defender of Rights and the DLAIS, 2015

FOR SCHOOL STAFF



"As a College teacher, I know that awareness-raising tools exist. But where to find them and how to appropriate them?"



Teachers play a key role in informing and monitoring issues relating to the various forms of racism in schools. Their training needs to be strengthened on these issues.



"Pupils who acquire critical thinking skills are more likely to strengthen their resistance to bias. They will also be willing to understand a range of other social phenomena, including other types of bias, and to develop the necessary forms of resilience."
Guide "Prévenir l'antisémitisme par l'éducation", UNESCO, 2018

FOR PUPILS



"In the media, I hear a lot of discussions on "conspiracy theories". I would like to discuss this at school and explain where and how to look for trustworthy information to give me an opinion on the issue."



The practice of debate at school and training in the good use of the media and information is causing some stepping-back and reflection among pupils. These practices must be encouraged.



In 2021, minors accounted for a third of Internet users and 40% of new users.

Commission nationale de l'informatique et des libertés (French Data Protection Authority)



"One of my comments posted on Facebook was reported and then deleted. I don't understand why."



A national plan of action on digital citizenship training must be rolled out to ensure that teaching of digital citizenship in schools is effective.



61% of students say they have never been informed of anti-discrimination actions organised by their institution.

(Survey of the Union Nationale des étudiants de France, 2020

FOR HIGHER EDUCATION



"I was the victim of racism in my university. I would like to escalate this act but I don't know who to contact and I find it difficult to find the information on the website of my university."



Students must be able to find clear, accessible and up-to-date information on the means of preventing discrimination in their institution. Awareness-raising campaigns on various media can help to raise their visibility.

Strengthen Media and Information Literacy (EMI).

Because the media and social networks may be the place where false information is spread, conspiracy theories emerge and, as a result, bias and discrimination are conveyed, pupils and their teachers must be trained in the proper use of media information from the youngest age. The strengthening of Media and Information Literacy (EMI, Éducation aux médias et à l'information), announced early 2022 by the Ministry of National Education and Youth, was then a necessary decision.

The EMI: What is that?

Media and Information Literacy (EMI) is a specific programme set up in all middle schools in France from the seventh grade (5ème) with a view to fighting misinformation and discrimination. Its ambition is to provide pupils with new keys to help them understand and critically analyse the media world, through their teachers or partnerships with professionals and associations that aim at promoting the EMI.

Why the EMI ?



Decipher images



Better react to cyberharassment



Fight fake news



Report online hatred



Develop good practices

The dissemination of false information and disinformation feed racism, anti-Semitism and xenophobia. This is why it is essential to provide younger generations with the skills and tools necessary to assess and make the distinction between checked information and false information or propaganda.

To do so, effective partners and resources exist and should be made more visible.



Responsible for media education across the whole educational system, from 1st grade up to the baccalauréat, the Centre liaison pour l'éducation aux médias et à l'information (CLEMI, French Media and Information Literacy Center) produces support resources and organises training programmes to meet teachers' demands.



Media and Information Literacy Vade mecum. By way of examples of teaching sequences and educational actions in favour of EMI, nine themes are dealt with, including disinformation, issues and limits of free speech and stereotypical views in media.

JOURNALISM, COMMUNICATION AND MARKETING PROFESSIONALS AND OF FIGHT AGAINST RACISM AND DISCRIMINATION

Media professionals have an undeniable role to play in changing the way otherness and minorities are perceived in France: the choice of a subject, the point of view considered and the terminology used have a de facto influence on the reception of the subject by readers and auditors. As for marketing and communication agencies responsible for images and media, they must step back and consider the effect the representations produced may have, and their ability to strengthen stereotypes or, on the contrary, modify them..

