

Country Visit: France
Report of the Personal Representative of the OSCE Chairperson-in-Office on Combating Anti-Semitism
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April 23-25, 2013

Background:

In 2003 the OSCE organized a first high level conference to focus on the problem of anti-Semitism. That in turn led to a seminal gathering a year later in Berlin and the issuance of the Berlin Declaration, which included specific commitments of government and a new role for ODIHR to monitor hate crimes and to develop educational programs to combat anti-Semitism.¹ In many ways those early efforts had their origins in France, which witnessed a resurgence of anti-Semitic incidents. Initially, this problem was not recognized. Senior government officials rejected the charge that this was in fact anti-Semitism, arguing instead that it was largely a case of disadvantaged youth reacting to developments in the Middle East. For a period even French Jewish leaders were uncertain in how to assess the situation since incidents were primarily localized in suburban neighborhoods. However, by the time nations met in Berlin in April 2004 there was no longer any question. The closing Berlin Declaration on behalf of the participating States, “declare[d] unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East never justify anti-Semitism.”

In the intervening decade the Government of France has acknowledged the problem. Political leaders at the highest levels have spoken strongly and clearly. There is close cooperation between Jewish community organizations and the Interior Ministry, which includes acceptance of data on incidents and extends to direct support for security enhancements at Jewish institutions. The Government has provided €15 million for these upgrades, which has been augmented with €4 million from the community’s own limited budget. No one today seeks to minimize the concern or to dismiss the problem as just a by-product of the Middle East conflict or the doings of unemployed youth. This itself is significant progress that should be acknowledged.

Nevertheless, anti-Semitism in France remains an acute problem. Incidents continue to increase, as does the anxiety of French Jews. The challenge today is in recognizing the source of the problem and finding ways to address it, especially in the long term.

View from Jewish community:

The Jewish Community Protection Service (SPCJ) compiles data on anti-Semitic incidents in France and works closely with the Ministry of Interior. It reports a 58% increase in incidents in 2012 (614) compared to 2011 (389). One quarter of physical attacks involved the use of weapons. The Ministry itself has recorded a total of 175 violent racist incidents nation-wide

¹ The Sofia Ministerial Council Decision No. 12/04 endorsed both the “Berlin Declaration” and the Permanent Council Decision No. 607, which stipulates the commitments made in the area of combating anti-Semitism.

in 2012 and has identified a staggering 55% of them to be anti-Semitic. (Despite the fact that the French Jewish community is the largest in Europe, it is still less than one percent of the total population.) The Ministry has also reported an overall increase in racist incidents of 22%, but Jewish representatives point out that were it not for the spike in anti-Semitic acts this number would be only 6 percent.

Jewish leaders say police authorities respond swiftly and properly to serious incidents. (On the day of our visit one such violent attack on a rabbi and his son occurred in Paris.) Usually after such events, they say, the Interior Ministry will announce that it has increased police protection at all Jewish sites. However, with 700 synagogues and 250 Jewish schools in France this is not easily accomplished, especially at a time of declining budgets. Also, as more incidents of verbal and physical harassment now take place in the metro or on the streets it is simply not possible to offer protection.

The murders in 2012 of a rabbi and three young children at a Jewish school in Toulouse were a shock to the Jewish community, and government leaders showed immediate solidarity with the victims. Nevertheless, anti-Semitic incidents actually increased in the immediate aftermath of this crime. There were also a high number of Internet postings expressing solidarity with the murderer. This ran counter to the frequently repeated argument that anti-Semitic acts in France were generally linked to or triggered by events in the Middle East. Such arguments have also been used to buttress the claim that this anti-Semitism is not within the control of French authorities. Jewish leaders were genuinely shocked and anguished not only by the murders but by the subsequent increase in incidents when they would have expected universal sympathy and remorse. One Jewish leader suggested that the Toulouse murders were not the climax, but rather, “a suggestion of what’s coming.” Another confided that he even had doubts about the future for Jewish life in France. In fact, recently compiled data by the EU Fundamental Rights Agency for a yet to be released survey of Jews in nine EU countries report that 46% of French Jews have contemplated emigration in recent years.

