



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

Twentieth to twenty-first periodic reports due in 2012

France* **

[23 May 2013]

* This document contains the twentieth and twenty-first periodic reports of France, due in 2012. For the seventeenth, eighteenth and nineteenth reports and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/FRA/17-19 and CERD/C/SR.2026, 2027, 2044 and 2045.

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Introduction

1. On 28 July 1971, France ratified the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter “the Convention”), which the United Nations General Assembly adopted on 21 December 1965.

2. In accordance with the reporting guidelines, and as recommended by the Committee on the Elimination of Racial Discrimination (hereinafter “the Committee”), the aim of the twentieth and twenty-first reports, which have been combined in this report, is not to revisit all the information already provided, but to describe developments in domestic law and practice since the last periodic report and update the data previously supplied. In 2010, France submitted an additional report containing information on the implementation of several recommendations made by the Committee when considering France’s seventeenth, eighteenth and nineteenth reports. The present report supplements the information already supplied and responds to the Committee’s observations and recommendations. In addition, the presidential and legislative elections in May and June 2012 led, because of a change of government, to new directions in public policy against racism and discrimination.

3. This report brings together contributions from the ministries concerned with the application of the Convention. The Government has also taken account of observations from the National Consultative Commission for Human Rights (CNCDH) and the Defender of Rights.

Part 1: General comments

1. Demographic information

(a) *Census*

4. According to the National Institute for Statistics and Economic Studies (INSEE), on 1 January 2013 the total population of France was 65.33 million people, including 62.76 million inhabitants of metropolitan France, 2.06 million inhabitants in the overseas départements (Guadeloupe, Martinique, French Guiana, Réunion and Mayotte) and 515,000 inhabitants in the overseas collectivities (French Polynesia, New Caledonia, Saint-Pierre and Miquelon, Wallis and Futuna, Saint-Martin and Saint-Barthélemy).

5. In 2008, there were 5.34 million immigrants (foreign-born persons resident in France) in France (Source: INSEE 2012). Of this total, 14 per cent were aged under 25 and 31 per cent over 55.

(b) *Foreigners holding a residence permit*

6. As regards foreigners who hold a residence permit, the French Government points out that only foreigners aged at least 18 (or 16 if they are in employment) are required to have a residence permit. Since 2004, residence permits have not been required, other than in the case of certain transitory regimes, for citizens of the countries of the European Union (or for citizens of Switzerland, Norway, Lichtenstein or Iceland).

Trends in the number of foreigners holding a valid residence permit or residence document between 2006 and 2010

	2006	2007	2008	2009	2010
European Union	794 481	662 069	572 526	497 741	425 520
Third countries	2 230 954	2 282 628	2 373 120	2 350 882	2 376 692
Total	3 082 858	3 002 624	3 005 113	2 908 868	2 865 748

Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Strategy Service

Breakdown of residence permits for the biggest nationality groups (Statistics as at 31/12/2010, “third countries”)

Nationality	2010
Algerian	578 109
Moroccan	463 122
Turkish	191 025
Tunisian	177 176
Chinese (including Hong Kong)	77 394
Malian	61322
Senegalese	55 538
Dem. Rep. of the Congo	47 235
Serbian-Montenegrin	45 202
Cameroonian	40 988

Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Strategy Service

2. Minorities and statistics on ethnic groups (Committee recommendation No. 12)

7. France does not recognize the existence within its territory of minorities with a legal status as such, and takes the view that the application of human rights to all of a State’s citizens on the basis of equality and non-discrimination normally provides them, whatever their situation, with the full and complete protection to which they are entitled.

8. France’s traditional view of minorities flows from principles rooted in its history and fixed by the Constitution. This view is founded on two basic concepts: citizens are equal before the law, which implies non-discrimination, and the nation is united and indivisible in terms of both territory and the population. The 1958 Constitution reaffirmed these principles.

9. In France’s view, the affirmation of an identity is the result of a personal choice, not of a set of criteria that define, a priori, a particular group and that would necessitate a separate legal regime. Such an approach protects the right of every individual to embrace a cultural, historical, religious or philosophical tradition, or to reject it.

10. France’s position on “ethnic statistics” reflects this approach. Pursuant to article 1 of the Constitution, which provides that the Republic “shall ensure the equality of all citizens before the law without distinction of origin, race or religion”, the Constitutional Council has held that “although the processing of the data necessary for carrying out studies

regarding the diversity of origin of people, discrimination and integration may be done in an objective manner, such processing cannot, without infringing the principle laid down in article 1 of the Constitution, be based on ethnicity or race” (Constitutional Council, decision 2007-557 DC, 15 November 2007). There is a wide consensus in civil society regarding this clear position. Thus, the National Consultative Commission for Human Rights, in its opinion of 22 March 2012, declared itself opposed to the institution of any system of ethnic and racial references even for the purposes of combating discrimination, while, however, proposing the creation of quantitative tools to improve the application of the law on non-discrimination.

11. France is wholly in favour of the development of tools for detecting discrimination in order better to combat it. Consequently, while the “objective data” used for studies cannot be based on ethnicity or race, they can, for example, be based, on name, geographic origin or nationality prior to French nationality, elements that make it possible to acquire a detailed knowledge of the population and its needs.

12. Accordingly, in 2011 the Defender of Rights and the National Commission for Information Technology and Civil Liberties (CNIL) pooled their expertise to prepare for stakeholders in the world of business (employers, human resources departments, etc.) a guide on collecting data in order to promote equality of opportunity in employment and, on the basis of the measurements made, to prevent or remedy any discrimination found. The guide clarifies the relevant legal and methodological conditions so that employers may engage with confidence in preventing discrimination and monitoring their equality policies. It contains, in four main sections, 25 fact sheets detailing the actions that can be taken and the precautions that must accompany them. The project received financial support from the European Commission’s Progress programme.

II. Outline of the policy followed since 2009

1. Prevention and suppression of racism and xenophobia

13. France has both developed new domestic measures and invested in international action to improve the effectiveness of its action against racism and xenophobia.

(a) At national level

14. Since 2010 France has strengthened the means for action and the powers of the authorities responsible for combating racism and xenophobia.

Implementation of the national plan to combat racism

15. Consistent with the recommendations of the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which took place at Durban in 2001, and of its own National Consultative Commission on Human Rights, France undertook before the United Nations Committee on the Elimination of Racial Discrimination, on 11 August 2010, to draw up a national plan of action to combat racism (Committee recommendation No. 9).

16. On 15 February 2012, the Government adopted, in the Council of Ministers, a national plan of action against racism and anti-Semitism 2012–2014. The Committee on the Elimination of Racial Discrimination congratulated France on that step in a letter dated 9 March 2012.

17. On 15 February 2012, the Government adopted, in the Council of Ministers, a national plan of action against racism and anti-Semitism 2012–2014 focusing on four areas:

- Improvement of awareness and assessment of racist and anti-Semitic acts;
- Systematic suppression of racist and anti-Semitic behaviour and better protection of vulnerable persons;
- Implementation of a long-term, comprehensive strategy against origin-related discrimination in government agencies, territorial collectivities and businesses through action in particular in the spheres of education, culture, sport and the media, with special attention being paid to our fellow citizens from overseas France;
- Incorporation of action against racism and anti-Semitism in integration and equal-opportunity policy.

18. The plan was amended on 26 February 2013 to allow for the establishment of nine measures to combat prejudice: a common training module for all new State employees; training of professionals who are in contact with the public; combating of racism and anti-Semitism on the Internet; cultural and memory initiatives as a means of teaching against racial hatred; stimulation of young people's civic awareness; awareness-raising for future senior government officials and socioeconomic stakeholders; assistance for victims; respect and tolerance in sport and non-formal education; development of a diversity charter and label for businesses.

19. On 16 February 2012, the Government appointed by decree an interministerial delegate for the fight against racism and anti-Semitism to coordinate implementation of the plan and draft and apply the decisions of the Interministerial Committee for the Fight against Racism and Anti-Semitism.

20. This official is under the combined authority of the Prime Minister, to whom he reports, and of the Minister of the Interior, to whose department he belongs. He is responsible for the combating of racism and anti-Semitism, with a strong emphasis on prevention and education. This, it should be noted, is a sphere of action distinct from that of the combating of discrimination in general, particularly discrimination connected with disability, age or sex.

21. The commission of serious crimes in Montauban and Toulouse in 2012 prompted the Government to supplement and partly to refocus the national plan.

22. Thus the Interministerial Committee for the Fight against Racism and Anti-Semitism as convened by the Prime Minister on 26 February 2013 adopted a series of measures relating to education, training and awareness-raising. The measures are aimed at school and university students, government officials, staff in contact with members of the public, non-formal-education and sports associations, Internet users and professionals, the world of work, victims and memorial and cultural sites. The objectives are to make government action more coherent and to ensure an in-depth, long-term effort to forestall the emergence of racist and anti-Semitic prejudice.

23. Both a precise timetable for implementation and monitoring indicators will be developed for each of the measures in question. The Interministerial Committee will assess the results of the plan in 2014 and decide if necessary on fresh approaches.

24. The Interministerial Delegate will seek to revitalize the commissions for the promotion of equality of opportunity and citizenship that have since 2005 been combating all forms of discrimination in a variety of fields (justice, employment, education, etc.) through grass-roots preventive action in support of equal access to property, services and employment. Among concrete examples of action by these commissions are the action plan in the five areas of schooling, housing, employment, information and multiculturalism adopted in Réunion in February 2012 or, in the case of the *département* of the Gard, the

decision, following racist incidents in mid-2012, to hold a “fraternity and living together week” and organize a schools competition.

The Defender of Rights (Committee recommendation No.19)

25. On 1 May 2011, the Defender of Rights, an independent authority created by Constitutional Act No. 2008-724 of 23 July 2008, replaced the High Authority to Combat Discrimination and Promote Equality (HALDE) established by Act No. 2004-1486 of 30 December 2004. The Defender of Rights has also taken over the functions previously performed by the National Ombudsman, the Children’s Ombudsman and the National Commission on Security Ethics. As a constitutional authority, the Defender of Rights has wide responsibilities and greater powers than those institutions.

26. The Defender of Rights is charged with combating direct or indirect discrimination prohibited by law or by an international undertaking that France has ratified or approved. It ensures that everyone is able to know their rights and to have them recognized and applied in accordance with the criteria regarding discrimination set out in legislative texts, including the criterion of origin.

27. There are very few restrictions on applying to the Defender of Rights. It is for this institution to “determine whether complaints filed with it or matters brought to its attention require action on its part”. Applications may be made either directly by any natural or legal person, including minors seeking protection of their rights, or by the authorized representatives of persons whose rights and freedoms are at issue, members of the French Parliament, French members of the European Parliament and the European Ombudsman and his foreign counterparts.

28. Where the fight against discrimination is concerned and subject to the victim’s consent, applications may also be made by any association that has been properly registered for at least five years by the time of the event in question and that is statutorily involved in that fight. In addition, the Defender of Rights may, irrespective of the circumstances, take up *proprio motu* cases coming within its sphere of competence.

29. In the period from 1 January to 31 December 2011, the High Authority to Combat Discrimination and Promote Equality and subsequently the Defender of Rights in exercise of its role against discrimination received 8,183 applications. These related principally (23.5 per cent of cases) to persons’ origin.

30. The Defender of Rights has extensive powers: it can request explanations and all relevant documents from the authorities involved in a case, conduct hearings and make in situ inspections, under the control of a judicial officer where necessary. On the basis of the information obtained, the Defender of Rights may decide to submit comments to civil, administrative or criminal courts on matters brought before it. It is also entitled to make recommendations and has a real power of injunction to ensure the observance of rights. If an injunction is not obeyed, the Defender of Rights will draw up and publish a special report.

31. Familiarity with, and analysis of acts of discrimination and the perceptions of the people concerned are essential to the more effective combating of stereotypes and prejudices. To that end, the Defender of Rights undertakes a variety of research, surveys and studies to see what situations people encounter in employment, housing and education and to devise appropriate solutions to put an end to inequality and discrimination.

32. Support for change in all stakeholders’ practices is a second major aspect of anti-discrimination policy. The Defender of Rights therefore holds regular consultations with non-profit organizations representing particularly vulnerable groups and conducts awareness-raising and information campaigns with their assistance.

33. The Defender of Rights is a member of the National Consultative Commission for Human Rights. This facilitates coordination of their action.

The National Consultative Commission for Human Rights

34. The National Consultative Commission for Human Rights (CNCDH) is a body whose independence is guaranteed by law. Its members include in particular representatives of non-governmental organizations specializing in the areas of human rights, international humanitarian law or humanitarian action, experts from international organizations, qualified public figures, trade-union representatives and members of Parliament.

35. It provides advice and makes proposals to the Government in the areas of human rights, international humanitarian law and humanitarian action. It assists the Prime Minister and other concerned ministers by advising them on all matters of general interest, whether national or international, within its sphere of competence.

36. It may, on its own initiative, publicly draw the attention of Parliament and the Government to measures it considers conducive to the protection and promotion of human rights. In addition, it issues an annual report containing in particular a qualitative survey and recommendations to the Government aimed at strengthening action against racism. This report is the subject of wide public and media interest.

37. The Commission is also responsible for assessing the national plan of action against racism and anti-Semitism.

Judicial action

38. France's previous report to the Committee already referred to the steady strengthening of the legal penalties for racist, anti-Semitic or xenophobic acts through Act No. 2003-88 of 3 February 2003, which increased the penalties for racist, anti-Semitic or xenophobic offences, and the Act of 9 March 2004 adjusting the country's law to changes in criminal behaviour. While "hate crime" does not exist as a specific offence in French law, the 2004 Act penalizes action of that nature by making racial or xenophobic motivation an aggravating factor in both minor and serious criminal offences.

39. France ensures, through a firm and effective policy of public action suited to the various situations that may arise, the full application of the above instruments.

40. Hence, in two notes dated 13 March and 28 June 2012 the Minister of Justice drew the attention of the State Prosecutor's office to the need for a firm and appropriate response by the criminal courts to acts of a racist, anti-Semitic or xenophobic nature.

41. This policy of vigilance has yielded concrete results. In the ten years from 2001 to 2011, the number of convictions solely or principally for racism-related offences rose by 87 per cent, from 267 to 495.

	<i>Numbers of convictions (or offences) for offences relating to racism, anti-Semitism or discrimination</i>											
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011*
Racism-related offences in convictions	175	211	228	208	345	573	611	577	682	579	562	431
Convictions principally for a racism-related offence	129	152	158	145	236	380	364	423	469	397	389	285
Convictions solely for a racism-related offence	89	115	115	105	165	253	275	306	344	288	295	210

* Provisional figures.

(b) *At the European level*

42. In the fight against racism, anti-Semitism and xenophobia, France pursues a proactive, ambitious policy at the regional and international levels.

43. In the European Union:

- France worked in particular for the adoption of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law which was proposed by the European Commission in 2001 and adopted on 28 November 2008 during the French presidency of the Union;
- France supports the Agency for Fundamental Rights in the Agency's observation and dissemination of good practice regarding the combating of discrimination, racism and xenophobia;
- Furthermore, with the entry into force of the Treaty of Lisbon in 2009, the European Charter of Fundamental Rights, some of whose provisions, especially Chapter III, entitled "Equality", directly concern the combating of discrimination, acquired binding legal force and thus a wider impact.

