



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Seventy-seventh session

2–27 August 2010

Consideration of reports submitted by States parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

France

1. The Committee on the Elimination of Racial Discrimination considered the seventeenth to nineteenth periodic reports of France, submitted in a single document (CERD/C/FRA/17-19), at its 2026th and 2027th meetings (CERD/C/SR.2026 and 2027), held on 11 and 12 August 2010. At its 2044th and 2045th meetings (CERD/C/SR.2044 and 2045), held on 24 and 25 August 2010, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the high quality of the detailed and comprehensive report (CERD/C/FRA/17-19) submitted by the State party, which was on time and prepared in accordance with the reporting guidelines (CERD/C/2007/1). The Committee also appreciated the frank and sincere dialogue it was able to conduct with the delegation and the delegation's efforts to give detailed information in response to the list of issues (CERD/C/FRA/Q/17-19) and to answer most of the questions put by Committee members in the course of the discussion.

3. The Committee commends the keen participation of the representatives of civil society who attended the session and their commitment to combating racial discrimination.

B. Positive aspects

4. The Committee commends the work of the National Advisory Commission on Human Rights at the national and international levels. It underlines the importance of the opinions issued by the Commission on draft legislation and invites the Government to continue consulting the Commission in that regard.

5. The Committee welcomes the implementation of legislative instruments needed to combat racial discrimination, such as the Enforceable Right to Housing Act of 5 March 2007 and the Equal Opportunities Act of 31 March 2006, and the establishment of State mechanisms to prevent and combat racial discrimination at the departmental level, such as the commissions for the promotion of equal opportunities and citizenship (COPEC) and the anti-discrimination focal points in prosecution services.

6. The Committee welcomes the constitutional amendment of 23 July 2008, which gives every person subject to the jurisdiction of the courts the right, as from 1 March 2010, to apply to the Constitutional Council for a ruling on the constitutionality of a law in the course of proceedings. The Committee also welcomes the fact that a constitutional challenge to any bill may be initiated by a sufficient number of parliamentarians.

7. In particular, it welcomes the introduction of “high schools of excellence” in disadvantaged neighbourhoods, individual attention for some pupils with problems, “boarding schools of excellence” and preparatory classes for the *grandes écoles* for students from disadvantaged backgrounds on the basis of merit.

8. The Committee welcomes the point made by the head of the French delegation on the duty of remembrance, when he recalled that, at the Durban Review Conference, France had expressed the wish that a tribute be paid to the victims of slavery, the slave trade, apartheid and colonialism.

C. Special recommendation on the implementation of the national plan to combat racism

9. The Committee takes note of the information that the State party is preparing a national plan to combat racism. The Committee hopes that the plan will obtain the necessary support from all the authorities and stakeholders in France and that the drafting process will allow the State party to make its policy more coherent and consistent with the Convention and the Durban Declaration and Programme of Action. To that end, it recommends that the State party take the following into consideration as priorities:

(a) Provision of greater detail in demographic statistics, particularly those concerning persons of immigrant origin or from ethnic groups, within the meaning of the Convention, and improved socio-economic indicators of discrimination in the State party;

(b) Identification of victims of racial discrimination;

(c) Investigation of the types and causes of racial discrimination;

(d) Identification of measures to help persons of immigrant origin or from ethnic groups, within the meaning of the Convention, to integrate and advance in French society, including through the application of special measures, as provided for in article 1, paragraph 4, and article 2, paragraph 2, of the Convention and confirmed in the Committee’s general recommendation No. 32 (2009);

(e) Standardization and consolidation of existing measures in order to improve the handling of problems related to racial discrimination;

(f) Study of and particular attention to populations in the overseas territories, especially indigenous peoples;

(g) To ensure the effectiveness of the plan, the appointment of a senior government representative to take responsibility for its implementation and to advise the Government on all policies intended to prevent and counter racial discrimination.

D. Concerns and recommendations

10. The Committee is concerned at the occurrence of discriminatory political speeches in France. It is also concerned at the recent increase in acts and manifestations of racism and xenophobia in the territory of the State party, and racist discourse on the Internet.

The Committee recommends that, in addressing issues that affect ethnic, racial, cultural or foreign groups in the population, the State party make it quite clear, in its discourse and its action, that it has the political will to promote understanding, tolerance and friendship between nations and racial and ethnic groups. The Committee also recommends that the State party step up its efforts and use all possible means to counter and stem the tide of racism and xenophobia, in particular by strongly condemning all racist and xenophobic statements by political leaders and implementing appropriate measures to combat the proliferation of acts and manifestations of racism on the Internet (arts. 2, 4 and 7).

11. The Committee is concerned at reports that measures may be taken in the area of citizenship that would lead to discrimination on the basis of national origin.

The Committee recommends that the State party ensure that, in conformity with article 1, paragraph 3, of the Convention, any measures taken in this area should not lead to the stigmatization of any particular nationality.

12. The Committee takes note of article 1 of the Constitution of the State party, whereby France is an indivisible republic and ensures the equality of all citizens before the law, without distinction on grounds of origin, race or religion, which is the reason given by the State party for not taking a population census based on ethnic and racial indicators.

The Committee repeats its view that the purpose of gathering statistical data is to make it possible for States parties to identify and obtain a better understanding of the ethnic groups in their territory and the kind of discrimination they are or may be subject to, to find appropriate responses and solutions to the forms of discrimination identified, and to measure progress made. The Committee therefore recommends, in line with its general recommendations Nos. 24 (1999), on article 1 of the Convention, and 30 (2005), on discrimination against non-citizens, that the State party take a census of its population based on anonymous and purely voluntary ethnic and racial self-identification by individuals.