There appears to be a consensus on the part of Jewish leaders and others from civil society with whom we met that the government does not really know how to deal with the problem, and they fear it is only capable of taking small measures. While they have high regard for the head of a newly-reconstituted inter-ministerial commission to combat racism and anti-Semitism, they are skeptical that it will have the necessary resources to make much of a difference. In the meantime they report that Jewish students continue to leave the public schools for private (Jewish and Catholic) schools, while Jewish families relocate from certain neighborhoods in order to avoid what has become frequent harassment and discomfort.

Identifying the problem:

By all anecdotal accounts the source of the problem today is the increase in incidents stemming from parts of the Arab and Muslim communities. However, long-standing policy and French Republican tradition prevent the collection of any racial, religious or ethnic data when reporting on problems. [Note: The annex document provided in this report describes in detail what the government is able to do within these constraints.] In 2012 of the 614

anti-Semitic incidents identified by the SPCJ, the Interior Ministry reports that fifty arrests were made. They are able to categorize ten of them as having been perpetrated by neo-Nazis, but the remaining forty are left without description.

The Ministry of Education notes that school headmasters are required to report to the federal ministry all serious racist, anti-Semitic or xenophobic incidents that occur at their schools. One hundred such incidents were reported in the last year. Ministry officials themselves recognize that most such incidents probably go unreported. Nevertheless, when asked they are unable to break down these 100 cases and identify how many of them were anti-Semitic. Since the details of these incidents are surely included in the individual reports that are submitted, one is left wondering why this information is not available.

The Education Ministry also conducted a special survey of 18,000 students in 300 schools. It found that one in two students experienced bullying and one in five said the bullying was related to racism, xenophobia or anti-Semitism. Again there is no breakdown among the three and no data on who the bullies were.

In some cases the Interior Ministry has used the term “inter-communal tensions” to describe some incidents that are not more explicitly defined. One Jewish leader recalled a high profile public event where a previous Interior Minister met together with a Jewish and Muslim leader. This, he said, created the erroneous impression that the two communities bear equal responsibility, yet there are virtually no reports of any Jewish attack on Arabs or Muslims.

The French Government supports the National Consultative Commission on Human Rights (CNCDDH) which issues an annual report on racism, xenophobia and anti-Semitism. The Commission includes magistrates, trade unionists, and personalities from civil society, among others. Its annual report will include extensive comments from participating NGOs. Its 2012 report indicates that there has been a 23% increase in racial violence, and the overall numbers show a fivefold increase over twenty years ago. It notes a 55% increase in anti-Semitic and 30% increase in Islamophobic attacks. Jewish critics have maintained that the CNCDDH has underemphasized the seriousness of anti-Semitic incidents in its annual report. Perhaps in a partial response to this criticism, CNCDDH has informed us that next year’s report will address the problem of anti-Semitism in an entirely separate section. As with other official agencies the data collected by CNCDDH does not allow for identifying the ethnic or religious identify of the perpetrators of the hate crimes.

Most government officials are accepting and even proud of French republican tradition enshrined in law which, they say, prevents them from gathering data that would allow for a more detailed picture of those who are responsible for the increase in anti-Semitism. However, one veteran police official believes it genuinely hampers the work of law enforcement authorities. It is also hard to see how authorities can be fully prepared to deal with a problem if it cannot be clearly defined and articulated.

One should not conclude that the traditional problem of anti-Semitism emanating from xenophobic and right-wing elements in society has disappeared. With the current economic stress and uncertainty there is an increase in populist and xenophobic rhetoric. Much of that

in fact is focused on Arabs and Muslims, but the Jewish community is also a frequent target. Calls for prohibiting ritual slaughter focus on the prevalence of halal meat, but kosher slaughter would also be banned at the same time. Additionally, National Front leader Marine LePen broadened her criticism of Arabs wearing distinctive religious garb to Jewish men wearing *kippot*.

Hate on the Internet:

A source of particular concern voiced equally by government and civil society representatives is the spread of anti-Semitism on the Internet and in social media. Free speech in France is not unlimited, and certain categories of hate speech according to the types of groups being targeted are punishable under the law. A special focus of attention has been Twitter, which has allowed for the posting and sharing of large numbers of anti-Semitic tweets. According to its French critics Twitter has ignored their complaints and makes no efforts to facilitate users identifying and Twitter subsequently removing the offensive material, as is now the case with some other social media. As a result a successful suit was brought by the French Union of Jewish Students demanding that Twitter divulge the names of those responsible for the anti-Semitic tweets. When Twitter ignored the court ruling, citing First Amendment protections in the US where the company is based, a second suit was filed with the encouragement of the Interior Ministry that would require the payment of financial penalties. [Note: Subsequent to our visit Twitter has agreed to comply with the demands of the French court and reached an agreement to provide the requested information and to cooperate in the future.]