44. Within the Council of Europe:

- France supports the work of the Council and accepts scrutiny by its various bodies. It submits a quinquennial report to the European Commission against Racism and Intolerance (ECRI) and plays the greatest attention to the Commission's recommendations;
- France is responsive to the adjustment of legal instruments to developments in new technology: in 2006, it ratified the Additional Protocol to the Council's Convention on Cybercrime, which, in keeping with the theme of the OSCE conference held in Paris in 2004, seeks to combat incitement to hatred via the Internet. France has mobilized its partners to increase the number of States parties to that instrument.

45. With regard to Roma, concerning whom the Committee on the Elimination of Racial Discrimination has made recommendations, France has embarked on the definition and implementation of a policy to secure their better integration:

- Further to the adoption by the European Commission of the European Union Framework for National Roma Integration Strategies up to 2020, France published

early in 2012 a document entitled Strategy of the French Government for Roma Inclusion which makes access by Roma to education, employment, health and housing one of the country's leading priorities. The strategy also encompasses the defence of fundamental rights in order to combat human trafficking, discrimination and social inequalities. It is now in the process of revision;

- The Government has also declared its intention to find a solution to the social distress of which illegal camps are often a symptom by ensuring that judicial decisions and public-safety requirements necessitating evacuation are applied in a manner consistent with the principles of dignity and humanity. In that regard, an interministerial circular of 26 August 2012 calls on government agencies and local authorities to ensure that situations are individually analysed and that all the appropriate accompanying measures (provision of access to education, health care, accommodation, etc.) are taken. In addition, in September 2012 the Prime Minister instructed the Interministerial Delegate for Accommodation and Access to Housing to be proactive in providing support in the event of operations to evacuate illegal camps. For this purpose the Delegate can in particular call on a network of département-level representatives and has issued practical guides for government departments and local authorities;
- The Government has also decided to ease the conditions for access to the labour market by Romanians and Bulgarians to align them more closely with those applicable to European Union citizens in general. Since 1 October 2012, the list of professions open to Romanian and Bulgarian nationals has been expanded from 150 to 291;
- Believing that improving the situation of Roma entails involving the States of which they are nationals, France promotes programmes to further their economic and social integration. On 12 September 2012, the French Office for Immigration and Integration and Romanian authorities signed an agreement for the setting-up and monitoring of 80 insertion projects;
- France also plays a very active part in implementing a proactive policy at the levels of countries, the European Union and the Council of Europe to promote, together with the countries of origin, the social and economic integration of Roma. For example, it contributed to the elaboration of, and will work to implement the European Union Framework for National Roma Integration Strategies up to 2020. It has also contributed 185,000 euros towards a training programme for the Council of Europe mediators.

(c) *At international level*

46. France supports the work of the OSCE against discrimination and the programmes of the Tolerance and Non-Discrimination Unit of its Office for Democratic Institutions and Human Rights. Inter alia, it supports the Office's training activities, educational assistance, campaigns to raise awareness and prevent racial stereotyping and its data base on hate crime. It was visited by the three personal representatives of the OSCE Chairman-in-Office for anti-Semitism, Islamophobia and religious intolerance in late 2011 and by the OSCE High Commissioner on National Minorities in March 2012.

47. Having played a very active role in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held at Durban in 2001 and in the 2009 Review Conference, France is also a very active participant in the various follow-up activities to the Durban Conference (Committee recommendation No. 22).

48. Following its consideration of the seventeenth, eighteenth and nineteenth reports submitted by France under article 9 of the Convention, the Committee on the Elimination of

Racial Discrimination made a number of recommendations in its concluding observations dated 27 August 2010 with respect in particular to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Committee recommendation No. 21) and the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Committee recommendation No. 18).

49. France, like the other States members of the European Union, has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and Members of Their Families, which was adopted on 18 December 1990 and came into force on 1 July 2003. There are a number of issues which prevent the French Government from subscribing fully to the provisions of this convention, in particular the absence of a systematic distinction between persons in a regular situation and those in an irregular situation. France combats irregular immigration and clandestine work and does so in the interests of migrant workers themselves. Furthermore, asylum and immigration policy being a matter of shared competence between the member States and the European Union, no member State can ratify the Convention without prior consensus at the European level.

50. France is fully aware of the importance of respecting migrant workers' rights and has in fact subscribed to international instruments in order to guarantee their protection:

- It has in particular ratified the 1983 Convention on the Legal Status of Migrant Workers concluded under the auspices of the Council of Europe. That instrument aims to do away with discriminatory provisions in domestic laws and to ensure equality of treatment between nationals and migrant workers and members of their families;
- There are in addition a number of European Union directives which safeguard rights for migrant workers who are in a regular situation. Examples include Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, article 11 of which guarantees equal treatment with nationals as regards access to employment, education and vocational training, and, more recently, Directive 2009/50/EC, which establishes the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment and provides in its article 14 for equal treatment as regards conditions of employment and freedom of association.

51. Moreover, the rights of migrant workers who are in an irregular situation are covered by the European Convention for the Protection of Human Rights and the other international human rights instruments to which France is party.

52. ILO Convention No. 169 confers specific rights on a particular group by comparison with the rest of the population. France cannot ratify this Convention because of two constitutionally guaranteed fundamental principles: the principle of equality, which implies non-discrimination, and the principle of the unity and indivisibility, in terms of both territory and the population, of the Nation.

53. French law does not recognize the concept of minorities:

- When its opinion was sought on the question of the signing of the Framework Convention for the Protection of National Minorities, the Council of State confirmed that instrument to be contrary to article 2 of the French Constitution of 4 October

1958, which states that France is an indivisible republic,¹ and to the principle whereby the French people comprises all French citizens “without distinction of origin, race or religion” (Opinion of 6 July 1995);

- For its part, the Constitutional Council held, when it examined the compatibility of the 1992 European Charter for Regional or Minority Languages with the Constitution, that, in the light of the principles of the indivisibility of the Republic, equality before the law and the unicity of the French people, “no collective rights can be recognized as inhering in any group defined by community of origin, culture, language or belief”. This constitutional arbiter reaffirmed the constitutional value of the principle of the unicity of the French people (Decision 99-412 DC of 15 June 1999).

54. France adheres to a particularly demanding concept of human rights according to which the application of those rights to all the nationals of a State in a context of equality and non-discrimination affords them, whatever their situation, full and entire protection.

55. Far from denying cultural diversity, the basing of the legal context on the equality of all citizens guarantees observance of the principle of non-discrimination throughout the territory of the Republic and thereby equality of treatment for all without distinction of origin. In practice it enables everyone, whether or not they consider themselves to belong to one group or several, to exercise their rights and freedoms without suffering discrimination in connection with their identity.

2. Policy regarding the reception, residence and integration of foreigners

56. Respect for the fundamental rights of the individual and, above all, the dignity of the human person, in keeping with France’s international human rights commitments and the integration of foreigners arriving in France for the first time or allowed to take up residence are two essential elements of all policy regarding the entry and residence of foreigners.

57. The legislation applicable to the entry and residence of foreigners is based on the Order of 2 November 1945 as amended in 1993, 1997, 1998 and 2003, codified in 2006, and recently supplemented by Act No. 2011-672 of 16 June 2011 on immigration, integration and asylum.

58. The Act of 16 June 2011 basically transposed into French law the following three European Union directives:

- Directive 2008/115/EC of 16 December 2008 on common standards and procedures in member States for returning illegally staying third-country nationals, known as the Return Directive. This instrument seeks to promote voluntary return by illegally staying foreigners;
- Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, known as the Blue Card Directive. Under this directive, foreign nationals may obtain renewable residence permits valid for three years and residence permits for their families;
- Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country

¹ Since the constitutional revision of 4 August 1995 this article has been article 1: “France is 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. It shall be organized on a decentralized basis” (art. 1, first para.).

nationals, known as the Sanctions Directive. This instrument strengthens sanctions against employers rather than illegal immigrants, in particular by providing for criminal penalties.

59. The Act also strengthens the role played by the reception and integration contracts described in part 2 of this report in the renewal of residence permits. In addition, it provides that the period of residence in France required for naturalization can be reduced from five years to two if the foreigner in question “can provide proof of an exceptional integration path” and bases the granting of French nationality on a good knowledge of French and of the history and institutions of the French Republic.

60. The President of the French Republic who was elected on 6 May 2012 has pledged to “pursue a new, responsible migration policy based on clear, fair and stable rules”. This policy, which will comply fully with international commitments, particularly regarding asylum, and be humane, will combine firmness in combating illegal immigration and clandestine networks with greater protection for legal immigrants. In keeping with the outline of government policy given by the Prime Minister in his general policy statement on 3 July 2012, the Government has begun to study what measures are needed to meet those redefined objectives. By the time of submission of this report, the Minister of the Interior had already taken three relevant measures: repeal of the circular of 31 May 2011 concerning foreign students, in order to facilitate the admission to resident status of highly qualified persons wishing to remain in France; issue of the circular of 6 July 2012, which, for families with children that are in an irregular situation and are awaiting expulsion from France, makes house arrest the rule and administrative detention the exception. In addition, new rules have been introduced through the circular of 28 November 2012, which sets out objective and transparent criteria for the admission to resident status of foreigners in an irregular situation, and the circular of 11 March 2013, which is aimed at strengthening the fight against human trafficking and immigrant-smuggling networks.

61. France has also ceased the holding of foreigners in police custody merely because they are in an irregular situation and has replaced that measure by judicial restraint for a maximum of 16 hours.

3. Asylum policy

(a) The applicable legal regime

62. The legal regime applicable to asylum is laid down in articles L.711-1 to L.765-1 of the Code on the Entry and Residence of Foreigners and the Right of Asylum (CESEDA).

63. Under the Code, applications for asylum are processed by an independent public body, the French Office for the Protection of Refugees and Stateless Persons (OFPRA), under the supervision of the National Court of Asylum. Asylum is granted to everyone meeting the definition of a refugee within the meaning of the Convention relating to the Status of Refugees of 28 July 1951 or qualifying for subsidiary protection. Exceptions apart, all asylum-seekers are entitled to residence in France throughout the period when their applications are being processed, to accommodation in reception centres for asylum-seekers and to access to the universal medical cover scheme.

(b) The recent changes

64. There has been no major change in asylum law during the past two years. The provisions introduced by the Act of 16 June 2011 concern the functioning of the National Court of Asylum and application of the priority-processing procedure to certain types of asylum request.

65. The new Government's review of asylum policy will be conducted in strict accordance with the country's traditional approach and international commitments and the obligations deriving from European Union law. French law is governed by European Union directives and regulations that are currently being revised with a view to the establishment in 2012 of a common European asylum system. The revised Directive concerning long-term residents in the European Union was adopted on 11 May 2011 and entitles beneficiaries of international protection to a long-term residence permit. The Directive on protection status and content was adopted on 13 December 2011. Lastly, political agreement has been reached on a number of other texts: the Reception Conditions Directive on 25 October 2012; the Dublin Regulation on 14 November 2012 and the Asylum Procedures Directive and revised EURODAC Regulation on 21 March 2013.

66. The Act of 16 June 2011 supplements article L. 741-4 of CESEDA by providing that asylum can be refused if the application "is based on deliberate fraud or constitutes abusive recourse to asylum procedures or is made solely to frustrate an already issued or imminent expulsion order".

(c) *The number of asylum-seekers*

67. In 2011, France took in 57,337 asylum-seekers, making it the leading European country as regards reception. The year saw the fourth consecutive rise in applications for asylum, which numbered 47,686 in 2009 and 52,762 in 2010.

68. In 2011, the main countries of origin were Bangladesh (3,462 applications), the Democratic Republic of the Congo (2,827), Armenia (2,651), Sri Lanka (2,544), Russia (2,505) and China (1,991).

69. The number of persons granted refugee or subsidiary protection status in 2011 was 10,657 (10,340 in 2010), for an admission rate of 25.2 per cent (27.5 per cent in 2010). That brought the total number of refugees and beneficiaries of subsidiary protection to 168,887.

4. **Anti-exclusion policy**

70. The problem of access to rights is now more a matter of the realization of existing rights than of the creation of new ones. That is the finding both of the stakeholders in the 2010 European Year for Combating Poverty and Social Exclusion and of the National Council for Policies to Combat Poverty and Social Exclusion (CNLE). Access to rights is, indeed, a first and vital stage in social integration.

71. In practice, entitlements to some forms of aid are not fully utilized. For example, almost 1.7 million households eligible for the RSA income supplement in the last quarter of 2010 failed to apply for it, usually because of their lack of knowledge about it. The "non-applicants" were principally couples, men living alone and households without children and, moreover, the least poor among them, those who were closer to the labour market and had the least disadvantaged living conditions. They referred only marginally to the financial unattractiveness of the aid or to fear of losing related rights as reasons for their failure to apply. High rates of non-application are, however, not confined to the RSA. Numerous studies have calculated or estimated non-application rates for a variety of aid and social programmes in the fields of health (assistance in taking out supplementary health insurance, primary care services, mental health services), housing, employability, social security, personal services, and so on. The average rate of non-application is slightly under 40 per cent (Source: National Family Allowance Fund, CNAF).

72. The Government recently revised the RSA scheme to make it more effective. A plan for simplifying the scheme was drawn up in July 2010 in cooperation with the *départements* and all the measures in it have been implemented. This has strengthened the scheme in three main respects: simplification of procedures and improvement of target

populations' access to information; optimization of management of the scheme and facilitation of stakeholder dialogue; promotion of vocational integration.

73. In his general policy statement before the National Assembly on 3 July 2012, the Prime Minister announced the Government's intention to draw up a five-year plan for combating extreme poverty that would take into account the issues identified at the social conference of 9–10 July 2012 between the Government and social partners and the conference of 10–11 December 2012 with non-profit organizations, local collectivities and social protection agencies concerning the combating of poverty and the promotion of social inclusion. The plan was formally adopted on 21 January 2013 at a meeting of the Interministerial Committee against Social Exclusion held at the Prime Minister's official residence.

74. The 2012 Budget Adjustment Act, Act No. 2012-958 of 16 August 2012, removed the requirement established in 2011 for the payment of stamp duty in the amount of 30 euros in order to obtain the coverage of medical expenses under the State Medical Assistance (AME) scheme. The purpose of the change was to prevent the very poor from forgoing or delaying medical care.

5. Action in support of travellers (Committee recommendation No. 16)

75. According to information provided by groups and non-profit organizations, the Roma population in France numbers about 300,000. Such persons are usually described as "travellers", even though only about a third of them move around the national territory. Another third is regarded as semi-sedentary and the final third has taken up settled residence.

76. This population group encounters major economic and social problems. As well as the continuing obstacles they have to contend with in relation to housing and the parking of their vehicles, travellers often have poor levels of qualification, making it difficult for them to enter the labour market. They also suffer from discrimination in relation to employment, housing, education, health and citizenship.

77. Accordingly, the National Consultative Commission for Human Rights stated in its Opinion dated 22 March 2012 that the confusions and generalizations that are current concerning these people "must be fought against by concrete measures to further access to rights and by genuine and clearly stated political will to combat stereotypes and discrimination" through a real partnership with the groups concerned.