13. The Committee notes with regret that, notwithstanding recent policies to combat racial discrimination in housing and employment, persons of immigrant origin or from ethnic groups, within the meaning of the Convention, continue to be the target of stereotyping and discrimination of all kinds, which impede their integration and advancement at all levels of French society.

The Committee recommends that the State party pursue its efforts to enable persons of immigrant origin or from ethnic groups, within the meaning of the Convention, to advance in all areas, including by appointing greater numbers of qualified individuals who are members of such groups to positions of authority in the economy and within the State apparatus (arts. 5 and 7).

14. The Committee is concerned at the increase in manifestations of racism and racist violence against the Roma in the State party's territory. It takes note of the statement by the State party to the Committee that a framework has been put in place for the voluntary return

of Roma to their country of origin. The Committee notes that, since the State party presented its report, there have been reports that groups of Roma have been returned to their country of origin without the free, full and informed consent of all the individuals concerned.

The Committee reminds the State party of its statements and recommends that it ensure that all its policies concerning Roma are consistent with the Convention, that it avoid collective repatriations in particular, and that it endeavour to find lasting solutions to issues related to Roma, with full respect for their human rights (arts. 2 and 5).

15. The Committee is also concerned at the difficulties faced by members of the Roma community with regard to enjoyment of their economic, social and cultural rights.

The Committee urges the State party to guarantee access by Roma to education, public health and housing and other temporary facilities, in accordance with the principle of equality, and to take into account its general recommendation No. 27 (2000) on discrimination against Roma.

16. The Committee remains very concerned at the difficulties faced by travellers, particularly regarding their freedom of movement, exercise of the right to vote and access to education and decent housing. In this respect, the Committee notes with concern that, despite the recommendations formulated in its previous concluding observations, the State party has still not provided travellers with the necessary number of encampment areas, as provided for in the Act of 5 July 2000 known as the "Besson Act". The Committee is also concerned at the legal requirement for travellers to hold a travel permit, which has to be renewed periodically.

The Committee urges the State party to ensure equal treatment for travellers in respect of the right to vote and access to education. The Committee recommends that the Besson Act be implemented swiftly to ensure that illegal encampment areas are no longer an issue. The Committee also recommends that travel permits for travellers be abolished to ensure equal treatment for all citizens of the State party (arts. 2 and 5).

17. Bearing in mind that the State party has accepted the principle of linguistic and cultural diversity, the Committee is concerned at the partial implementation of this principle in France.

The Committee recommends that the State party step up its efforts to ensure the right to equal participation in cultural activities for all, without distinction as to race, colour or ethnic origin (art. 5 (e) (vi)).

18. While appreciating the detailed information provided by the State party on efforts undertaken in its overseas territories to ensure increased representation of, and greater autonomy for, indigenous populations, the Committee is still concerned that the current system does not allow recognition of the collective rights of indigenous peoples, in particular the ancestral right to land. The Committee is also concerned at the increasing difficulties faced by some inhabitants of overseas territories in gaining access without discrimination to education, employment, housing and public health.

The Committee recommends that the State party allow recognition of the collective rights of indigenous peoples, in particular with regard to property. It further recommends that the State party take the necessary legislative measures to ratify the International Labour Organization Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169). The Committee also recommends that the State party step up efforts to ensure equal access to education, work, housing and public health in overseas territories (art. 5).

19. The Committee takes note of the bill on the “Defender of Rights” but is concerned by the large number of functions to be taken on by this new institution and fears that the mandate to combat discrimination, including racial discrimination, currently devolved to the High Authority to Combat Discrimination and Promote Equality (HALDE), will be only one aspect of the mandate of the Defender of Rights.

In light of its recommendation on the national plan to combat racial discrimination, and while calling for closer coordination between State mechanisms that address problems related to racial discrimination, the Committee recommends maintaining a separate, independent institution responsible for combating discrimination, including racial discrimination. In this regard, the Committee underlines the importance of the role of HALDE in fighting discrimination, particularly racial discrimination (art. 2).

20. The Committee notes with appreciation the progress made by the State party in implementing its previous concluding observations regarding the question of veterans’ pensions (CERD/C/FRA/CO/16, para. 24). It also notes the Constitutional Council ruling of 28 May 2010 that found certain provisions of the relevant finance acts of 1981, 2002 and 2006 inconsistent with the principle of equal treatment.

The Committee encourages the State party to allow full implementation of this ruling and to ensure that all veterans, regardless of their current place of residence or their nationality, are treated equally. Moreover, it urges the State party to ensure that future finance acts do not discriminate against veterans (art. 5).

21. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular those whose provisions have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

22. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

23. The Committee recommends that the State party’s reports should be made available to the public at the time of their submission, and that the concluding observations of the Committee with respect to these reports should be publicized in the official and other commonly used languages, as appropriate.

24. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 9, 14 and 16 above.

25. The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 12, 13 and 18 and requests the State party to provide detailed information in its next periodic report on concrete and appropriate measures taken to effectively implement these recommendations.

26. The Committee recommends that the State party submit its twentieth and twenty-first periodic reports in a single document, due on 27 August 2012, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-

first session (CERD/C/2007/1). It further recommends that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the limit of 40 pages for treaty-specific reports and 60–80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, paragraph 19).