It is certainly true that the Internet has become a platform for the spread of anti-Semitism and other forms of hate, just as it is the vehicle for the exchange of all manner of views and information in the 21st century. Social media such as Facebook, Google and Twitter also connect millions of people around the world, and how and whether hateful speech can be controlled is a matter of debate. Even in the United States terms of service agreements that all users must sign allow these social media to control and remove content, and some have established policy to limit or prohibit certain hateful material. In fact Twitter's French critics frequently cite the voluntary policies of Facebook as a good example.

Absent in the discussion is any evidence that these postings have contributed to the rise in anti-Semitic incidents or that further limiting or controlling them would lead to their decline. But their very presence contributes to an environment that sets the Jewish community on edge and presumably gives users a feeling of immunity that would not be possible with traditional media.

Government measures:

French political leaders—including the President, the Prime Minister and the Minister of Interior—have spoken out strongly and swiftly to condemn incidents of anti-Semitism. This was particularly notable in the aftermath of the Toulouse murders.

The French government has introduced a number of measures to combat hate crime. The French National Point of Contact reported in response to ODIHR's call for submissions for

the 2010 Hate Crime Report that there were 125 convictions for crimes committed with an anti-Semitic motive in that year. This suggests that adequate legislation is in place to prosecute anti-Semitic hate crimes. Reports, such as the concluding observations on the Elimination of Racial Discrimination, 2010, indicate that there is a range of policy guidance related to investigating and prosecuting hate crimes in France.

Officials noted that out of the 614 anti-Semitic acts recorded in 2012, perpetrators were arrested in 50% of the cases. Ministry of Interior officials noted that the Ministry is looking into addressing challenges related to identifying whether the motive of a crime was anti-Semitic.

A special unit in the Ministry of Interior is processing figures related to racist, anti-Semitic and other hate crime. The French Ministry of the Interior co-operates with the Jewish community in the area of data collection, compares and shares the available data on anti-Semitic crime (see above). The overall cooperation between the Jewish Community and the Ministry of Interior which also includes financial and logistical support for the community's security is exemplary.

The French National Point of Contact on Hate Crime (Ministry of Justice) has, however, not submitted data to ODIHR's Hate Crime Report for 2011. The data received in response to the questionnaire for the 2012 report reflects the years 2010-11 only. This reported data is not disaggregated – data on cases of racism, anti-Semitism and discrimination are presented as one figure—although more detailed information is available to French authorities for their own internal use, and additional improvements are underway.

Since so much of the current discussion focuses on the physical safety and well-being of the Jewish community, the close working relationship with the Interior Ministry is an important asset. There have also been repeated, strong public statements from the Minister himself.

Much of the hope for dealing with the growing problem rests with the head of the Inter-ministerial Commission to Combat Racism and Anti-Semitism. It has adopted a national plan of action against racism and anti-Semitism which seeks to better identify racist and anti-Semitic acts, to suppress such behavior in a systematic way, to combat discrimination and to make this part of the government's integration and equal opportunity policy.

A special focus of the plan will be an education program focused on youth between 11-17 years old. Titled, "Togetherness," it will strive to bring every young person to visit a "memory place"—i.e., a place where crimes of the Nazi era took place but also where there were acts of resistance and bravery. In this way students will be presented with an alternative narrative than what they might now receive at home. Researchers will monitor the students before, during and after these visits to gauge their effectiveness.

Other projects being planned include a public television program with students and awareness-raising about prejudice and stereotypes for new civil servants.

The Commission has a small staff and will need to rely on the resources of other government ministries to implement its action plan. Its head maintains that the fact that the

Prime Minister has emphasized its importance in the presence of his cabinet insures that it will be taken seriously.

The Education Ministry has emphasized Holocaust education as one tool to combat anti-Semitism and promote tolerance among students. However, there have been reports that this sometimes poses a special challenge for teachers when confronting students with a North African background. As a result the ministry has issued directives to all teachers and will provide assistance when they encounter difficulties in addressing difficult subjects.

The Education Minister has also established a course on secular morals which will be added to the school curriculum in 2015 with the intention of providing, “knowledge and understanding of the values, principles and rules that permit us to live together in the Republic according to our common ideal of liberty, equality and fraternity.”