(a) Action to guarantee travellers the exercise of full citizenship

78. The Act of 3 January 1969 on the exercise of itinerant activities and the regulations applicable to persons moving around in France without a domicile or fixed place of abode, which provides that travellers must have a movement permit, distinguished between persons able to prove they had a regular income, who were given a type of permit known as a "*livret de circulation*", and persons without a regular income, who were required, on penalty of imprisonment, to have a permit known as a "*carnet de circulation*" that had to be stamped every three months by an administrative authority. The Act also provided that persons without a domicile or place of fixed abode who had been formally connected with a commune for an unbroken period of three years could be placed on that commune's electoral roll.

79. In response to the Committee's priority recommendation, France began in 2010 to consider how the Act of 3 January 1969 might be amended. It charged Senator Pierre Hérisson, the President of the National Consultative Commission for Travellers, with preparing a report that was submitted to the Prime Minister. The proposals in it concerned in particular exercise of the right to vote and movement permits. However, because of

scheduling constraints and the absence of a legislative medium for putting forward the proposed changes, the then Parliament was unable to debate them before its term of office ended in June 2012. The Committee will be kept informed of the new Government 's intentions concerning them.

80. French law has, nonetheless, recently been amended through action by the Constitutional Council, which, in its Decision No. 2012-279 QPC of 5 October 2012, pronounced the immediate repeal on the ground of unconstitutionality of a number of provisions of the Act of 3 January 1969:

- The Council held the difference in the treatment afforded to persons permanently resident in a vehicle, trailer or other mobile shelter according to whether or not they had a regular income to be unconstitutional. Persons without a regular income were the only ones obliged to have their movement permit stamped by an administrative authority;
- The Council further held that, in requiring that the *carnet de circulation* should be stamped every three months by an administrative authority and imposing a penalty of a year's imprisonment for movement within France without a *carnet de circulation*, the Act disproportionately infringed the freedom of movement.

81. The Council held that requiring persons who had been without a domicile or place of fixed abode for more than six months to be formally connected with a commune did not infringe either the freedom of movement or the right to privacy. In the Council's view, the requirement did not limit either such persons' freedom of movement or their freedoms to choose a fixed or mobile form of accommodation and to decide on their place of temporary settlement. Nor did it entail an obligation to live in the commune to which an administrative authority declared them to be formally attached, but was instead intended to obviate the inability they would otherwise have to meet the conditions for the enjoyment of certain rights and the performance of certain duties.

82. Requiring persons without a domicile or place of fixed abode to furnish proof of three years' uninterrupted connection with the same commune in order to be included in the electoral roll was, however, ruled unconstitutional, since the Constitution prohibits all division of voters and potential candidates for office into categories.

83. In addition to those significant changes to the law, concrete measures have been taken for the benefit of travellers: in 2012 the Ministry of Justice renewed the annual agreement on objectives and resources with the National Association of Catholic Travellers (ANGVC). The objectives under the agreement include implementation of a strategy and provision of legal support for travellers, publication of a guide and fact sheets, provision of information to travellers about their rights and duties regarding the difficulties of their nomadic lifestyle, making of a survey of the types of discrimination consequent on their choice of accommodation, and development of a legal monitoring network.

(b) *Domiciliation and accommodation*

84. Linked to the question of travel permits, the issue of domiciliation has also been considered by the Ministry for Housing and Town Planning. For example, article 51 of the Act of 5 March 2007 on the enforceable right to housing, which reforms the law on domiciliation, provides travellers with better guarantees of access to welfare benefits by giving them the opportunity of acquiring domicile with an approved body (or local social welfare centre, CCAS), like any person of no fixed abode. The reform is also intended, in particular, to remove the difficulties encountered in obtaining access to bank loans and insurance (cars, caravans, etc).

85. The enforceable right to housing enables all applicants for housing to appeal to the courts if their applications do not meet with a response that properly reflects their needs and abilities.

86. Under the Act of 5 July 2000, all communes with more than 5,000 inhabitants must establish and equip permanent or transit sites for travellers to form part of the network of the *département* concerned. In 2012, prefects were reminded, by a circular dated 23 March concerning preparations for the summer arrival of large groups of travellers' caravans, that priority should be given to the creation of those facilities. Instructions were given to facilitate the establishment of temporary stopping places and to remedy the shortage of them by, where possible, making available State land.

(c) *Support for socio-educational and cultural measures to help travellers (Committee recommendation No. 17)*

87. Every year, the Ministry of Social Affairs provides financial support for initiatives by local non-profit organizations to promote, in particular, pre-schooling and schooling for children, access to social welfare, training of personnel, mediation activities and integration into working life.

88. The Ministry of Culture and Communication heads a working group on culture and travellers that meets every other month and is charged with spreading awareness of travellers' cultural heritage and contribution to high culture. The group encourages contemporary artistic creativity connected with nomadism and sedentarity. It issues invitations to the federations and non-profit organizations participating in the work of the National Consultative Commission for Travellers, with the aim of creating a "Culture and travellers" network within which each federation would have a "representative for culture" so as to facilitate coordinated action. These efforts could lead to the elaboration in 2013 of a "Culture and travellers" charter. Together with non-governmental organizations combating poverty and promoting social reintegration, France has developed a concerted policy aimed at the vulnerable and excluded; the shared objectives are to develop access to culture and emphasize cultural diversity.

(d) *Educating travellers' children*

89. The group of people known as "travellers" is far from homogenous. Its members' social and economic situations vary widely: some families are very poor, while others (traders, fairground or circus workers, etc.) are able to make a comparatively comfortable living. In France, the phrase "travellers' children" refers to children from itinerant or recently settled families who attend school intermittently (see the Opinion concerning respect for the rights of "travellers" and migrant Roma in the light of recent responses by France to international bodies that the National Consultative Commission for Human Rights adopted in plenary session on 22 March 2012).

90. Pursuant to article L.111 of the Education Code, which guarantees everyone access to education, schooling within the national education system is available to these children. As a matter of principle, they are to be integrated into normal classes. However, in order "to guarantee equality of opportunity, appropriate provisions shall make it possible for each individual to have access to the different types or levels of education in accordance with his or her abilities and specific needs" (Education Code, article L.111-2).

91. Measures to support the education of travellers' children are based on mobilizing local players in accordance with the traveller-reception plan of the *département* in question. Under the supervision of the director of education services for the *département*, who represents the head of the regional education authority (*académie*), a coordinator liaises between the government agencies, non-profit organizations and the centres for the

education of new arrivals and traveller's children in the authority's catchment area (CASNAV). The centres establish teaching arrangements, assist teaching teams and provide mediation services for the families and partners concerned. By means of three circulars issued on 12 September 2012, the Deputy Minister for Educational Success restated the obligation to provide education for travellers' children, established the principle of the children's provisional enrolment in schools even when their parents were not able to produce the requisite administrative documents and redefined the role of the CASNAV, charging the centres with serving in particular as the "direct interlocutor of the stakeholders on the ground", especially mayors, in all matters relating to the children's education and requiring that the centres be "clearly identified" and "ensure active and permanent cooperation between education authorities at the *département* level, welfare agencies and communes".

92. Travellers' children with an inadequate knowledge of French can be taught, following the procedure specific to each level of education, by teachers trained in teaching the language in programmes designed for pupils newly arrived in France.

93. In addition, the Ministry of the Interior is particularly attentive to the creation of a physical environment conducive to the schooling of children from itinerant families or families in the process of sedentarization. For example, the above-mentioned circular of 28 August 2010 states that, when setting the maximum permitted duration of stay on travellers' sites, account should be taken of the needs of children attending school. It also recommends that communes should take particular care to ensure that the places they choose for travellers' sites meet the legal requirements, including as regards access to schools.

(e) *National- and local-level agencies for cooperation with travellers*

94. The National Consultative Commission for Travellers, which is governed by Decree No. 2003-1120 of 24 November 2003 and comes under the authority of the Minister for Social Affairs and the Minister for Housing, studies the problems encountered by travellers and makes proposals aimed at improving travellers' integration in the national community. Under the Decree, the Prime Minister can consult it concerning draft legislation and regulations and action programmes to improve the integration of travellers and applications for its opinion on any of the matters within its competence can also be made by members of the Government, by its own President or by not less than a third of its members.

95. The President of the Commission is appointed by the Prime Minister on the recommendation of the Minister for Social Affairs and the Minister for Housing. The President and the members of the Commission serve for three-year terms. The Commission's present members were appointed by an order dated 27 April 2011 and its President, Senator Pierre Hérisson, was reappointed by prime-ministerial decree on 22 February 2012.

96. The Commission held six plenary meetings between June 2010 and February 2012. The topics covered at those meetings reflect the difficulties travellers encounter. They included the operation and financing of travellers' sites, the review of *département*-level traveller-reception plans and the levying of housing tax on mobile residences. The Commission also discussed the main themes of a draft circular on education of the children of travellers and non-sedentary families intended

97. At local level, in each *département* a consultative commission comprising in particular representatives of the communes concerned, travellers and travellers' aid associations participates in the drafting and implementation of the traveller-reception plan. The commission is jointly chaired by the State's representative in the *département* and the President of the General Council of the *département*. Every year, it makes an assessment of

the plan's implementation. It may appoint a mediator to review the difficulties encountered in implementing the plan and propose how they may be resolved.

6. Urban policy

98. Urban policy must help to reforge the republican compact and restore the role of public services as a factor for social integration, while reaffirming the importance of citizenship as a source of rights but also of duties. Regardless of origin, place of residence or social status, every person must have a sense of belonging to the same community of life and destiny. The urban environment must provide a framework for better integration of populations of differing origins.

99. Pursuant to the new policy of support for disadvantaged suburbs, the Interministerial Committee for Towns (CIV) examined each of the relevant ministries' three-year programmes for such areas in June 2008 and met in February 2011 to draw up the roadmap for each ministry's action. All aspects of public action in priority districts are involved:

- Regarding employment, strengthening of the autonomy contract and funding for 15,000 contracts;
- Regarding education, opening of ten *internats d'excellence* (boarding schools to promote academic excellence) and *résidences pour la réussite* (halls of residence for success) providing extra support for, respectively, promising high-school pupils and promising university students from disadvantaged areas;
- Start of a trial in 33 neighbourhoods covered by urban social cohesion contracts (CUCS).

III. Situation in the overseas territorial collectivities

100. Under the French Constitution of 4 October 1958, the indivisibility of the Republic is sacrosanct. The Constitution recognizes a single French nationality, to which rights are attached; there is therefore no legal discrimination between people from metropolitan France and those from overseas France. The latter can vote in all elections, are represented in Parliament and have freedom of movement and establishment throughout French territory. They also have European citizenship.

101. The Constitution distinguishes between the overseas *départements* and regions (art. 73), the overseas collectivities (art. 74) and New Caledonia (Title XIII, Transitional Provisions).

1. The legal status of the indigenous populations of overseas France (Committee recommendation No. 18)

102. In voting in 2007 for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, France undertook to respect the provisions of that instrument throughout its territory and hence in the overseas collectivities. The Declaration sets out the individual and collective rights of indigenous peoples, including those relating to culture, identity, language, employment, health and education. France therefore strives, in accordance with the constitutional principle of equality, to take into account the aspirations expressed by its overseas indigenous populations. In view of that principle and the principle of the indivisibility of the Republic, the establishment of a legal regime that would create population categories with differing rights is forbidden and collective rights cannot take precedence over individual rights.

103. That having been said, the overseas collectivities do include population groups corresponding to the definition of "indigenous peoples": the Amerindians in French

Guiana, the Polynesians in French Polynesia, the Melanesians in New Caledonia, the Mahorans in Mayotte, and the Wallisians and Futunans in the Wallis and Futuna Islands. These territories differ from each other and the situations of their populations also differ.

104. While Amerindians make up only 5 per cent of the population in French Guiana and Kanaks a little under 50 per cent of the population in New Caledonia, the indigenous peoples constitute the majority of the population in Wallis and Futuna, Mayotte and French Polynesia. In addition, some territories have a status close to that of the regions in metropolitan France, whereas others have a local government with extensive powers.

105. The provisions of the Noumea Accord on the future of New Caledonia partially reflect those of the United Nations Declaration on the Rights of Indigenous Peoples. The Accord was signed by representatives of the territory's two main political groups, including the FLNKS (an alliance of political parties representing principally Kanaks), and representatives of the French Government. The Statutory Act of New Caledonia translated the provisions of this agreement into law.

106. So as to adopt measures suited to each of these population groups in the light of local cultural, economic and social conditions, France has given preference to a course of concertation with the representatives of the collectivities.

107. To date, it has proved easier to take particular population groups' requirements into account in the statutes of overseas collectivities (New Caledonia, French Polynesia and Wallis and Futuna) than in those of overseas *départements* (French Guiana). The "legislative assimilation" system, or the identical application of the nation's law in all *départements*, may have made it more difficult to understand the specific situations of overseas indigenous populations. The greater autonomy enjoyed by the collectivities of French Polynesia and New Caledonia, along with the transfer of powers, has helped in responding to their local populations' needs. Following the amendment of the Constitution on 23 February 2007, a restricted electorate was established in New Caledonia on 8 November 1998 for the 2009 and 2014 territorial elections.

108. The French approach does not preclude the right of the indigenous peoples of overseas France to enjoy their own cultural life in common with the other member of their group, to practise their own religion or to use their own language. Specific measures and regulations have been set in place for the indigenous communities in order to take account of the geographical circumstances and customs of the French overseas collectivities. Thus, article 75 of the Constitution provides that the traditions and customs of the overseas collectivities must be respected. Two kinds of legal status exist alongside one another in Mayotte and in two overseas collectivities in the Pacific (New Caledonia and Wallis and Futuna): civil status under ordinary law, governed by the provisions of the Civil Code, and personal status under local or customary law. In Polynesia, personal status ceased to exist as a result of the Order of 24 March 1945 for the abolition of personal status in French Polynesia.

109. It should also be borne in mind that the principle of secularism is one of the constitutional principles and rules that apply throughout the territory of the Republic. Consequently, religious beliefs can have no impact on the personal civil status of women who are French citizens resident in overseas France.

2. Interministerial Delegation for Equality of Opportunity for Citizens of Overseas France

110. The Interministerial Delegation for Equality of Opportunity for Citizens of Overseas France was established in 2007 to prevent the particular difficulties that citizens of overseas France encounter in metropolitan France and to facilitate their relations with their home collectivities.

111. Its activities cover areas as varied as employment, training, housing and consumption. For example, in December 2011 the Delegation launched a scheme entitled “Our overseas compatriots are talented” to help young graduates from overseas France to find jobs. The aim is, through active sponsorship, to enable overseas French aged under 30 who have at least a baccalaureate and four years’ further study to find employment that matches their skills. In addition, two circulars dated 23 July 2010 concerning participation by overseas French in civil-service entrance examinations and the development of a more ethnically diverse civil service are intended to improve the chances of overseas French of obtaining higher-level positions, whether in the overseas territories or in metropolitan France, to improve the arrangements for staff transfers in overseas *départements* and to give those in charge of government action in overseas France a role in promoting diversity in recruitment.

3. Social, economic and cultural policy in overseas France

(a) *Urban and social housing policy*

112. In the overseas *départements* and Saint-Pierre and Miquelon, competence for housing lies with the State. In the other collectivities (New Caledonia, and Saint-Barthélemy, Saint-Martin, New Caledonia, Wallis and Futuna and French Polynesia) it lies with the collectivities themselves.