RECURRING PROBLEMS



In the way the “News items” sections are designed, often highlighting an ethnic origin regardless of the relevance of the information



In polarised debates, without suitable moderation on the part of facilitators or journalists



In the renewal of “revenues” that work, reproducing biased approaches



In the recurring race with “sensationalism”, which can contribute to strengthening stereotypes



In designing advertising campaigns and images, which sometimes reproduce stereotypes

THE CNCDH'S PROPOSALS



Set up in-depth training on media bias and choice of scoping of journalists



Assisting journalism, communication and marketing students in developing a critical approach to their future professional practices



Strengthen awareness of the ethical challenges of these professions in training courses



Raise awareness among image producers to take a step back on the representations and messages they may convey

Point for attention 1: Support inhabitants of informal places

In France, in 2021, more than 20,000 people lived in slums, squats, camps and other informal places. Roma, particularly from Romania, or Bulgaria, and sometimes French, or migrants from non-European countries live in very precarious conditions and are particularly stigmatised. The CNCDH is concerned by the discrimination they experience and calls for strengthening support actions.

Two texts that specify the methods to be respected in order to better support the inhabitants of informal places

The circular of 26 August 2012 and the instruction of 25 January 2018 to give a new impetus to the reduction of illegal camps and slums recommended that the knowledge of the situation of the inhabitants should be improved, by launching a comprehensive social diagnosis from the moment a new informal place of life is reported. This diagnosis then facilitates the search for suitable solutions, not just in terms of global social support, but also, when eviction is planned, housing or relocation.

Actions implemented that lead to local successes

The 2018 instruction defined a new approach in the way of understanding the problem of squats, camps and slums: adoption of precise territorial strategies, creation of partnerships involving all the stakeholders, development of “integration programmes”, coordinated by the Inter-ministerial Delegation for Housing and Access to Housing (Dihal), aimed at supporting populations in access to housing, employment, education or health. A specific programme helps deal with the large number of young people not attending school: it relies on more than thirty mediators who facilitate access to education for young people between three

and 18 years of age, in particular by raising awareness among families about the importance of education, helping with the registration process and preventing school dropout. These programmes imply time and cannot succeed if people suffer repeated evictions.

In fact, evictions are too frequent and don't comply with the recommended procedures

The Observatory of evictions noted that the latter continued between 2020 and 2021: there were little anticipation and a very small number of evictions led to sustainable shelter solutions, even during the winter break. On legal bases that remain unknown to them, people are often taken away, without their consent having been collected and precise information having been provided to them, to a one-off accommodation place far from their prior housing, or even simply kick out on the street after having sometimes seen their property confiscated or destroyed, in violation of common law. Those evictions are particularly damaging for people who had medical follow-up and for school-age children, who then miss school for several months.

A CONSIDERABLE NUMBER OF EVICTIONS FROM INFORMAL PLACES

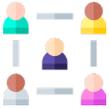
Approximately **1,330 evictions en 2021**

Source : *Observatory of evictions from informal places*
(1 November 2020 – 31 October 2020)



- ♦ Legal bases sometimes unknown to individuals
- ♦ Lack of anticipation through social diagnosis
- ♦ Few proposals for sheltering and sustainable solutions
- ♦ Lack of information given to individuals
- ♦ Manque de traducteurs

DISASTROUS CONSEQUENCES FOR PEOPLE



Interruption of the monitoring implemented by NGOs, associations and municipalities



Interruption of schooling/
difficulty in registering again



Interruption of career path or professional follow-up



Interruption of medical follow-up



Isolation and reinforcement of xenophobic bias

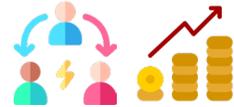
THE CNCDH'S RECOMMENDATIONS



Establish a school truce



Make the recommendations of the 2018 investigation more compelling



Increase the number of mediators and the financing of the slump reduction policy

Point for attention 2: Fight against Antigypsyism

Antigypsyism “*is a separate form of racism and intolerance, at the origin of hostility acts ranging from exclusion to violence against the communities of Roma and Travelling People*” (Conseil de l’Europe, CM/Rec(2008)5). In order to combat the resulting persistent discrimination, particularly in the fields of education, employment, health care and housing, there is an urgent need for a coordinated action and more resources. This requires a large-scale national strategy against Antigypsyism, in accordance with the recommendation of the Council of the European Union on “*equality, inclusion and participation of Roma people*”.