The national police maintain an individual presence at each school, where a designated officer serves as a liaison. There are now plans that these police liaison officers will speak to students in every school to make them aware of the legal consequences if they engage in racist or anti-Semitic activities.

One program carried out with the assistance of the Education Ministry in cooperation with the Union of Jewish Students called “Coexist” teams Jewish student volunteers with other (Muslim, Christian, or secular) students to visit classrooms with the goal of “deconstructing prejudice.” In six years they have carried this program to 500 schools. In many cases, participants reported, this was the first occasion for these students to meet a Jew. The Union of Jewish Students is eager to continue with the program but it reports that government funding has been steadily decreasing.

Conclusions:

In several important areas France serves as an exemplary model. These include the close cooperation between the Interior Ministry and the Jewish community and the significant financial support that has been given for securing community institutions. The presence of a National Consultative Commission on Human Rights (CNCDH) that issues a national report with details on anti-Semitism is far from common and is worth replicating in other countries. The Education Ministry’s extensive survey of bias-motivated bullying in schools is an important recognition of a problem that is frequently ignored elsewhere.

And yet there is an inability under the law or unwillingness in practice to clearly identify and confront the main source of the problem of anti-Semitism today in France. In large measure this would require a special focus on a segment of French society that is also a victim of prejudice and discrimination and that already poses special challenges for the government. But a failure to do so leaves the Jewish community adrift, unsure of its place in society and uncertain that their fellow French citizens understand what they must confront. On occasion French leaders have invited Jewish and Muslim leaders to join together with them. While this may be a tacit acknowledgement of the source of many of the anti-Semitic incidents of

recent years, it may also send a misleading signal that this is problem of and for two minority groups and not for the rest of French society.

A recent FRA survey of European Jews revealed that 70% of French Jews worry about being a victim of a verbal anti-Semitic attack and 60% worry about a physical attack. Nearly nine in ten say anti-Semitism is a big or fairly big problem and similar numbers say it has increased in the last five years. As noted above nearly half have considered emigrating. The French Jewish Community is the largest in Europe. When it begins to question its own future it does not bode well for France or for Europe generally.

French authorities speak strongly in reaction to anti-Semitic incidents. Officials with whom we met acknowledge the concerns and take them seriously. But at the same time there is a strong sense of pessimism—not only on the part of Jewish leaders but also expressed by some veterans in law enforcement and civil society—that doubts the government has the tools or the vision to truly address the problem.

Recommendations:

Increase cooperation with and security assistance to Jewish communities, also with the goal of building greater confidence.

Review and revise hate crime designations and categories and refine the collection of data to the extent allowed by law in order to have a more detailed and complete picture of the perpetrators of anti-Semitic crimes.

The French police and the gendarmerie should use ODIHR’s training program on hate crime for law enforcement (TAHCLE) and build on the existing co-operation between the President of AEPC (Director of the French National Police College) and ODIHR. ODIHR’s TAHCLE program should be incorporated into the training curriculum of the ENSP and Gendarmerie.

The French Government should submit disaggregated hate crime statistics to ODIHR, in line with OSCE commitments.

Increase support for small but symbolically important programs such as Coexist.

Seek a mediated solution with Internet providers and social media organizations—perhaps with OSCE assistance—that can find voluntary ways to limit hate postings without resort to legal suits.

Encourage international cooperation including work with ODIHR on the part of the staff of the Inter-ministerial Commission to Combat Racism and Anti-Semitism.

Meetings in Paris:

Representatives of civil society and non-governmental organizations

- Dr Richard Prasquier - President, Representative Council of Jewish Institutions of France (CRIF)

- Mr Ron Azogui - Director, Jewish Community Protection Service (SPCJ)
- Mr Pascal Markowicz - Lawyer, President of international commission, Member of the Board of deputies, Representative Council of Jewish Institutions of France
- Ms Eve Gani - Head of International Department, Representative Council of Jewish Institutions of France
- Ms Simone Rodan-Benzaquen - Directrice of American Jewish Committee/France
- Mr Vincent Zappia - Deputy Director of American Jewish Committee/France
- Mr Arie Bensemhoun - President of Jewish Community Toulouse
- Mr Jonathan Hayoun - President of the French Union of Jewish Students
- Mr Sacha Reingewirtz - Vice President of the French Union of Jewish Students
- Mr Sammy Ghozlan - President of the Bureau of Vigilance Against Anti-Semitism
- Mr Richard Abitbol - Vice President of the Bureau of Vigilance Against Anti-Semitism
- Mr Ari Sebag - Vice President of International League Against Racism and Anti-Semitism (LICRA)
- Ms Macha Pariente - Head of Judicial service, International League Against Racism and Anti-Semitism