113. Population growth in the overseas *départements* is above the national level; in territories like French Guiana and Mayotte it is even among the highest in the world. In the four “historical” overseas *départements*, the growing alignment of lifestyles with those in metropolitan France (young people living apart from their parents, loosening of family ties) has led to virtually identical patterns of housing demand: for the five territories as a whole, demand is estimated at over 50,000 people, both young (especially in French Guiana) and old (particularly in the territories in demographic transition, such as Martinique or Guadeloupe).

114. Housing policy in the overseas *départements* is based primarily on the spending authorizations issued to prefects. These are used to fund the building of multiple-household (rental) and single-household (owner-occupancy through the LES subsidized purchase scheme) social housing and to improve housing and other facilities in substandard neighbourhoods. The authorizations can also be used to build student housing, old people’s homes and temporary housing for persons living in great precarity.

115. This policy, which also makes use of loans from the *Caisse des dépôts et consignations*, now has as its priority the building of new multiple-household social housing for rent, with the aim of offering accommodation suitable for population groups with mean incomes below the national levels (with larger households) while also catering for the existence of a middle class with incomes at the upper qualifying limit for such dwellings. Housing policy in the overseas *départements* has to take into account both the needs of economic restraint (so that State aid does not make construction costs rise faster) and those of sustainable development (limiting of urban sprawl and promotion of low-energy, low-carbon structures). It entails close coordination with the local collectivities competent for town planning.

116. Numerous steps have been taken to ensure a balanced, appropriate social-housing policy: social-housing inspection or audit missions (Mayotte, Réunion in 2011); slum clearance (five overseas *départements* in 2009); adjustment of funding parameters in 2009 to ease the conditions for the subsidizing of building projects; establishment in September 2011 of national and local working groups to improve the quality of housing covered by the LES subsidized purchase scheme; institution of an interministerial plan (housing and overseas) in support of social housing in French Guiana, with the arrival in the territory of a

new semi-public management company and the launching of an “operation of national interest” (OIN).

117. These steps have borne fruit and housing quantity and quality in the overseas *départements* have improved markedly in the past two years: half the dwellings financed since 2006 were financed in 2011 and 2012 and in 2011 the number of dwellings financed increased by 35 per cent. There is still room for improvement in the other collectivities.

118. Despite the State’s financial assistance and the efforts to expand the social-housing stock, supply remains insufficient in New Caledonia. Demand there has increased significantly, especially in the Greater Noumea metropolitan area, as a result of changes in family structure, low household incomes, rent inflation, population growth and the balance of economic attractiveness within the territory. The consequences are worrying: over-occupancy, deterioration of buildings and development of areas of substandard housing. The repercussions on living conditions (health, children’s education) are a source of concern for the authorities.

119. Given the scale of demand and the shortfall in local resources, the State currently covers, through the medium of planning and development contracts, over 50 per cent of the cost of building social housing in New Caledonia. A growing proportion of the money needs to be devoted to improving substandard dwellings.

120. In French Polynesia, the Polynesian Government’s Minister of Town Planning and Housing is implementing the locally-decided housing policy, the salient feature of which is the provision of “family housing benefit” (*aide familiale au logement*) calculated according to family status and household income. The State, the Polynesian Government and the territorial collectivities have signed an urban social cohesion contract (CUCS) with a view to specific, concerted action to improve the everyday life of the inhabitants of struggling districts and forestall social and urban exclusion. The annual allotment under the contract is 400 million French Pacific francs (3.35 million euros), of which French Polynesia provides 37.5 per cent and the State 62.5 per cent.

(b) *Social equality in overseas France*

121. The conditions governing the award of family benefits have gradually been aligned with those that apply in metropolitan France. Following the change in the status of Mayotte, the statutory minimum welfare allowances (the RSA income supplement and ASS special welfare supplement) were introduced there with effect from 1 January 2012. The size of these allowances will gradually be increased to match the amounts payable in metropolitan France.

122. There are also special salary arrangements in the overseas collectivities: the level of the general minimum wage (SMIG) is set by the State’s representative, taking into account the local standard of living. In French Polynesia and New Caledonia, it is no longer the State which sets the minimum wage, but the local government, which has competence to choose its own wage policy (On 1 January 2012, the minimum wage was 887.57 French Pacific francs, or 7.44 euros).

123. Some allowances are still larger than in metropolitan France. These include the family benefits for a single child, the family housing allowance, the school canteen allowance, and the adoption allowance.

(c) *Health care in overseas France*

124. The State is responsible for health care in the overseas *départements* and in Saint-Pierre and Miquelon, Mayotte, Wallis and Futuna, Saint-Martin and Saint-Barthélemy. French Polynesia and New Caledonia have full competence in health matters. These

differences notwithstanding, the State continues to pay great attention to health issues throughout French territory: Polynesia and New Caledonia receive substantial financial support and technical assistance, either directly or through health agencies and research institutes.

125. The particular nature of health problems in overseas France requires a special approach: natural hazards (cyclones, earthquakes), insularity, distance from metropolitan France, poverty-induced vulnerability, tropical diseases and disorders with higher prevalence than in metropolitan France (sickle cell anaemia, obesity, diabetes, prostate cancer, etc). Overseas France also has difficulties relating to the recruitment and training of medical and paramedical staff, the thorny but important issue of the stance to be taken towards research or interregional and international cooperation, and the cost (far higher than in metropolitan France) of providing protection to modern standards against natural hazards or of conducting medical evacuations.

126. The Overseas Health Plan announced in July 2009 covers the overseas *départements* (Guadeloupe, French Guiana, Martinique, Réunion, Mayotte) and Saint-Pierre and Miquelon. Its aim is to ensure greater availability of local health care meeting the particular needs of the overseas *départements* and the priorities under it include training of health professionals, human resources management (with support for overseas medical students in metropolitan France), telemedicine, earthquake-proofing of hospital buildings (under the Hospital 2012 plan), cooperation between French institutions and with neighbouring foreign territories, and sickle cell anaemia.

127. A number of decisions have already been taken for the implementation of this plan:

- Teaching at the University of the French West Indies and Guiana of the curriculum for the first three years of the Bachelor of Medicine degree, with approval for teaching of the fourth year from 2011;
- Focusing of hospital research programmes on emerging or specific diseases, with approval of funding in the amount of 3.5 million euros;
- Investment in the treatment of sickle cell anaemia, including 600,000 euros for the provision of appropriate equipment in health care facilities, recruitment of specialized health professionals, and 1 million euros of funding under the “rare diseases” plan;
- Fixing of an “overseas *départements* minimum” for calculating allotments for public health plans, which are normally proportional to the size of the population;
- Compensation, in the amount of 5.9 million euros in 2009 and 2010, for unpaid debts;
- Promotion of Caribbean cooperation against AIDS through funding (5.2 million euros over three years) from the European Community’s INTERREG programme;
- Allotment by the regional health agency for the overseas *départements* of 80,000 euros for interregional and international cooperation.

128. Further measures are planned: funding of projects to develop telemedicine, distance education and videoconferencing; establishment of an environmental health centre at the Pasteur Institute of Guadeloupe, and more twinning with university hospitals in metropolitan France.

(d) *Culture (Committee recommendation No. 17)*

129. The directorates of cultural affairs in the overseas territorial collectivities participate through their activities in the fight against racism: support for creativity, preservation of the

built environment, artists-in-residence programmes, work on multilingualism. There is also safeguarding and inventorying of the intangible cultural heritage, in particular in the overseas *départements* and collectivities. Réunion's *maloya* was added to the List of the Intangible Cultural Heritage of Humanity in 2009 and the inscription on that list of other traditional forms of music and dance is under way. The applications for the inscription of Guadeloupe's *gwo ka* and the *maraké* initiation rite of the Amerindians of French Guiana are further evidence of the efforts to enhance little-known forms of cultural heritage and so better to recognize diversity.

Part 2: Specific comments concerning articles 2 to 7 of the Convention

Article 2

I. Strengthening of policies to combat racial discrimination (Committee recommendation No.10)

130. The French Government has taken steps to strengthen cooperation between the anti-discrimination authority (formerly the High Authority to Combat Discrimination and Promote Equality, or HALDE, and now the Defender of Rights) and the judicial authorities: expanding the exchange of information and coordinating action ensure greater efficacy in combating all forms of discrimination punishable under criminal law. To this end, five agreements (to which the Defender of Rights succeeded) were concluded between HALDE and the sections of the public prosecution service at eight courts of appeal: Lyon, Grenoble and Chambéry in 2009, Basse-Terre, Orléans and Bourges in 2010 and Paris and Saint Denis (Réunion) in 2011. On 9 December 2011, the Defender of Rights signed a cooperation agreement with the prosecution service section at Amiens, and another such agreement with the service's section at Montpellier is under consideration.

131. In practice, these agreements enable the identification of contact points within the prosecution departments and the office of the Defender of Rights, the coordination of investigations in the event a complaint is referred to both the prosecution service and the Defender of Rights (authorization to investigate), the exchange of information in the event of referral to only one of the signatories and the pooling of the two partners' experience. They also enable the Defender of Rights to put real technical expertise (advice to the prosecutor) at the disposal of the prosecution service when the latter so requests and to propose agreed, proportionate responses to discriminatory behaviour when prosecution seems justified (referral to the prosecution service, conclusion of a plea agreement, comments to the court).

132. The agreements made HALDE and have now made the Defender of Rights better known to members of the prosecution service in both lower and higher courts, thereby facilitating exchanges of use in combating discrimination. Thanks to them, it is easier to identify discriminatory situations, provide support for victims and organize awareness-raising campaigns among the general public and steadily better training for those involved in fighting discrimination.

133. In addition, numerous local associations are invited to join the prosecution service's anti-discrimination focus groups, each of which is headed by a member of the service. This helps to strengthen exchanges between the Defender of Rights and grass-roots organizations.

134. The “criminal cases and relations with courts” department within the office of the Defender of Rights is a regular participant in two very active anti-discrimination focus groups set up in the Paris area by the Bobigny and Senlis sections of the prosecution service. It is in regular contact with the Paris section of the service through meetings which, while not, strictly speaking, those of a focus group, pursue the same aims. In the other regions, the Defender of Rights is represented in the anti-discrimination focus groups by its local delegates.

II. Policies to promote reception, integration and social and career development (Committee recommendation No. 13)

135. As stated in part 1 of this report, integration policy is based on the building for foreigners lawfully present in France of an integration path from their reception as immigrants to their possible acquisition of French nationality. This policy is organized by the French Office for Immigration and Integration (OFII) in conjunction with the local State agencies that are its main implementers. OFII was formed in 2009 through the merger of the National Agency for the Reception of Foreigners and Migration and the functions regarding integration of immigrants of the National Agency for Social Cohesion and Equality of Opportunity.

136. The European dimension of this national policy has been strengthened by the definition of a common vision of the integration of third-country nationals. Under the auspices of the Commission, the European Union has created both bodies for thought and exchange and tools in connection with common basic principles for integration. The member States have declared integration to be a process requiring input from both the immigrant and the receiving society: respect for the Union’s fundamental values, knowledge of the language and history of the receiving country, participation in the democratic process. The Lisbon Treaty (2009) and the Stockholm Programme (2010–2014) have further developed that idea by including the Parliament and the Council in the process and by setting out for member States courses towards common practices and the better coordination of related policies. The definition of indicators, targets and evaluation mechanisms lie at the heart of this action.

1. The reception and integration contract

137. The reception and integration contract (CAI), which has been mandatory since 2004, is an agreement between the State and a foreigner wishing to settle in France for the long term. Its purpose is to facilitate the integration of foreigners who are newly arrived or have been admitted for residence. It concerns an annual average of 100,000 newly-arrived foreigners intending to take up long-term residence.

138. Pursuant to article L. 311-9 of the Code on the Entry and Residence of Foreigners and the Right of Asylum (CESEDA) as amended by the Act of 16 June 2011, a CAI is concluded by every foreigner who is admitted for the first time to reside in France or who enters the country legally between the ages of 16 and 18 and wishes to remain there for the long term.

139. By the contract, which is translated into a language the person understands, the foreigner undertakes to undergo citizenship training and, if that is found necessary, language training. The citizenship training covers French institutions, the values of the Republic and the place of France in Europe. Completion of the language training is attested by a certificate or diploma recognized by the State. The foreigner is also given a session on life in France that provides a variety of practical information, including on access to public services, and undergoes a vocational skills assessment. All the above training and activities

are provided free of charge and paid for by the French Office for Immigration and Integration (OFII).

140. In 2011, a total of 102,254 people, the majority (53 per cent) of them women, signed a CAI. The average age of the signatories was 32. The number of citizenship-training sessions held in 2011 was 4,716. In all, 24,358 people, or 23.8 per cent of the signatories, were required to undergo language training and 12,473 initial diplomas in the French language were issued.

141. For beneficiaries of family reunification and spouses of French nationals having children, the Act of 20 November 2007 instituted a special CAI for families. This type of contract must be signed by both parents and commits them to ensuring that their children aged from 6 to 16 attend school and to themselves attending a day-long training course on parental rights and duties that contains a module on children's rights and focuses on the Convention on the Rights of the Child and child protection.

2. Local integration policy

142. Local integration is one of the main aspects of French integration policy and is promoted principally through regional programmes for integrating immigrant populations (PRIPI). These programmes not only serve to relay national plans down to the local level but also enable adjustment for local conditions and the involvement of local stakeholders. The PRIPI system was updated in 2010 and the programmes, which extend over several years, may cover issues "relating to reception, education, training and employment, housing of families and persons living alone, urban social development, social integration and the combating of all forms of discrimination".

143. Local integration development officers (ADLI) are responsible for assisting the institutions that deal with the integration of particular categories of immigrants. Their spheres of activity include the social and vocational advancement of women, access to rights by elderly immigrants and newly-arrived families, mediation with schools and support for parents, intercultural mediation and the provision of information about rights.

3. Policies in support of academic success

144. Foreign families have high expectations as regards their children's integration and academic success. Problems of language, the need to adjust to the French school system and living conditions may, however, make it hard for them to achieve that success. Numerous parent support mechanisms have been established to help them, including listening and aid networks, marriage and family counselling services, "open school" and "open schools to parents for successful integration" operations and homework-support and school/family liaison schemes.

145. The "Open schools to parents for successful integration" campaign was launched in 2008 to enable parents to improve their knowledge of French by following a course of study leading to a certificate. It is also aimed at promoting integration in French society by presenting the principles and values of the Republic and improving parents' knowledge of the school system and of pupils' and their own rights and duties.

146. The Ministry of the Interior and the Education Ministry have signed a framework agreement to "foster academic success and promote equal opportunities for young immigrants and children of immigrants". The Education Ministry has established a scheme for the early assessment of young immigrants' academic ability and knowledge of language.

147. The "Vocational Success Path" (PARP) grant was established in 2009. It provides financial assistance for the integration of young people who, after coming to France during

their school years, have passed the baccalaureate and embarked on higher education in either a university technology institute, a higher technician training section or a preparatory class for the *grandes écoles*. It is a means of recognizing the academic merit and the efforts at integration of these young newcomers to France.