Specific and cumulative discrimination

Roms and Travelling People suffer multiple forms of discrimination in France, starting with the issue of the right to housing. The question of stopping places is an example of this: the equipment is defective, the number of places is insufficient, and it is regularly confined to isolated or polluted sites.

The data pertaining to the schooling of children is also worrying: they may experience difficulties when they register, suffer more than others from school drop-outs and are regularly faced with discrimination.

And finally, Roma people are the target of online violence and hatred.

The French strategy 2020 – 2030 to fight Antigypsyism and discrimination

The 2020-2030 French Strategy, presented in early 2022 by the Dihal, is based on “an asserted will and ambitious objectives to fight Antigypsyism and act in favour of the inclusion of Travelling People and people considered as Roma, in compliance with the laws of the Republic”.

It first insists on the need to identify and acknowledge anti-Roma racism to combat this specific form of racism within the general legal framework of combating discrimination. It urges to promote access to the rights of complainants. In order to improve living conditions and the inclusion of the Travelling People, several proposals are issued, focused in particular on improving reception and housing conditions, guaranteeing access to school, access to care and social rights, as well as increasing access to culture and promoting the participation and representation of these populations in the public and media spheres. It also aims at accelerating the reduction of slums where intra-European nationals in precarious situations live, in particular by strengthening the application of the policy put in place since 2018.

The CNCDH's recommendations



Increase the human and financial means devoted to the fight against Antigypsyism to enable the effectiveness of the national action strategy



Regularly assess the effectiveness of the solutions put in place to strengthen access to the school and fight school drop-out

For Travelling People to benefit from a real right to housing



Draw up reception diagrams in each département depending on the quantitative and qualitative needs



Bring the reception areas into compliance



Recognising caravans as full-fledged housing and not as an "accommodation".

PECAO PROJECT: A WAY TO HIGHLIGHT AND RESPOND TO ANTIGYPSYISM

PECAO (Peer Education To Counter Antigypsyist Online Hate Speech, is a European project to combat Antigypsyism online, whose objectives are to report hateful messages and develop peer education. This project is led by approximately ten associations in ten European countries, including La Voix des Roms in France.

For one year, five young peer educators (JEPs), identifying themselves as “Roms, Gitans and Manouches”, specifically trained in Antigypsyism and analytical tools, produced data on the public representation of people perceived as Roma or Travelling People on the Internet and in media space.



45% of hate content concerning Roma or Travelling People links it with crimes and offences.

CONCLUSIONS REACHED IN THE PROJECT



Insufficient moderation of hate speech on social networks by platform moderators



Lack of involvement of French public stakeholders in terms of the prosecution of Antigypsyism hateful content



Crucial role played by the media in crystallisation and dissemination of discriminatory bias and stereotypes

SUGGESTIONS ARISING FROM THE PROJECT



Reinforce online hatred reporting



Training in the fight against Antigypsyism by workshops with pupils



Improve the representation of Roma and Travelling people

“ *Europe still has a long way to go to achieve equality for its Roma population. Today, the marginalisation of Roma persists, and many of the continent’s estimated 10-12 million Roma continue to face discrimination, antigypsyism, and socioeconomic exclusion in their daily lives. These phenomena are intertwined. There is no equality when discrimination persists, and it is impossible to combat discrimination effectively without tackling antigypsyism and improving the socioeconomic inclusion and participation of the Roma population.*

”

Proposal for a Council recommendation on Roma equality, inclusion and participation

The view of international bodies

In general, the efforts made within the framework of the Interministerial Plan for the Fight against racism and anti-Semitism have been welcomed. However, French authorities were particularly questioned by international bodies on:

- ◆ The increase in acts, speeches and crimes of hatred in the public domain and online, particularly related to the health crisis.
- ◆ Stigmatisation of Roma and Travelling People and the difficulties they experience in terms of the most fundamental rights. The Committee on the Rights of Disabled Persons (CRPD) highlighted, for example, the difficulties Roma disabled children experience when accessing education.
- ◆ The lack of awareness of victims of racist acts of their rights and poor orientation.
- ◆ The increase in Islamophobic acts and the obsessional revival of certain themes, in particular those related to Islam.
- ◆ The practice of ethnic profiling in the conduct of identity checks and, more broadly, the tense relationship between the police and part of the population. This issue was discussed in particular by the people of African descent.