Government of France

Ministry of Foreign Affairs

- Mr Roland Duberland, Advisor on Religious Affairs
- Mr Daniel Vosgien – Head of the Human Rights and Humanitarian Affairs Division, Directorate of the United Nations, International Organizations, Francophonie and Human Rights Department
- Mr Mathieu Schuster – Desk Officer in the Human Rights and Humanitarian Affairs Division
- Ms Emeline Laurens - Chargee de mission aupres de Ambassador for Human Rights
- Mr Yves Teyssier D’Orfeuill - Assistant to Advisor on Religious Affairs
- Ms Lydia Tabtab – Desk Officer in the Arms Control and OSCE Department

Ministry of Interior

- Mr Louis-Xavier Thirode - Head of Central office for worship
- Mr Bernard Godard - Adviser

Ministry of Education

- Mr Guy Waiss - Deputy Head of Directorate General for School Education
- Mr Francois Gorget - Head of EU and Multilateral Affairs Department
- Ms Anne Rebeyrol - Head of Unit for Prevention Discrimination and Equality
- Ms Judith Klein - Expert

National Consultative Commission on Human Rights

- Ms Christine Lazerges - President
- Mr Michel Forst - Secretary General
- Mrs Judith Sarfati-Lanter - Special Adviser

Inter-ministerial Delegation to Combat Racism and Anti-Semitism

- Mr Regis Guyot - Prefect, Inter-ministerial delegate to fight racism and anti-semitism
- Mr Christian Margaria - Special adviser

Assisted by Ms. Simone Rodan, Director, AJC Paris

Accompanied by OSCE/ODIHR

- Ms Anne Giebel - Adviser on combating anti-Semitism, Tolerance and Non-Discrimination Department
- Mr Dmitry Ivanov - Associate Programme Officer, Tolerance and Non-Discrimination Department

THE APPENDED DOCUMENT BELOW WAS PREPARED BY THE FRENCH GOVERNMENT AND IS INCLUDED IN THIS REPORT AT ITS REQUEST.

Annex: Measures taken by France to combat racism and anti-Semitism

I – Legal framework

1. Non-discrimination is a constitutional principle

Article 1 of the Constitution of 4 October 1958 states: "France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs."

Any difference in treatment on the grounds of origin, race or religion therefore directly breaches the French Constitution. In accordance with these principles, which are of a constitutional nature, the French Republic guarantees free exercise of religious observance without distinction. The principle of secularity is designed to guarantee the neutrality of the state and to ensure that the focus in the public sphere is on shared democratic values: freedom of conscience, opinion and expression, respecting pluralism and tolerance.

In the French view, assertion of identity is the result of a personal choice, not of criteria which a priori define this or that group and engender a different set of legal rules. The French approach protects an individual's right to acknowledge affiliation to a cultural, historical, religious or philosophical tradition or to reject it.

2. Racist, xenophobic or anti-Semitic discrimination is punished as an aggravating circumstance of certain criminal offences

In the French Penal Code, a racist, xenophobic or anti-Semitic motive is an aggravating circumstance of certain criminal offences. Aggravating circumstances are established "when the offence is preceded, accompanied or followed by written or spoken words, images, objects or actions of whatever nature which damage the honour or reputation of the victim, or a group of persons to which the victim belongs, on account of their actual or supposed membership or non-membership of a given ethnic group, nation, race or religion".

3. Racist remarks and incitement to hatred are criminal offences

The Press Freedom Act of 29 July 1881 guarantees freedom of expression and opinion while respecting public order. External manifestations of racism and xenophobia are deemed to infringe public order and are hence sanctioned.

a. The criminal offence of incitement to discrimination, hatred or violence on account of origin or membership of a racial or religious group

Article 24 of the 1881 Act imposes criminal penalties on "those who, by one of the means set forth at Article 23, incite hatred or violence against a person or group of persons on account of their origin or membership or non-membership of a given ethnic group, nation, race or religion". The purpose of the incitement must be to cause those to whom it is addressed to behave in a discriminatory way against the protected persons.

b. The criminal offence of defamation and public insult on account of origin or membership of a racial or religious group

Defamation is a criminal offence under Article 32 of the 1881 Act. It results from any allegation or imputation of specific facts which damage the honour or reputation of a given person or group of persons on account of their race, religion or membership of a nation or ethnic group.