4. The policy of integration of immigrants through employment

148. Access to employment is a major component of integration: it offers economic independence and facilitates socialization. The French Government has therefore sought to assist the integration of immigrants through employment and the promotion of diversity on the basis of three main principles: promotion of swift access to employment for signatories of reception and integration contracts, encouragement for the creation of income-generating activities by immigrants and promotion of diversity in recruitment and careers.

149. This policy is put into effect through a vocational skills assessment scheme that began in 2009 and enables immigrants to benefit from their diplomas and skills and through the work of the public employment service. In 2010, the immigration and employment ministries, OFII and the public employment service signed a framework agreement on giving more guidance to job-seekers who have signed a CAI and reducing the time it takes them to find work. Agreements on facilitating such persons' access to employment have also been signed with stakeholders in the business and non-profit sectors.

5. Policies of support for particular target groups

150. Women, who account for over half of the immigrants to France, receive special attention from the integration services because they play a vital role in the process of integration, but may encounter difficulties. They are therefore the subject of a special integration policy which ensures respect for the principle of gender equality by facilitating women's access to employment and providing extra support for them.

151. There is a national and interministerial framework agreement "to promote integration paths and prevent and combat discrimination" with respect to female immigrants and women of immigrant origin. In addition, the National Centre for Information on the Rights of Women and Families, the Ministry of the Interior, the Women's Rights and Equality Department of the Ministry of Women's Rights and OFII have signed a partnership agreement aimed at promoting the vocational integration of women in certain regions. The Ministry of the Interior also provides support to non-profit organizations active in promoting women's rights and combating violence against women.

152. Elderly immigrants are also the subject of special efforts to improve their access to social rights, especially pensions. A working group on access to social rights and to health care and health was established in the autumn of 2010. It comprises representatives of the relevant ministries, national social protection agencies and non-profit organizations.

Article 3

153. France is deeply attached to the combating of segregation, a cause long since proclaimed in its fundamental instruments, which provide a solid legal foundation for equality of rights. Article 1 of the Declaration of the Rights of Man and of the Citizen of 1789 provides that "Men are born and remain free and equal in rights". The Preamble to the Constitution of 27 October 1946, which forms part of the French constitutional corpus, states that "In the morrow of the victory achieved by the free peoples over the regimes that had sought to enslave and degrade humanity, the people of France proclaim anew that each human being, without distinction of race, religion or creed, possesses sacred and inalienable rights" and article 1 of the Constitution of 4 October 1958 provides that France "shall

ensure the equality of all its citizens before the law, without distinction of origin, race or religion". All segregation based on race is therefore strictly prohibited by French law.

154. By Act No. 2010-930 of 9 August 2010 France added to the category of crimes against humanity in its Criminal Code "acts committed in execution of a concerted plan against a group of civilians in the context of a generalized or systematic attack". "Segregation practised in the context of an institutionalized regime of systematic oppression and domination by one racial group of any other racial group or groups and with the intention of maintaining that regime" therefore constitutes, pursuant to the new article 212-1 of the Criminal Code, a crime against humanity and is, as such, punishable by life imprisonment.

Article 4

I. A full criminal law framework

155. Freedom of expression is a condition of democracy and one of the guarantees of respect for the other rights and freedoms. Restrictions on the exercise of that freedom must therefore, as the French Constitutional Council recently pointed out, in its decisions of 10 June 2009 and 28 February 2012, be necessary, appropriate and proportional to the desired aim. In this regard, article 11 of the Declaration of the Rights of Man and of the Citizen of 1789 provides that the free communication of ideas and opinions "is one of the most precious rights of man" and that "Any citizen may therefore speak, write and publish freely, subject to being answerable for abuse of this liberty in the cases determined by law".

156. The provisions of the Criminal Code that penalize all propaganda for racial discrimination and those of the Act of 29 July 1881 on freedom of the press and the subsequent amendments thereto have already been discussed in previous periodic reports. In view of the major repercussions of the burgeoning advances in information and communication technology, France wishes to describe in the present report its tools for combating racist and anti-Semitic offences committed using the Internet. The development of online communication has increased the impact of the channels for the transmission and publication of information, which are now global, and added to the difficulty of combating the dissemination of racist or discriminatory material. France has therefore sought to endow itself with appropriate, effective legislation against such offences.

157. The principle behind this legislation is the individual responsibility of every player in the digital economy: each of them is required to be vigilant and to alert the public authorities in the event of the dissemination of racist or discriminatory content so that the judiciary can order the halting of the Internet communication service used for the dissemination.

158. Pursuant to article 6 I-1 of the Act of 21 June 2004 on trust in the digital economy, Internet service providers and hosting services must make available an easily accessible and visible means for anyone to inform them of illegal content. They must also promptly notify the competent public authorities of any illegal activity brought to their knowledge.

159. To ensure the prompt processing of such reports and immediate action against racist or discriminatory Internet content, France has established PHAROS, a platform for the harmonization, analysis, crosschecking and forwarding to the competent authorities of reports. PHAROS is a public-access platform for the online reporting by surfers, access providers and government monitoring agencies of sites or content that contravene laws or regulations. A team of some ten investigators, made up of gendarmes and police officers, analyses and collates the reports and then passes them on to police and gendarmerie units

according to a breakdown of responsibilities based on physical and territorial criteria. The platform received 101,171 reports in 2011.

160. In addition, the Act of 5 March 2007 amended the Act of 29 July 1881 on press freedom to permit the halting of the dissemination of racist or discriminatory messages. Hence, when content inciting discrimination, hatred or violence against a person or group of persons on the ground of their origin or membership or otherwise of an ethnic group, nation, race or religion is made publicly available by an online communication service, the interim relief judge (urgent applications judge) may, on request from the public prosecutor or any physical or legal person concerned, order the halting of the service if he/she considers the content clearly illegal.

II. Action to strengthen the suppression and prevention of racism and anti-Semitism

161. The statistics for racist, anti-Semitic or anti-Muslim acts or threats in 2012 show a rise of 23 per cent, a sharp change by comparison with the declines recorded in 2010 (-26 per cent) and 2009 (-7 per cent).. While racist acts declined by 11 per cent, racist threats increased by 5 per cent, anti-Semitic acts by 58 per cent and anti-Muslim acts by 30 per cent.

162. The police's Offence Processing System (STIC) and the gendarmerie's Legal Documentation and Information System (JUDEX) are being merged to create a new system to be known as the Criminal Records Processing (TAJ) system, to which the police and gendarmerie will input information from new, comparable statistical bases. This will make it easier to extract racist, anti-Semitic and xenophobic offences. The new system will provide accurate, reliable statistics on, in particular, racist offences committed using the Internet or otherwise. It came into operation in late January 2013. Judicial decisions concerning the offences will be automatically input to the TAJ system by means of the courts' CASSIOPEE system. That will make the information in TAJ more reliable.

1. Action by the Ministry of Justice and the judicial authorities

163. Since its previous report, France has strengthened its judicial tools for combating racism, anti-Semitism and xenophobia and has been striving through the action of the courts to characterize offences and to ensure that offenders are given heavy, appropriate penalties (see above, para. 23 et seq.). To deal with the most serious crimes, a specialized judicial centre having national jurisdiction was established under the Paris *Tribunal de Grande Instance* (court of major jurisdiction) on 1 January 2012 to prosecute, investigate and try crimes against humanity.

164. In addition to the anti-discrimination units found in each *departement*, most of which have their own monitoring team, some sections of the prosecution service have also established other bodies. For example, special agreements have been used to set up monitoring groups comprising representatives of the prosecution service, local councillors and non-profit organizations or the police or gendarmerie (Lyon, Senlis).

165. The anti-discrimination units' action may be supplemented by the participation of the judiciary's focal points, together with representatives of the prefecture, specialist non-profit organizations and religious communities, in meetings of the Commissions for the Promotion of Equal Opportunities (COPEC). This helps to improve the collection of reports and their transmission to the judicial authorities (Nevers, Montpellier, Epinal, Alès). Some COPEC have as their priorities access to employment or housing (Clermont-Ferrand, Nîmes).

166. Again for the purposes of fighting discrimination, the prosecution service maintains close contact, in execution of the agreements mentioned above, with representatives of the Defender of Rights.

167. As regards prosecutions, most sections of the prosecution service say that few acts are brought to their attention and, furthermore, that only a small proportion of the investigations that are undertaken results in the identification of offences. In the circumstances, many sections have, in order to encourage the reporting of, and deal more effectively with illegal behaviour, opted for the maintaining of regular contact with their institutional and non-governmental partners. There has also been specialization within the judicial system and the prosecution service has conducted regular training campaigns for members of civil society.

168. Further encouragement for the making of complaints comes from the availability from town halls, victim-support organizations, police stations and gendarmerie units of standardized reporting forms (Villefranche-sur-Saône, Chaumont).

169. The anti-discrimination unit in Ajaccio, which is headed by the prosecution service, has distributed a public information leaflet and a reporting tool for use by the public authorities and the private sector. The Albertville anti-discrimination unit has set up investigation teams to carry out tests in connection with seasonal accommodation rentals. The public is kept informed of these activities through the local press.

170. As already mentioned, prosecution services highlight victims' difficulty in obtaining an outcome to their complaints. Very often, complaint files are closed without action, either because of difficulty in determining whether an offence was committed or because the perpetrator cannot be identified. Furthermore, prosecution services note that the behaviour at issue, which largely consists in private insults or racially-motivated damage, is often that of minors, who lack the historical or cultural knowledge to appreciate the significance of their acts.

171. The efficacy of the fight against this type of offence is enhanced by the range of penalties available. While some sections of the prosecution service bring cases before a criminal court (Evreux, Reims), a large majority of them prefers alternatives to prosecution such as settlement (Pointe-à-Pitre), citizenship courses (Argentan, Quimper) or special training (Bourg-en-Bresse), cautions (Douai, Bobigny, Troyes) or mediation (Rennes). Prosecution before a criminal court is then reserved for the most serious offences, such as racially aggravated violence (Toulon, Angers, Colmar).

172. The first stage of the curriculum at the National School for the Judiciary (ENM) includes training relating directly or indirectly to the combating of racism and anti-Semitism in the form of, for example, placements relating to urban policy or with non-governmental organizations working for integration or lectures by members of the National Consultative Commission for Human Rights.

2. Action by the Ministry of the Interior

173. The Ministry of the Interior carries out numerous activities relating to the suppression and prevention of racism and anti-Semitism, including: investigation of offences; preventive measures on the ground at any time and during religious festivals; targeted training for its staff, application of the Charter for the Promotion of Equality in the Civil Service, which includes sections on preventing racism; measures against discrimination, especially racial discrimination, in individual *départements*; collection and analysis of statistics; maintenance of relations with representatives of religions and anti-racist organizations, and participation in the drafting of laws and regulations and of the instructions for their enforcement.

174. The directorates-general of the police and gendarmerie are also closely involved in the combating of all forms of racism, anti-Semitism and discrimination.

(a) *A partnership approach materialized through the signing of agreements*

175. Legal instruments referred to by France in previous reports have been combined to make the partnership approach more efficient. The agreements on using best practice in order better to combat all forms of illegal discrimination that the Director-General of the police and the Director-General of the gendarmerie signed with HALDE on 21 December 2006 and 21 December 2007 respectively were merged in a comprehensive partnership agreement signed by the Minister of the Interior and the President of HALDE on 5 December 2008.

176. New partnerships have been established to improve coordination between stakeholders in the public sector and civil society and knowledge of situations of racism, anti-Semitism and xenophobia. On 17 June 2010, the Minister of the Interior and the French Council for the Muslim Faith signed a framework agreement on statistical and operational monitoring of hostile acts against Muslims in France. The establishment of a mechanism for counting, monitoring and analysing such acts has improved the response to them by making it easier to report and tackle them.

177. On 1 December 2010, the Minister of the Interior and LICRA, the International League against Racism and Anti-Semitism, signed a framework agreement on coordination in order to improve their work against racism and anti-Semitism and in support of victims. It provides in particular for cooperation in the following areas:

- Training: henceforward, members of the security forces will have access throughout their careers to awareness-raising sessions conducted by LICRA;
- Monitoring of the Internet for racist content;
- Exchange of information: the agreement provides in particular for the distribution of LICRA documentation in police and gendarmerie stations, the establishment of permanent contacts between LICRA and the bodies under the Ministry's authority and the exchange of national statistics on racist and anti-Semitic acts;
- Assistance to victims.

178. Similar action has been taken at the regional level: in 2011, partnership agreements were concluded between LICRA and two regional prefects (Lille, Marseille) and one prefect of a *département* (Grenoble), two agreements were renewed (Bordeaux, Nantes) and 11 others were under negotiation. These agreements extend to the police and gendarmerie through, for example, the conduct by LICRA of training and awareness-raising sessions in police and gendarmerie schools.

179. A partnership has also been established between the police and the Jewish Community Protection Service (SPCJ) with a view to improving statistics on relevant phenomena. In addition, the SPCJ victim-support department can seek help from the Ministry of the Interior's Victims' Division (DAV), which is discussed below, concerning problems in receiving and assisting victims.

(b) *Specific measures*

Reception of, and assistance for victims of racist and anti-Semitic acts or threats

180. Since 2005, the Victims' Division (DAV) has been disseminating best practice, monitoring the handling of incidents and complaints and contributing to the work of the police's and gendarmerie's network of victim-support officers in *départements*. The DAV intranet site provides access to documents designed to help officials deal better with

victims, particularly in cases of discrimination. In addition, DAV carries out satisfaction surveys in police and gendarmerie units. In that regard, the Inspectorate-General of the National Police has made spot checks in police units since 2007.

181. The victim-support officers in the police (one in each *département* and each district of Paris) and the gendarmerie (one per *département*, based on the network of contact points at the sub-officer level in each autonomous brigade or group of brigades) are the principal interlocutors of victims' associations and victim-support groups, especially of those concerned with the issues covered in this report.

182. The 195 crime-prevention specialists in the police and their 144 counterparts in the gendarmerie are responsible for situational crime prevention (video surveillance, etc.) and can be asked to advise on security precautions (for example, lighting and protection of buildings used for religious services). During the various religious communities' major festivals, police officers and gendarmes mount visible guard at places of worship and education. This is in addition to the usual daily patrols at random times.

183. *Département*-level directors of public security and the commanders of gendarmerie groups receive regular reminders of the instructions pertaining to the fight against racism, anti-Semitism and xenophobia and the reception and treatment to be given to victims of those offences.

184. With the support of DAV, LICRA has written and distributed booklets containing legal information about racism-related offences. These are available to the public in 833 police offices and stations and 868 gendarmerie units.

185. The Directorate-General of the National Police recruits psychologists to work with the police units that handle the most sensitive issues. The psychologists, whose task is to help victims of offences, are based in police stations and assist the police in the performance of their duties.

186. In 2011, the "Reception of the Public Charter", which is displayed in every police and gendarmerie office open to the public, was awarded the *Label Marianne*, the quality label for civil servants' contacts with the public. The Charter emphasizes the quality of the welcome to be given to the public, especially victims, in terms of assistance, behaviour and attentiveness.