2022 is an important year for France in terms of international deadlines. CERD must publish its list of topics and constructive dialogue with France should take place in principle in the summer of 2022. The situation of human rights in France, including issues related to racism, will be considered by the Human Rights Council as part of the Universal Periodic Review (EPU) mechanism scheduled for 2023. In addition, following the visit of the European Commission against Racism and Intolerance (ECRI) in France in November 2021, a report will be published in 2022. The Commission will make new recommendations on the measures to be taken by the French authorities in order to prevent and fight racism and intolerance.

France has undertaken to comply with international obligations in terms of the fight against racism and anti-Semitism arising from the main international instruments. France must therefore submit periodic reports to the bodies responsible for monitoring the implementation of the major international human rights treaties that it has ratified and comply with the recommendations made by these bodies. This periodic review process was postponed by certain bodies, including the United Nations Committee on the Elimination of Racial Discrimination (CERD), in the context of the health crisis linked to Covid-19. Others, such as the Human Rights Committee (CCPR), asked questions to France for its next review



#CNCDH WEBINAIRE

**5 OCTOBRE 2021
DE 15H A 16H30**

**RENFORCER LA LUTTE CONTRE LE
PROFILAGE RACIAL**

Recommandation générale n°36 (2020) du Comité de l'ONU pour l'élimination de la discrimination raciale, sur la prévention et l'élimination du recours au profilage racial par les représentants de la loi.

CNCDH
COMMISSION NATIONALE
CONSULTATIVE
DES DROITS DE L'HOMME
REPUBLIQUE FRANÇAISE

**UNITED NATIONS
HUMAN RIGHTS
TREATY BODIES**

Webinar to strengthen the fight against racial profiling

Co-organised on 5 October 2021 by the CNCDH and the United Nations Committee on the Elimination of Racial Discrimination (CERD)

In 2020, CERD adopted General Recommendation No. 36 on the prevention and elimination of the use of future profiling by police forces. On the occasion of a webinar co-organised by CNCDH and CERD, discussions focused on how to reconcile the effectiveness of police activities and border management and the prevention of any unlawful discriminatory profiling. The webinar focused on drawing up an overview of the reality of racial profiling in France and defining the additional risks posed by the development of artificial intelligence and algorithmic profiling, tools used by a growing number of police services worldwide..