Public insult is covered by Article 33 of the 1881 Act. It constitutes the use of any term of contempt or any expression causing outrage. It is distinguished from defamation insofar as defamation supposes the allegation of a specific fact, the truth or falsehood of which may be proved without difficulty.

The offence of defamation or insult is established only if the allegations or expressions causing outrage have been made public by one of the means stipulated in the 1881 Act. Non-public defamation or insult is punishable under Decree 2005-284 of 25 March 2005 when committed "against a person or a group of persons on account of their origin or their actual or supposed membership or non-membership of a given ethnic group, nation, race or religion".

4. Racist propaganda is a special category of offence

The **1881 Press Freedom Act** defines offences governed by a specific set of procedural rules. Through the application of strict rules of procedure, the aim is to strike a balance between combating racist propaganda and safeguarding freedom of opinion and expression, enshrined in many international instruments.

Act 49-956 of 16 July 1949 on publications intended for young people as amended by Act 87-1157 of 31 December 1987 authorises the Interior Ministry to prohibit anyone from offering, giving or selling publications of whatever nature to persons under 18 when they represent a danger for young people, in particular because they provide a platform for discrimination or racial hatred.

The Act of 10 January 1936 as amended on combat groups and private militia allows the President of the Republic to dissolve by decree de facto associations or groupings which would either incite discrimination, hatred or violence against a person or group of persons on account of their origin or their membership or non-membership of a given ethnic group, nation, race or religion, or propagate ideas or theories which seek to justify or encourage such discrimination, hatred or violence.

The French Sports Code sanctions several forms of behaviour with a racist connotation when they occur in a sporting arena or on the occasion of a sporting event. Under Article L. 332-7 of the Sports Code, it is a criminal offence to introduce, wear or display signs, insignia or symbols which recall a racist or xenophobic ideology in a sporting arena or on the occasion of a sporting event.

In conclusion, France has a robust legal framework for combating racism and anti-Semitism. The main challenge lies in effective implementation.

II – Implementation

Mobilisation against racism and anti-Semitism is driven first and foremost by a national policy framed and implemented by the government of the French Republic on the basis of the legal framework described above.

1. National oversight

a. The Interministerial Committee against Racism and Anti-Semitism (CILRA)

The Interministerial Committee against Racism and Anti-Semitism (CILRA) was created by a decree of the President of the Republic of 8 December 2003. Comprising the relevant ministers and chaired by the Prime Minister, it defines policy guidelines for combating acts inspired by racism and anti-Semitism. It ensures that actions taken by the various ministries are coherent and effective, both in forestalling such acts and ensuring that exemplary sanctions are imposed when they occur.

On 26 February 2013 the Committee, chaired by the Prime Minister, adopted a complementary action programme to the **national action plan against racism and anti-Semitism 2011-2014 drawn up in February 2012**. The programme's main purpose is to tackle stereotyping and the formation of prejudice. Particular emphasis is placed on education, training and awareness-raising. The main targets are schoolchildren, students, public officials, staff in contact with the public, associations involved in popular education and sport, internet users and internet service providers. Cultural initiatives and the role of remembrance are key elements: France's network of 1,200 national museums is mobilised to roll out local initiatives to combat prejudice.

An **interministerial delegate against racism and anti-Semitism (DILCRA)** is responsible for monitoring implementation of all these actions and for coordinating the various ministries involved. The position was created by a decree of 16 February 2012 in conjunction with adoption of the national action plan.

b. Training for public officials

A **Charter for equality in French administration** was signed in December 2008 by the president of the High Authority against Discrimination and for Equality (HALDE, now the Rights Defender) and the ministers responsible for French administration. Its focus is internal, since the aim is to take all steps, especially in procedural terms, to avoid discrimination in recruitment and career paths and hence to ensure equal treatment of public officials. The Charter has five strands:

- to take steps before recruitment to promote equal access to public employment;
- to monitor the conditions of recruitment in order to meet needs without discrimination (membership of selection panels, content of competitive examinations, recognition of professional experience, etc.);
- to overhaul career paths and guarantee equal treatment in all management processes;
- to raise awareness among and train public employees;
- to inform administrative agencies in order to circulate best practice in preventing discrimination.