The fight against racism and anti-Semitism on the Internet

187. PHAROS, a platform for the harmonization, analysis, crosschecking and forwarding to the competent authorities of reports, has been operational since January 2009. It was designed for the collection and processing of reports from surfers and service providers concerning illegal messages and behaviour on the Internet (racist or negationist content, calls for hatred, paedophilia, incitement to commit crimes). The portal is accessible on the site www.internet-signalement.gouv.fr.

188. The platform is located within the National Cybercrime Prevention Agency (OCLTIC), which is tasked with combating all offences arising from the fraudulent use of information and communication technology.

189. In 2011, the effectiveness of PHAROS was enhanced by the assignment to the platform of five more investigators and the expansion of its technical capacity. In addition, OCLTIC is active in strengthening its own links with associations of Internet service providers, inter alia by keeping them regularly informed of the judicial follow-up to some reports.

190. OCLTIC produces an annual report on the activity of PHAROS which includes a classification by type of the reports received and processed. In the period from 1 January to 30 November 2011 PHAROS received 92,261 reports, of which 8,605, or 12 per cent more

than in the same period of 2010, concerned discriminatory content. Of the 214 investigations launched between 1 January and 30 November 2011, 36, or 14 per cent, related to xenophobia and discrimination.

The establishment of a centralized information base

191. To help its investigating units, the gendarmerie has set up a centralized information base on racist, xenophobic or anti-Semitic offences. The base, called SOIRAX (Symbol of Interest to Fight Racism, Anti-Semitism and Xenophobia), does not contain any personal information but lists all the signs, symbols, languages and codes used by extremist groups. Perpetrators can then be identified by comparing the "signatures" they leave when committing offences with the information in the base. The base has been made available to the Organization for Security and Co-operation in Europe, which has internationalized it.

Article 5

192. As stated in the preceding report to the Committee, the French authorities are particularly attentive during law enforcement operations to the need to respect people whatever their nationality or origin.

1. Appropriate training

193. Members of the national police and the gendarmerie receive appropriate information about racism, anti-Semitism and xenophobia both during their initial training and throughout their careers.

Training for national police officers

194. From the outset of their training, members of the national police are taught about professional ethics and the fight against racism, anti-Semitism and xenophobia through lectures, discussion sessions and practical exercises. All members of the force, whatever their corps or grade, are concerned:

- Community support officers (*adjoints de sécurité, ADS*) receive instruction in professional ethics that is backed up by an exercise in making a patrol so that they are able to maintain the required neutrality in their contacts with members of the public, whatever those persons' origin, religion, sex or sexual orientation;
- Exemplarity, dignity, impartiality and loyalty to the country's institutions are at the heart of training for police constables (*gardiens de la paix*) and detailed instruction regarding the combating of discrimination is provided when trainees are taught the procedure for making identity checks. The question of religion is covered in a module that includes the showing of a film, "The police and religion", that presents a variety of conversations and reports. The aim is to teach how the principle of secularism and freedom of worship applies in practice and respect for the related duties. Reference is made to the special features of operating in places of worship and to the need for police officers to exercise discernment and discretion;
- Police lieutenants are taught about the combating of racism and xenophobia through two modules entitled "Ethics, discernment, deontology, psychology" and "Public freedoms and fundamental rights";
- The issue of professional ethics is also central to the training of police commissioners. Their training also includes study of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and of the fundamental human rights.

195. With respect to in-service training, topics relating to the combating of racism and xenophobia are studied in courses on the rules of professional conduct. This is particularly the case of the duties public servants owe customers and respect for the principle of citizens' equality before public-service organs, questions that are regularly covered in a variety of training activities relating to contacts with the public and during the training of ordinary police officers to join the criminal investigation branch.

Training for gendarmes

196. The national gendarmerie service offers a variety of training activities:

- Volunteer assistant gendarmes are taught a range of concepts relating to respect for the human person in a module entitled "Ethics and rules of professional conduct" which covers, inter alia, the fight against discrimination, especially racism. That concept is also studied in training sessions concerning the way to receive the public;
- Non-commissioned gendarmes study the rules of professional conduct and the fight against all forms of discrimination in a variety of modules. One, entitled "Rules of professional conduct and military ethics", covers subjects including the gendarmes' charter and respect for the human person. The students' training in how to receive the public includes instruction about problems of discrimination. The combating of discrimination is also the subject of the course on identity checks;
- Commissioned gendarmes mainly study the fight against discrimination and racism in the module entitled "Ethics and rules of professional conduct". Those concepts are also studied in the "Command and human resources management" module, the objective of which is to prevent discrimination within the force, and the module on special criminal law, which covers the offences, especially those involving discrimination, that may be detected by criminal investigation officers.

197. For all ranks, in-service training systematically includes the concepts of ethics and rules of professional conduct throughout the gendarme's career. For example, the combating of the various forms of racism and discrimination is studied during the training in preparation for the qualifying examination for criminal investigation officers. In addition, the commanders of gendarmerie companies in metropolitan France organize collective instruction sessions each month on topics of professional importance. The principles of professional ethics are restated at these gatherings and have also been the subject of a number of local training sessions, some of them organized with the help of local branches of LICRA. Lastly, at some training sessions for commanding officers the judicial enquiries office within the gendarmerie's inspectorate-general refers to these concepts in describing its authority to investigate cases of discriminatory conduct by gendarmes.

Training in the prison service

198. Initial and in-service training of prison staff is carried out by the National Prison Service School (ENAP). The training in the combating of all forms of discrimination against convicted persons is based on the principles of French and European prison law.

199. The European Prison Rules prohibit discrimination "on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status" (Rule No. 13). Article 22 of the Prisons Act of 24 November 2009 provides that "the prison service shall guarantee all detainees the respect of their dignity and rights" and article 15 of the Prison Service Code of Professional Ethics provides that "prison service staff shall fully respect the persons entrusted to them by the judicial authorities and the rights of those persons. They shall refrain from all forms of violence or intimidation against them. They shall not show any discrimination".

200. The instructors at ENAP restate those rules in all their teaching and in particular in the course on “Integration and prevention of recidivism”, which forms part of the initial training. They remind trainees of the principle of respect for dignity and of their duty of non-discrimination. Similarly, the course on “Cultural differences in the professional activities of integration and probation officers, guards, lieutenants and governors” stresses the need for every professional to keep a close watch over his/her own attitude to prevent any discriminatory behaviour or speech.

2. Respect for the rules of professional conduct

The written rules

201. As regards the gendarmerie, the Act of 3 August 2009 on the gendarmerie has been supplemented by a gendarme’s charter containing two articles that particularly condemn all forms of discrimination, racism and xenophobia:

- Article 6: “Gendarmes shall preserve human dignity by combating inhuman and degrading treatment and all forms of discrimination. Their action, particularly when taking coercive or intrusive measures, shall be guided by the requirements of ethics and the rules of professional conduct. Out of respect for others, gendarmes shall refrain, whatever the situations or persons they encounter, from all inappropriate attitudes, words or gestures”;
- Article 9: “Gendarmes shall contribute to the search for information and intelligence on behalf of authorities entitled to receive them. Unless otherwise provided by law, they shall refrain from all investigation into persons’ origin, sexual orientation, state of health, membership of a trade union organization and political, religious or philosophical views”.

202. In the case of the police, the Code of Professional Ethics is currently being revised to update the principles it contains and add some new requirements.

203. The revised Code will be common to both the police and the gendarmerie.

Penalties

204. In 2011, disciplinary penalties imposed on police officers numbered 2,969 (compared with 2,698 in 2010 and 3,109 in 2009); 132 of the penalties were for confirmed violence, and of those 11 resulted in the dismissal of, or equivalent action against the officer concerned and 2 in the officer’s summary dismissal. In the same year, the police inspectorate-general was asked to investigate 1,542 charges of police misconduct (compared with 1,385 in 2010 and 1,479 in 2009). Of the total, 758 charges (49 per cent of the total number of charges) concerned infringement of personal integrity, including 652 for violence (42 per cent of the total number of charges and 86 per cent of the charges of infringement of personal integrity), as against 698 charges of infringement of personal integrity (50 per cent of the total number of charges), including 672 for violence (49 per cent of the total number of charges and 96 per cent of the charges of infringement of personal integrity), in 2010, and 690 charges of infringement of personal integrity (47 per cent of the total number of charges), including 668 for violence (45 per cent of the total number of charges and 97 per cent of the charges of infringement of personal integrity) in 2009.

External checks

205. Constitutional Act No. 2008-724 of 23 July 2008 on the modernization of the institutions of the Fifth Republic conferred on the Defender of Rights the functions that were previously those of the National Commission on Security Ethics (CNDS). It widened the scope for appealing to the new independent constitutional authority so that anyone who

considers themselves a victim of unethical conduct by a police office or gendarme can complain to the Defender of Rights directly.

206. The training jointly conducted by CNDS and HALDE will be carried on by the Defender of Rights, since an identical scheme is under preparation. An invitation to the Defender of Rights to participate in the initial training of police detectives and commissioners has already been made.

I. Political rights

207. As this topic has already been discussed in France's previous reports, the Committee will be informed in the present report of the recent changes regarding political rights.

208. As stated in the seventeenth, eighteenth and nineteenth reports, the prison service has taken steps to inform detainees of their political rights. A targeted information campaign during electoral periods has alerted the prison population to the various arrangements in existence, thereby making it easier for them to participate. That action on the part of the prison service is consistent with European Prison Rules Nos. 2 and 24-11, which guarantee detainees the exercise of all rights that have not been withdrawn from them, including the right to vote. The Prisons Act of 24 November 2009 authorizes detainees without a personal domicile to designate the relevant penal establishment as their domicile for the purpose of exercising their civil rights. Further, pursuant to article D.143 of the Code of Criminal Procedure as amended by Decree No. 2007-1627 of 16 November 2007, detainees sentenced to deprivation of liberty for five years or less and detainees sentenced to deprivation of liberty for more than five years who have served half their sentence may request permission to leave their prison for a day to exercise their right to vote. This provision was, for example, applied during the 2012 parliamentary and presidential elections.

II. The other civil rights

1. Right to a nationality

209. The rules relating to the right to French nationality have been amended by two recent acts (article 18 of Act No. 2011-525 of 17 May 2011 and articles 1 to 7 of Act No. 2011-672 of 16 June 2011).

210. These acts have changed the conditions for the acquisition of French nationality: naturalization may be granted to foreigners who can prove that they have habitually resided in France for two years (instead of the former five years) and who have, as demonstrated by their activities in the civic, scientific, economic, cultural or sporting fields, an exceptional integration path.

211. Foreigners applying for naturalization must also demonstrate sufficient knowledge of French for their status, knowledge of French history, culture and society and of the rights and duties deriving from French nationality, and their adherence to the fundamental principles and values of the Republic.

212. The Act of 16 June 2011 obliges the authorities to respond to requests for the acquisition of French nationality by naturalization within eighteen months of the submission of the full set of requisite documents. That time-limit may be extended only once, for three months and by reasoned decision.

2. The right to marriage and free choice of spouse

213. As one of the components of personal freedom, freedom to marry is protected under articles 2 and 4 of the Declaration of 1789.

214. This principle does not, however, prevent the legislature from adopting provisions to combat forced marriages and marriages of convenience (for instance: interview with each of the future spouses before the ceremony or the right of the public prosecutor to oppose the marriage). Article L. 623-1 of the Code on the Entry and Residence of Foreigners and the Right of Asylum, as amended by the Act of 16 June 2011, makes the contraction of marriage solely for the purpose of obtaining for oneself or another a residence permit, protection against removal from France or French nationality punishable by five years' imprisonment and a fine of 15,000 euros. These penalties also apply when foreigners who contract a marriage hide their intentions from their spouse and they are increased to 10 years' imprisonment and a fine of 750,000 euros when the offence is committed by an organized group.

215. In its Decision No. 2012-227 QPC of 30 March 2012, the Constitutional Council held that the public prosecutor's power to oppose the acquisition of nationality by marriage and the presumption of fraud when a couple ceased to live together within a year of the registration of their marriage were intended to protect "marriage against abuse of the purposes of marital union".

3. The right to freedom of thought, conscience and religion

(a) *Information concerning application of the Act of 15 March 2004*

216. In accordance with the provisions of the Act of 15 March 2004 on the wearing in public primary schools, middle schools and lycées of signs and clothing manifesting religious affiliation, an evaluation of its application was made a year after the Act came into force, in July 2005. In this respect, the fears that some girls might be expelled from the educational system have proved in fact to be groundless. During the school year 2004/05, only 39 pupils, of whom 36 were girls, were definitively expelled, other cases having been resolved through dialogue.

217. Since 2005, the regional education authorities have only had to deal with a few isolated cases of the wearing by pupils of a conspicuous religious symbol. At the beginning of the school year in 2008 and in 2009, no disciplinary procedures were necessary, and no new disputes were reported at the beginning of the school year 2009/10. These figures demonstrate that the principles of the Act have been accepted by students and their families.

218. That the vast majority of families understand the reason for the Act is apparent from the fact that the ombudsman for the Ministry of Education has never been seized of such cases.

219. Since the entry into force of the Act, administrative tribunals have issued 33 rulings, all of which have rejected appeals for the revocation of final decisions to exclude pupils pursuant to the Act. There are no other rulings currently pending before the administrative tribunals. In June 2009, the European Court of Human Rights delivered a decision on the ban on wearing conspicuous religious symbols in French schools in a case concerning the expulsion of French pupils of the Sikh faith. It confirmed that the restrictions provided by the Act of 15 March 2004 were justified by the constitutional principle of secularism and consistent with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(b) *The Act of 11 October 2010*

220. Act No. 2010-1192 of 11 October 2010 prohibiting the concealment of the face in public areas created the petty offence of concealment of the face in public areas and the misdemeanour of incitement to conceal the face. Infringement of the ban is punishable by a fine of 150 euros and/or the obligation to attend a citizenship course. The misdemeanour of obliging someone to conceal their face because of their sex is punishable by one year's imprisonment and a 30,000 euro fine. These penalties are doubled if the person thus obliged is a minor. Eighteen months after the entry into force of the Act, no proceedings had been brought for the misdemeanour.

221. By the Act the national parliament solemnly reasserted the values of the Republic and the requirements of coexistence.

222. Republican tradition holds that to conceal one's face is to infringe the minimum requirements of coexistence, which imply that, when individuals are in a public place in the broad sense of the term, in other words a place where they are likely to come across others by chance, they can neither be denied to be members of society nor deny it themselves by concealing their faces from others to the point where it is impossible to recognize them. Events in ordinary life require that people be identifiable: when parents pick up their children at school, collecting correspondence at a post office or casting one's vote.

223. The wearing of a full veil leads to social exclusion of women, whether they wear it voluntarily or not. It puts them in a situation of exclusion that is incompatible with the principles of freedom, gender equality and human dignity as they are understood in the French Republic. That situation may be chosen or imposed, which is why the Act also penalizes the act of forcing someone to conceal their face.

224. Considerations of public order, such as public security requirements, also justify obligations to wear in public apparel that enables the wearer to be identified. Being identifiable when necessary helps towards preventing, for example, unlawful behaviour.

225. The Act applies more generally to all apparel intended to conceal the face, i.e. all apparel that makes it impossible to identify the wearer. Consequently, the wearing not only of full veils (burka, niqab, etc.) but also of balaclavas, masks or any other accessory or clothing that conceals the face is prohibited.