The twelve priority recommendations

- 1** In order to effectively fight the massive underdeclaration of racism, the CNCNDH recalls the need to specifically, and periodically and repeatedly, train police or gendarmerie staff on specific issues related to racist litigation. It is a question of ensuring that victims can fully express themselves, be informed precisely of all the stakes of the legal proceedings, and not be discouraged, which must allow them to make sure their complaints go through the legal process.
- 2** The CNCNDH recommends the setting-up of compulsory modules in the continuous training of teachers on the fight against racism, anti-Semitism, discrimination and prejudice. In addition, it encourages the Ministry of National Education to give instructions to the academies to ensure that times for standardised training on the themes related to racism are in place.
- 3** The CNCNDH encourages the Ministry of National Education and Youth to pursue and strengthen the links between the educational system and associations in the fight against racism, memorial institutions, the media and popular education professionals. The CNCNDH recommends that, within academies, moments of consultation and time for discussion be scheduled at regular intervals with school partners (specialised associations, memory and culture institutions, etc.), by ensuring that local partnerships are created.
- 4** The CNCNDH recommends that the Ministry of Higher Education and Research, in consultation with the DILCRAH, finalise the platform intended for racism and anti-Semitism contact people in order to promote the sharing of good practices and drive the dissemination of projects, beyond the annual meeting. A discussion forum would allow the racism contact people to discuss both their difficulties and their experience. Such a platform could also offer a directory of anti-racism stakeholders, nationally and locally.
- 5** The CNCNDH recommends systematising the awareness-raising actions of the civil service, private companies, trade unions and employers focusing on the specific features of discrimination related to origin and the racism in the world of work.
- 6** The CNCNDH recommends that the public authorities, and first and foremost DILCRAH (French Interministerial Delegation for the Fight against Racism, Anti-Semitism and anti-LGBT Hatred), take a genuine interest in the issue of discrimination in the workplace. As announced, the CNCNDH 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 CNCNDH 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 recommends that a school truce be introduced to prevent any break in schooling linked to an eviction. Should eviction be unavoidable, the CNCDDH 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 ensure that an adequate and sustainable relocation of school children and their family be provided and inform the National Education services in order to ensure the continuity of education.
- 8** To ensure the national strategy of action on equality, inclusion and participation of Roma is effective, the CNCDDH recommends human and financial resources dedicated to the fight against Antigypsyism be deployed. The CNCDDH wishes an undertaking be given by the Government to develop the perception, discourse and practices vis-à-vis Roma people as well as concrete measures to access rights and a policy to fight prejudice and stereotypes.
- 9** The CNCDDH requests that the online complaint be effectively introduced as provided by law for victims of discrimination as well as the financing of a policy to disseminate this mechanism, with the concern that no-one encounters obstacles to access to the law.
- 10** The CNCDDH recommends that judges be actually trained in initial and continuous training on the theme of racist litigation. The CNCDDH encourages the National Judicial School to highlight the training session entitled "Discrimination of hatred: judging prejudice and hostility", organised by the Secretary-General of the CNCDDH and to particularly encourage the referring magistrates to participate in it. This training could also be provided to court auditors as part of the initial training.
- 11** The CNCDDH recommends that a national action plan on digital citizenship training be adopted, in order to ensure that teaching of digital citizenship in schools is effective by integrating it within a nationally standardised programme; by providing teaching staff with appropriate training in the use of new technologies, in particular with the involvement of non-profit stakeholders; by raising everyone's awareness, via a coordinated effort of the public authorities, of associations and of platforms; by taking into account users' experiences in the development and implementation of these teaching resources.
- 12** The CNCDDH encourages France to monitor and intensify its actions to fight discrimination, racism, anti-Semitism and xenophobia within the framework of multilateral fora, in particular as a Member State of the United Nations Human Rights Council and in cooperation with the relevant special procedures and civil society stakeholders.

The legal framework for fighting racism

◆ Freedom of expression and opinion are fundamental rights, essential to democracy and pluralism. However, responsibility should prevail: not everything can be said or written. The right to express oneself ceases to exist where abuse begins.

[See. Article 10 of the European Convention on Human Rights ; article 11 de la Déclaration des droits de l'homme et du citoyen de 1789]

◆ French law punishes defamation and insult of a racial nature, provocation to racial hatred, the defence of war crimes or crimes against humanity, the challenge of a crime against humanity, racial discrimination as well as racist motives in aggravating circumstances for all crimes and offences of common law. In particular, sanctions may take the form of fines or even imprisonment.

[See. Law on Freedom of Press dated 29 July 1881; provisions of the French Criminal Code]

◆ Anyone who considers himself/herself to be a victim of a racist offence has the right to lodge a complaint with the police station or gendarmerie; the reception officer is required to receive his/her complaint.

[See. Article 15-3 of the French Criminal Procedure Code]

◆ Any Internet user may report a content that he/she deems illegal on the Internet, either through the reporting platform of the Ministry of the Interior “Pharos” and reporting platforms specific to Internet business providers, or by using the assistance of competent associations.

[www.internet-signalement.gouv.fr]

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