The complementary action programme adopted on 26 February 2013 calls for awareness-raising and training for **public officials** to be stepped up, especially when they are in contact with the public.

- An **awareness-raising module** for all new public officials is being devised, focusing on the values of the Republic, human rights and the fight against prejudice, as well as on the behaviour expected from public officials in the exercise of their duties.
- **Continuous training reference guides** are being devised to help officials in daily contact with vulnerable sections of the population (staff in prefectures, public finance centres, social security offices, employment agencies, etc.).

2. Independent bodies

Government action is backed up by the joint intervention of independent bodies which bring high-level expertise and have their own prerogatives that enable them to participate directly in the protection of people who are the subject of discrimination.

a. The Rights Defender

The constitutional reform of 23 July 2008 created the Rights Defender, an independent authority with constitutional roots. Like the HALDE before it, the Rights Defender has the dual mission of dealing with cases of discrimination and promoting equality.

The Rights Defender has particularly wide powers. In particular, it may:

- make all recommendation such as to guarantee the respect of rights and freedoms;
- carry out inspections and spot-checks under the oversight of the judge of liberties and detention (criminal penalties apply if its action is hindered);
- order the administrative agency or organisation in question to take the necessary steps, including reversing a decision;
- submit observations on cases pending before the courts.

b. The National Consultative Commission on Human Rights

The National Consultative Commission on Human Rights (CNCDH), created in 1947, is a national body to promote and protect human rights. It advises the government and makes proposals in the sphere of human rights, the law and humanitarian action and respect of the fundamental guarantees extended to citizens for the exercise of public freedoms.

Under Act 90-615 of 13 July 1990 providing for the punishment of all racist, anti-Semitic or xenophobic acts, the CNCDH is tasked with publishing an annual report on the fight against racism, anti-Semitism and xenophobia in France. These reports include recommendations to the government.

c. The Conseil Supérieur de l'Audiovisuel (broadcasting regulatory authority)

The *Conseil Supérieur de l'Audiovisuel* (CSA) is an independent administrative authority responsible for regulating audiovisual communication under Act 86-1067 of 30 September 1986 on the freedom of communication.

Act 2006-396 of 31 March 2006 on equal opportunity endorsed the CSA's powers in the fight against discrimination and for diversity since "the *Conseil Supérieur de l'Audiovisuel* contributes to measures in favour of social cohesion and the fight against discrimination in the sphere of audiovisual communication".

In a letter of 26 January 2009, the Prime Minister asked the CSA to report on its action with regard to the fight against racism and anti-Semitism in the audiovisual media. The conclusion was reached, on the basis of the prevailing laws and regulations, the CSA's action and the sense of responsibility among TV channels and radio stations, that the conditions for fighting racism and anti-Semitism in the broadcast media in France were generally satisfactory.

3. Civil society

a. NGOs

Anti-racism NGOs make an important contribution to national mobilisation on the issue. This contribution justifies the financial support they receive from central and local government under agreements.

To give one example, the purpose of the agreement concluded between the Interior Ministry and LICRA (the International League against Racism and Anti-Semitism) on 1 December 2010 is "to pool efforts to more effectively combat racism and anti-Semitism, which are a breach of the Republican pact and a danger for democracy" and to increase help for victims. It calls for:

- concerted action to raise awareness among staff;
- action to provide the public with information;
- exchanges of information on offences, especially those committed on the internet;
- closer relations to improve the treatment of victims and the processing of complaints by the police;
- concerted action to combat racism in sport.

b. Economic and social players

Businesses and business organisations are stakeholders in the fight against racism, anti-Semitism and discrimination, and in actions to promote equal opportunity and diversity. Some companies have taken initiatives along these lines; examples include the creation of the association *IMS Entreprendre pour la Cité*, campaigns focusing on youth employment such as *Nos quartiers ont des talents* (Our Neighbourhoods Have Talent), and the conclusion of agreements between certain industries and HALDE (now the Rights Defender).

More generally, trade unions hold internal discussions on the issue, work with employees and managers on the ground, and in some cases originate local partnerships. They also display their commitment constructively in the many public bodies on which they are represented, at national, regional and local level.