226. Article 2 of the Act provides for several exceptions to the prohibition of concealment of the face. The following are authorized: face protection used for health reasons, face protection used professionally or for sporting activities, compulsory apparel (such as helmets for two-wheeler users), concealment of the face at traditional events such as carnivals or processions, and the wearing of clothing or accessories (sunglasses, hats, etc.) not intended to mask the whole face.

227. The ban applies in "public areas", defined as public thoroughfares and places open to the public or used for public services. The ban does not apply to places of worship open to the public. The Act does not therefore restrict religious freedom by regulating apparel at religious ceremonies in places of worship.

228. A person who conceals their face in public may be fined up to 150 euros. Instead of or in addition to this fine, the judge may impose the obligation to attend, possibly at the offender's own expense, a citizenship course. A person who obliges another to conceal their face in public is committing an offence punishable by one year's imprisonment and a 30,000 euro fine. These penalties are doubled if the person thus obliged is a minor.

229. For educational purposes, the Act of 11 October 2010 provided for a six-month interval between its adoption and its application. This gave time for the promotion of adherence to the essential rules of the republican compact.

230. Between 11 April 2011, when the Act entered into force, and 11 April 2012, 354 checks took place, leading to 299 police reports of the commission of an offence. The procedure followed ensures that rights are fully respected: the law enforcement agencies apply the Act under court supervision, and it is the courts that adjudicate the offences.

231. The Act prohibiting the concealment of the face in public areas is applied, in the overwhelming majority of cases and throughout French territory, without constraint and without disturbing public order. The police and gendarmerie, when applying the Act of 11 October 2010, have, for example, no power to force offenders to remove their veil.

(c) *Detainees*

232. European Prison Rule 29.1 establishes the right to freedom of thought, conscience and religion for detainees, in accordance with article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Respect for beliefs and the right to engage in worship are guaranteed and organized by articles D. 432 to D. 439 of the Code of Criminal Procedure. Detainees must, as far as possible, be provided with places of worship and assembly in every prison, and religious services are provided for the various religions by chaplains appointed for the purpose.

III. Economic, social and cultural rights

233. Several of the issues relating to economic, social and cultural rights have been discussed in France's previous periodic reports. The information below concerns the implementation of those rights and the changes in that regard.

1. The right to work

(a) *The policy of integration through access to employment*

234. The National Agency for Social Cohesion and Equality of Opportunity (formerly the Social Welfare Fund) meets the language-learning needs of migrants established in France. Its activity is part of a process of social and vocational integration. The Labour Code provides for language-learning for migrants in the context of lifelong vocational training.

(b) *The general principle of non-discrimination*

235. The information below outlines the general framework of French labour law described in the country's previous periodic reports and the changes in that framework. The basis of the framework is a general principle of the prohibition of discrimination in employment.

236. Regarding recruitment, article 225-3 of the Criminal Code provides that treating people differently on the ground of their gender or physical appearance is permissible if, and only if gender or physical appearance is "an essential and determining requirement of the work in question and the objective is lawful and the requirement proportionate".

237. The definition in French law of prohibited discrimination is a broad one. As worded pursuant to the Act of 6 August 2012, article 225-1 of the Criminal Code states that "all distinction between natural persons by reason of their origin, sex, family status, pregnancy, physical appearance, patronymic, state of health, disability, genetic characteristics, morals, sexual orientation or identity, age, political opinions, union activities or membership or non-membership, actual or supposed, of a particular ethnic group, nation, race or religion constitutes discrimination". Act No. 2008-496 of 27 May 2008, which adjusted a number of provisions of French law to European Union law regarding the fight against discrimination, widened the range of prohibitions: pursuant to it, all acts connected with any of the

prohibited grounds of behaviour and all acts with a sexual connotation to which a person is subjected and the purpose or effect of which is to infringe their dignity or create an intimidating, hostile, degrading, humiliating or offensive environment constitute discrimination. That Act also introduced the criterion of beliefs, which is distinct from that of religion; that was a further widening by comparison with the two criteria (political opinions and religious beliefs) contained in article L.1132-1 of the Labour Code. In French law, this new type of prohibited conduct, which European Union directives class as harassment, is linked to the definition of discrimination. Unlike psychological or sexual harassment, this form of discrimination incurs no penalty under criminal law.

238. Nonetheless, in practice, the difficulties that immigrants and persons of immigrant origin encounter in accessing employment very often result from direct or indirect discrimination: not all applications from equally qualified candidates are always evenly appraised and so there may be, when appointment decisions are made, illegal references or practices that result in immigrants or persons of immigrant origin being left out.

239. In 2008, the French Government continued, through the National Agency for Social Cohesion and Equality of Opportunity, its efforts to improve access to the civil service and to promote development of the Diversity Charter in conjunction with businesses and professional, trade-union and consular bodies. By 2011, two years after it was introduced, the Diversity Label had received wide support: 255 labels had been awarded to private and public businesses or State agencies for over 15,000 workplaces and nearly 770,000 employees. Businesses also pursue their own anti-discrimination measures. In the case of the audiovisual media, for example, the France Télévisions group's objectives and resources contract for the period 2011–2015 carries over the undertakings that the group gave in 2004 regarding equality of opportunity and the promotion of diversity on its channels and in its human resources policy.

2. The right to housing

240. Pursuant to the Act of 5 March 2007 mentioned in France's previous report, the State guarantees the right to decent, independent housing to all lawful, permanent residents in French territory who are unable to obtain such accommodation by their own means or to remain in it.

241. The effectiveness of this principle derives from the enforceability of the right to housing, which presupposes the availability of legal recourse to people unable to obtain decent accommodation. Enforceability is ensured through the existence of a two-stage system whereby, in the event of the failure of conciliation, proceedings may be brought before a court in what is, for French law, a new type of dispute recognized by the Act.

242. The Act provides that housing applicants recognized by a conciliation commission as priority applicants to be housed as a matter of urgency who are not offered within a time-limit fixed by decree accommodation that takes account of their needs and capacities may appeal to an administrative court for an order that they be housed or rehoused. Since 1 January 2012, the possibility of making such an appeal, which was previously restricted to certain categories of priority applicants, has been open to all applicants who do not receive a suitable response to their request within a time-limit set by a prefect.

243. Any financial penalties set by courts in support of their orders to house or rehouse are payable into the national housing support fund established by the 2011 Budget Adjustment Act of 29 July 2011. The purpose of this fund is to finance, on the one hand, social support for households recognized as priority households which must, by virtue of the enforceable right to housing, be given accommodation as a matter of urgency and, on the other, appropriate rental management solutions for the accommodation allotted them.

244. A senatorial report submitted on 27 June 2012 notes that, by backing up the enforceable right to housing through the establishment of an obligation of result for the State, the Act of 5 March 2007 constituted a step forward on the housing issue. The report also notes, however, that while application of the right has gone smoothly in by far the greater part of French territory, it has proved more difficult in areas where access to social housing is affected by the tightness of the housing market.

245. In 2012, as part of an ongoing effort to collect information on discriminatory processes in the housing sector, the Defender of Rights undertook, in partnership with the National Agency for Social Cohesion and Equality of Opportunity and the Urban Development, Construction and Architecture Plan (PUCA), a study of applications for social housing. The aim of the study is, in connection with the right of appeal under the Act of 5 March 2007 establishing the enforceable right to housing, to analyse the profiles of the people subjected to an abnormally long wait for an offer of accommodation.

246. Previous to this, HALDE had issued two fundamental decisions containing wide-ranging recommendations to key players in the social housing sector. In its decision No. 2009-133 of 16 March 2009 it called for the establishment of transparent procedures for the processing of applications and the allocation of housing and for care to ensure that implementation of the principle of a social mix in public housing did not give rise to discriminatory situations. Then, in April 2011, it adopted, in its decision No. 2011-122, a series of recommendations to the Government, local authorities, real estate professionals and social landlords. Those recommendations concern, inter alia, the need for genuinely dissuasive penalties for failure by communes subject to it to meet the requirement that by 2020 social housing should comprise 20 per cent of their housing stock, the need for federations of real estate professionals to keep their members better informed about abusive practices and the laws against discrimination, and the need for transparency in the allocation of housing. The Defender of Rights has endorsed those recommendations.

3. Foreign veterans' pension rights (Committee recommendation No. 20)

247. In its concluding observations of 27 August 2010, the Committee noted with appreciation the progress made by France in implementing its previous concluding observations regarding the question of veterans' pensions. It also noted the Constitutional Council's "crystallization of pensions" ruling of 28 May 2010. Further progress has been made since then.

248. In accordance with the abovementioned Constitutional Council ruling of 28 May 2010, article 211 of Act No. 2010-1657, the 2011 Budget Act, which Parliament adopted on 29 December 2010, fully unfroze with effect from 1 January 2011 civilian and military retirement pensions, military disability pensions and veterans' pensions paid to nationals of the French Union, the former French Community and countries formerly under French protectorship or trusteeship. The full-year cost of that measure will be 150 million euros.

4. Developing regional languages in overseas France

249. France's previous periodic reports have referred to the general background to regional languages in overseas France. While article 2 of the Constitution defines French as the "language of the Republic", France pursues a policy of developing its regional languages, especially overseas. Since its latest report France has held the Estates General of Multilingualism in Overseas France. This meeting, which took place in French Guiana from 14 to 18 December 2011, produced a set of new recommendations based on principles for possible inclusion in a charter on improving the rules and action for the protection of local languages.

Article 6

I. The right to reparation

250. As it indicated in the latest periodic report, the French Government is particularly attentive to questions of the indemnification of victims of racial discrimination and the efficacy of the means of recourse available to them. There exist for victims of racial discrimination not only the rights pertaining under the Code of Criminal Procedure to all victims of offences but also special forms of protection such as intervention by anti-racism associations in the judicial process and cooperation and communication between these associations and the office of the public prosecutor. To ensure indemnities are paid France has established collection services such as SARVI (Collection Assistance Service for Victims of Offences) and CIVI (Indemnification Commission for Victims of Offences).

II. Effective access to the courts: legal aid

251. The principle is that citizens of European Union States or persons of other nationalities who are lawfully and habitually resident in France are entitled to legal aid.

252. Legal aid may be granted without being conditional on lawful and habitual residence to foreign nationals subject to one of the following procedures: extension of holding in a waiting zone; referral to a residence permit commission by an administrative authority; hearings relating to residence permits accompanied by the obligation to leave French territory and hearings relating to escort to the border; referral to a deportation commission by an administrative authority, and extension of administrative detention in premises not under prison service management.

253. Foreign nationals without adequate funds may also be given legal aid before the National Court of Asylum irrespective of whether they entered French territory or reside there legally or illegally.

254. For victims of the most serious offences and their dependents, means-testing is not required in relation to serious crimes and voluntary attacks on life and limb. These persons have an immediate entitlement to legal aid to bring civil actions for damages to compensate for the harm caused by such crimes. The offences in question include murder, with or without premeditation, acts of torture and barbarism, and deliberate assault resulting in any of involuntary homicide or mutilation or permanent disability, and may be aggravated by the fact that they were committed "because of the victim's membership or non-membership, whether actual or supposed, of a particular ethnic group, nation, race or religion".

255. France takes care to ensure that, thanks to the presence of victim support associations, the structures for giving the public access to the law (the *département*-level legal access councils and justice and law centres and victim assistance offices) provide persons seeking to exercise their rights, wherever they may be in French territory, specialized advice and support in proceedings.

Article 7

256. As France stated in its previous report, it is a general principle set out in article L. 111-1 of the Education Code that "in addition to imparting knowledge, the Nation shall set schools the prime task of ensuring that pupils share the values of the Republic". Effect is given to that principle through the teaching dispensed in primary schools, middle schools

(*collèges*), lycées and higher education establishments, which are charged with “transmitting and implanting knowledge and methods of work” and “help to promote a social mix and gender equality, particularly as regards choice of profession”. Education establishments “help to instil a sense of civic responsibility and participate in crime prevention. They provide training in awareness of, and respect for human rights and in understanding of the concrete situations that infringe them”.

257. The Ministry of Education promotes activities conducive to the rejection of all forms of racism, anti-Semitism and xenophobia and to the combating of discrimination. The composition of the set of core knowledge and skills (Education Code, art. L. 122-1-1) contributes towards the building and assimilation of the values that are at the basis of the French Republic, particularly respect for the fundamental rights and freedoms and the acquisition of a humanist culture. The Ministry’s circular concerning preparation for the 2011/12 school year provides that the Declaration of the Rights of Man and of the Citizen must be displayed in all classrooms.

258. The fight against discrimination involves the entire education community: the Education Ministry’s annual circular on the forthcoming school year is the reference point for the implementation at all levels of the priorities of education policy. It refers each year to the determination to reject all forms of discrimination and, since the 2009 circular, school rules have also had to do that and clearly to identify the various forms of discrimination and prohibit all discriminatory harassment that infringes human dignity. The same goes for insulting or defamatory remarks. Secondary schools’ health and citizenship education contribute to the implementation of educational activities after analyzing the local situation and setting priorities. In lycées, the school life councils initiate projects to promote tolerance, self-respect and respect for others and their diversity. The national lycée life council, to which representatives from all 30 regional education authorities belong, made the prevention of discrimination a defining part of its action in 2011.

259. As regards cultural life, France has expanded its efforts to increase the public’s awareness of the diversity of French society by, inter alia, developing museum departments and museums devoted to it. In particular, the National Centre for the History of Immigration (CNHI) collates, safeguards, highlights and makes accessible information concerning the history of immigration, particularly since the nineteenth century, thereby helping to achieve recognition of the ways immigrant populations have integrated into French society and developing perceptions of, and attitudes to immigration in France.

I. Institutional arrangements for preventing and monitoring racist acts

260. Since the previous report the French Government has taken fresh action in order better to prevent and monitor racist acts in the education sector.

1. The work of the High Council on Integration

261. Firstly, the High Council on Integration (HCI) was tasked on 26 April 2010 with monitoring issues connected with the application in France of the principle of secularism. As a result, it set up a committee comprising 20 people known for their attachment to that fundamental value of the French Republic to study secularism and make proposals concerning it. In February 2011, HCI drew up a charter on secularism in public service agencies. Together with the Ministry of Education it decided to set up a “teaching of secularism” team to provide staff in the national education system with the conceptual and instructional tools needed for better understanding of the principle of secularism.

262. The report on the refounding of integration policy submitted to the Prime Minister on 11 February 2013 proposes that HCI should be entrusted with collecting and publishing the figures for migration flows.

2. Keeping informed

263. In pursuit of its comprehensive efforts to learn more about acts of racism, xenophobia and anti-Semitism, the Government has also continued the collection through SIVIS (School Security Information and Monitoring System) of information from head teachers on serious incidents in schools. If the motive for an incident is racist, xenophobic or anti-Semitic, the discriminatory intent is considered an aggravating factor justifying the recording of the incident, whatever the latter's other features. In the 2010/11 school year, racist, xenophobic or anti-Semitic incidents numbered fewer than one per 1,000 pupils.

264. In spring 2011, some 18,000 pupils in middle schools were surveyed concerning insults linked to discrimination (skin colour, origin, religion, sexism). This investigation supplemented the information obtained via SIVIS by focusing on pupils' own experiences and not just incidents of which schools were aware.