The fight against **discrimination in the workplace** and the guarantee of **equal access to employment** for any person, whatever their national, racial, ethnic or religious origin, remains a priority for the French government. The definition of discrimination was extended by Act 2008-496 of 27 May 2008, which defines indirect discrimination, treats harassment as a form of discrimination, extends the list of prohibited forms of behaviour and explicitly treats an order to discriminate as discrimination.

A Diversity Charter was launched on 22 October 2004. It represents a commitment that any company can sign up to, whatever its size, if it wishes to combat discrimination in employment by reflecting the diversity of the population as accurately as possible in its workforce. At its meeting on 26 February 2013, the interministerial committee called for racism and anti-Semitism to be explicitly included in the Charter. The mobilisation generated by the Charter was given a boost by the introduction in 2008 of a Diversity label, which represents official recognition of the introduction of anti-discrimination measures, not just in private companies but also in public services, local authorities and associations.

4. Measurement and analysis

In order to combat a phenomenon, it is essential to know it. It must be possible to measure its development in quantitative terms and to assess it in qualitative terms, i.e. to identify the new forms it may take and the new vectors it uses in order to show itself.

a. Interior Ministry

For the last twenty years or so, the intelligence service has collected data in each *département* on racist and anti-Semitic offences that come to its attention. It draws up a monthly report which is submitted to the central directorate.

On 17 June 2010, the minister of the Interior and the president of the *Conseil Français du Culte Musulman* (French Muslim Council, CFCM) concluded a framework agreement for the statistical and operational monitoring of hostile acts against Muslims in France. Its primary aim is to provide a framework for joint and shared monitoring of violent incidents, but its ultimate purpose, set out in the preamble, is to find ways and means for effectively combating the scourge they represent. On the minister's instruction, regional prefects must organise quarterly meetings with representatives of regional Muslim councils. Regular dialogue is also established between the CFCM and the General Directorate of the National Police (DGPN), who meet *inter alia* to discuss protection issues, especially for places of worship and schools.

Likewise, close consultation has taken place since 2008 with the Jewish community protection service (SPCJ), which runs a hotline that victims of an offence can call directly. Several agreements have also been concluded since 2005 with the *Fonds Social Juif Unifié* (Unified Jewish Social Fund, FSJU) for programmes of works to secure buildings belonging to the Jewish community. Anti-Semitic acts are monitored by the French authorities with the utmost vigilance, as the President of the Republic recalled in a speech on 20 March 2013.

The Central Office to Combat Offences linked to Information and Communication Technologies (OCLCTIC) has a brief to combat all offences generated by the fraudulent use of ICTs. It operates PHAROS, a platform which has been online since 6 January 2009 and whose function is to collect and process reports of illegal content on the internet from members of the public and ISPs. Reports relating to offences of a racist or anti-Semitic nature are given priority in PHAROS. The resources available to the platform were increased in 2010 and will continue to be stepped up over the period 2012-2014.

b. Justice Ministry

The Justice Ministry has two statistical resources that enable it to measure and evaluate the effects of its criminal justice policy with regard to racial discrimination. The first is court statistics relating to convictions for racial discrimination offences recorded in the national criminal records database, whether misdemeanours or summary offences. Since 2005, there has also been a database to monitor judicial responses to racist and anti-Semitic offences brought to the attention of prosecuting authorities. In 2007, the database was refined to make it possible to isolate action taken with regard to offences committed on account of the victim's actual or supposed membership of the Christian, Muslim, Jewish or other religion.

c. Education Ministry

In September 2007, the Education Ministry introduced a database of violent incidents in schools, called SIVIS. Racism or anti-Semitism are included as aggravating circumstances in the description of the incidents (physical violence, insults, threats).

7. International

The fight against racism, anti-Semitism and xenophobia is one of the priorities of France's international human rights policy. France carries out many actions in this sphere across a wide range of international forums, including the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the European Union.

The observations, recommendations and judgments of the competent international courts in relation to racism, anti-Semitism and xenophobia are monitored and reported at regular intervals, in the annual reports submitted to the ODIHR (OSCE) in the context of the fight against hate crimes, in the reports submitted to the Human Rights Council in the context of the Universal Periodic Review and to the UN Committee on the Elimination of Racial Discrimination (CERD), and by means of the observations annexed at the government's request to the reports of the European Commission against Racism and Intolerance (ECRI).