265. Mention must be made regarding the prevention of racist, xenophobic and anti-Semitic violence in schools of the role of the gendarmerie's juvenile delinquency prevention brigades. These specialized units, whose main task is to prevent juvenile delinquency, act in schools to detect offences against pupils.

3. Partnerships

(a) *Interministerial action*

266. To protect secondary schools against violence, the Government has for several years pursued a policy involving partnerships between the relevant ministries (those of education, the interior and justice). In practical terms this has meant:

- Awareness-raising campaigns in schools by law enforcement officers: 1,000 members of the police or gendarmerie have been designated as "security contact points" to act in concert with the head teachers;
- Handling of instances of anti-social behaviour and violence in schools by a coordinated chain of bodies including the education community, law enforcement officers and the judiciary;
- Jointly prepared security diagnoses taking into account the situation at each school and regular security operations in the vicinity of schools;
- Joint training sessions for stakeholders in the education service, police, gendarmerie and judiciary.

267. On 23 September 2009, an interministerial circular signed by the Ministers of the Interior and Education and aimed at making secondary schools safer called for security precautions there to be based around the following five points:

- Making of a security diagnosis for every school;
- Designation of security contact points in the police or gendarmerie for every school;
- Regular security operations in the vicinity of schools;
- Training in security problems and crisis management for school staff with responsibility for security ;
- Monitoring of unlawful behaviour.

268. The aim is significantly to develop combined action by the two ministries in order more effectively to combat all forms of violence, including racist, xenophobic or anti-Semitic violence, in schools.

(b) *Cooperation with independent authorities*

Cooperation with the National Consultative Commission for Human Rights (CNCDH)

269. The relevant ministries participate in the work of CNCDH and follow in particular that of its racism subcommittee. Each year, these ministries, which include those of justice, the interior and education, address the Commission during the preparation of its report on the fight against racism, anti-Semitism and xenophobia, which summarizes the policy pursued in that regard. The French Government attaches the greatest importance to this public report on the combating of racism, a report that CNCDH submits to it every year pursuant to Act No. 90-615 of 13 July 1990 providing for the punishment of all racist, anti-Semitic or xenophobic acts.

Cooperation with the Defender of Rights

270. On 1 May 2011, the Defender of Rights took over the functions of HALDE and the Children's Ombudsman. The Defender of Rights has also taken over the online anti-discrimination training tool jointly established by HALDE and the Ministry of Education in 2009. The tool, which is intended for everyone with responsibilities in the field of education, can be consulted on the Defender's website: <http://halde.defenseurdesdroits.fr/-E-learning.46-.html>. The Ministry of Education shares in the work of the Defender of Rights regarding discrimination in the school environment.

(c) *Cooperation with anti-racism associations*

271. The Government enters into partnerships with non-profit organizations involved in citizenship education and the fight against racism and anti-Semitism, including LICRA, SOS Racisme, the Human Rights League, the Union of French Jewish Students and the educational associations that supplement the work of the national education system. These organizations offer teaching tools and conduct awareness-raising in schools in support of the teaching staff.

An example of partnership with an association: the agreements with the International League against Racism and Anti-Semitism (LICRA)

272. A three-year agreement between LICRA and the Ministry of Education was renewed on 5 July 2011. In it LICRA agreed to take up action in three new areas: implementation of the new measures to make pupils who commit racist, anti-Semitic or discriminatory acts aware of their responsibilities; mediation, if requested, in schools experiencing problems of racism, anti-Semitism or discrimination; development and trial of a module on the danger of the Internet as regards incitement to racial hatred.

273. In June 2012 the Ministry of Justice and LICRA renewed their annual agreement on objectives. Under it, LICRA carries out activities throughout France relating to access to the law, the combating of racism and anti-Semitism and the provision, in cooperation with the prosecution service, of legal assistance to victims of those offences through its legal advice service, national legal committee and network of activists.

The agreement with the Holocaust Memorial

274. The purpose of the important agreement between the Memorial and the Ministry of Education is to make resources available to teachers. Under the agreement, which was signed in 2011, the Memorial has developed an Internet site for teachers on teaching the history of the Holocaust; the site, at <http://www.enseigner-histoire-shoah.org>, opened in

March 2012. Regional education authorities regularly call on the Memorial for training courses on the Holocaust and on genocides and mass violence.

II. Teaching guidelines: curricula

275. The new curricula take account of the major issues for our society: racism, anti-Semitism, xenophobia, the successive contributions of immigration, relationships with other people and understanding the world's diversity. These issues are covered in the official curricula from the primary level through to the *lycée*, providing pupils with the foundations of culture and informed thinking and enabling them to reject all forms of racism and xenophobia.

276. Pursuant to article 2 of Act No. 2001-434 of 21 May 2001, teaching about slavery and the slave trade forms part of the curriculum at two levels of compulsory education, primary and middle school.

1. In primary and middle schools

277. The preamble to the section on primary-school curricula in the 19 June 2008 issue of the Education Ministry's Official Bulletin describes the aims of primary-school teaching to be to develop "the respect and tolerance that are the foundation for human rights and are reflected in daily life by observance of the rules of civility and politeness". The civics and ethics curriculum embodies those principles and teaches that it is absolutely forbidden to hurt other people. These guidelines are supplemented by circular No. 2011-131 of 25 August 2011 on ethics teaching in primary schools.

278. In middle schools, the recommended approach in the civics curriculum is to concentrate on practical examples with which pupils can identify and that will contribute above all to understanding of the importance of republican values:

- Hence, the history curriculum teaches about diversity and understanding the world (classical India, Han China, the empires of Subsaharan Africa, the slave trade and slavery);
- One of the focuses of the French language curriculum is "the outlook on the world, on others and oneself, in different time periods". Classroom reading material is chosen to "encourage thinking about the individual's place in society and about events, particularly religious events, that have shaped civilizations".

279. Teachers can find resources on the Ministry of Education's Eduscol site: the skills report books are a means of recording pupils' progress in acquiring the various elements of the set of core knowledge and skills, especially social and civic skills, autonomy and initiative.

2. Reform of the lycée: new curricula to promote understanding of the world

280. A number of courses have directly to do with the study of the concepts of racism, anti-Semitism and xenophobia, but all teaching should, as a matter of principle, contribute towards understanding of the world and adherence to common values on the basis of a set of clearly defined principles. Hence, the entire curriculum in the field of civics and legal and social studies is built around analysis of the concept of citizenship. In addition, the exploration lessons cover such topics as "Views of other people and places" in order to teach pupils to think about the significance of attitudes to others.

III. Educational initiatives

281. Every year, lessons are supplemented by a variety of events, competitions, commemorations and days of action that enable students to take part in collective activities that encourage understanding and tolerance. A list of the theme days to serve as the basis for school projects appears each year in the Ministry of Education's Official Bulletin.

282. Examples of theme days include:

- Universal Children's Day, 20 November;
- The International Day for the Abolition of Slavery, 2 December;
- Human Rights Day, 10 December;
- The Day of Holocaust Remembrance and Prevention of Crimes against Humanity, 27 January;
- International Women's Day, 8 March;
- The International Day for the Elimination of Racial Discrimination, 21 March, and national anti-racism week;
- The Day of Remembrance of the Slave Trade, Slavery and their Abolition, 10 May;
- The International Day against Homophobia, 17 May.

IV. Teacher training

1. Initial teacher training

283. The specifications for the training of teachers, documentalists and principal education advisers are set out in the ministerial order of 15 June 2012. This defines the three main aspects of the teaching profession's mission as: instruction of the young people entrusted to schools; education in accordance with republican values; contribution towards pupils' social and vocational integration.

284. The ministerial order of 12 May 2010 defining the skills to be acquired by teachers, documentalists and principal education advisers details the knowledge and professional knowhow that are essential to the exercise of their profession. Of the ten required professional skills, the first, "acting as an ethical and responsible employee of the State" requires knowledge of the Republic's main values: secularism, rejection of all discrimination, social diversity and gender equality. For teachers, knowing how to take account of their pupils' diversity means being able to cultivate in each of them the ability to view others and differences in a positive light according to the shared rules of the Republic.

2. The Ministry of Education's national training plan (PNF)

285. The PNF lays down the guidelines for the training of staff in the national education system. It serves as the official specifications for the range of training to be offered at the lower levels and is intended primarily for implementation by the education service managers of regional education authorities and *départements*, whose task it is to design, supervise and implement, under the authority of the rector, the training policy of the regional education authority in question.

286. The PNF includes seminars and symposia on the following topics: the relationship between history and memory, citizenship through education, teaching about religions, teaching about "sensitive" issues in a changing society, and equality between girls and boys.

3. In-service training within regional education authorities

287. Many regional education authorities have, in accordance with the national guidelines, included discrimination-awareness training in their in-service training plans for teachers.

288. For example, the following training modules have been proposed in regional education authorities' training plans:

- For the school year 2011/12, Créteil offered training in "Education in citizenship and prevention" covering courses in "Equality between girls and boys and coeducation: how to live together", "Television and stereotypes", "Combating all forms of discrimination, particularly sexism and homophobia", "The feminine and the masculine in social imagery and in teenage minds";
- For the school year 2012/13, the "Equality between girls and boys" team of the Lille regional education authority will offer a variety of training activities, Bordeaux will offer courses in combating all forms of discrimination (equality of opportunity for girls and boys and prevention of harassment in schools) and Créteil skills-improvement courses to help principal education advisers play their role in furthering citizenship education, coexistence in the school environment and the fight against stereotypes, discrimination and sexist violence.

289. These regional education authorities' training plans also include provision for courses to teach trainers how to organize educational activities involving the use of equality-promotion tools.

V. Teaching initiatives for newly arrived students

1. Integrating children who are newcomers to France

290. The Ministry of Education is endeavouring to improve the integration of children who are newcomers into the school system and to develop their knowledge of French, while giving them the opportunity to maintain links with their language and culture of origin.

(a) Reception procedures

291. Pupils who are newly arrived in France are immediately enrolled in the normal classes corresponding to their age and standard; at the same time, they are taught by teachers trained to teach French as a medium of instruction, using methods appropriate to each academic level.

292. After an individual evaluation by the regional education authority's Centre for the Education of New Arrivals and Travellers' Children (CASNAV), the children are channelled to the classes best suited to them in terms of their knowledge of French and standard of education. As resource centres for schools at the primary and secondary levels, the CASNAV contribute towards the development of locally appropriate teaching responses and support schools by providing them with teaching assistance and facilitating the reception and integration of pupils; they also contribute to the evaluation of reception arrangements and the related teaching and share in the training of the teaching and administrative staff concerned.

293. Special teaching arrangements are available for newly arrived children of elementary- or middle-school age, whether French nationals or foreigners, who have an inadequate command of French or have had little or no previous schooling.

294. The teaching structures concerned are:

- Introductory classes (CLIN), in which elementary-school pupils assigned to ordinary classes come together for special study periods;
- Intensive French classes (integrated remedial courses, CRI) provided by a peripatetic teacher who works at their schools with small groups of pupils, as needed;
- In middle schools, introductory classes for pupils not previously schooled (CLANSA) for pupils who come to France before the age of 16 after little or no previous schooling;
- In secondary schools, introductory classes (CLA) leading to gradual integration in ordinary classes;
- Pupils who come to France after the age of 16 are no longer subject to compulsory schooling but can take advantage of the support available from the general integration teams (*missions générales d'insertion*, MGI).

(b) *Numbers and classes provided*

Primary-level educational provision for newly-arrived pupils during the past six years

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Average number of newly-arrived pupils	18 952	17 586	17 280	16 952	18 111	18 487
Number of CLIN and CRI structures	1 108	1 176	1 274	1 484	1 610	1 759

Secondary-level educational provision for newly-arrived pupils during the past six years

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Average number of newly-arrived pupils	20 333	19 946	17 627	17 7651	18 356	19 604
Number of CLA + modules	964	960	872	820	895	898

295. In the 2010/11 school year, 14,551 newly-arrived pupils followed CLIN classes at the elementary-school level, whereas structures at the secondary level catered for 14,742 pupils in middle schools, 935 pupils in general-education lycées and 1,896 pupils in vocational lycées.

2. Developing French language skills

296. Enabling newly-arrived students to master French is a crucial means of securing equality of opportunity and a precondition for successful integration: communicating orally and in writing enables an individual to understand and express his or her rights and duties.

297. The diploma in French as a foreign language (DELF) is an official certificate issued by the Ministry of Education and is consistent with the Common European Framework of Reference for Languages (CEFR). It is a tool for evaluating pupils' initial proficiency in "French as a foreign language" and is intended as a means of developing their knowledge so as to facilitate integration. In addition to the standard version, there is a school version known as "DELF for schools" that acts as an incentive for pupils for whom the examination to obtain it is their first in France and that also serves as a teacher-training resource. In

2010, over the total number of regional education authorities, 11,945 candidates sat the DELF for schools examination and 9,437 diplomas were awarded.

3. Links with languages and cultures of origin

298. Teaching of pupils' languages and cultures of origin (ELCO) takes place in the school context, usually after school and on an optional basis. The lessons are provided by teachers from the relevant countries under bilateral agreements and, particularly in regard to non-European Union languages, are an important political, cultural and economic investment: for young people of immigrant origin, being versed in two cultures is a professional asset.

299. A joint France-Maghreb board has developed an ELCO curriculum for Arabic that is common to the three Maghreb countries and is consistent with the CEFR. It was introduced at the start of the 2010/11 school year, with the result that ELCO teachers can now register proficiency at CEFR levels A1 or A2 in pupils' skills report books, which record their performance from elementary school until the end of middle school.

300. Inspection rules have been defined to ensure consistency in the criteria applied in assessing pupils. This both facilitates assessment and provides a basis for training the teachers. Joint inspections by French inspectors and representatives of teachers' countries of origin are encouraged (Statistics for ELCO teaching are given below).

VI. A proactive equal opportunities policy: priority education

301. The Ministry of National Education, Youth and Community Life's priority education policy is based on the principle "give more to those who need it". Expecting the same level of performance from all pupils entails helping those who are the most alienated from school. Substantial additional resources are therefore allocated, irrespective of their pupils' ethnic origin or membership of a racial minority, to schools whose catchment audiences have social and educational problems.

302. Although this policy is one of the ways of improving the school results of pupils from the most disadvantaged socioeconomic backgrounds, the assessment made in 2010, following the relaunching of the priority education system in 2006 on the basis of networks, showed that the success gap between the pupils covered by the policy and others was still too wide.

303. Fresh goals were therefore set for the priority education policy with the introduction at the beginning of the 2011/12 school year of the ECLAIR ("Primary schools, middle schools and lycées for ambition, innovation and success") programme. This programme, covering 325 public secondary establishments (297 middle schools and 28 lycées) and 2,189 primary schools throughout France, encourages networking between the primary and secondary levels to promote a learning continuum. It also encourages innovation and changes in teaching practices and structures to meet pupils' needs. Profile-based recruiting and the development activities available to participating staff help towards the formation and motivation of high-level teams. Teaching methods and knowledge transfer are at the heart of the teams' work to further equality of opportunity. In addition, each regional education authority develops priority policies in keeping with local needs. Pupils progress more smoothly through school in the priority education zones, where, although the objective of eliminating the repeating of years has not been fully attained, the repeat rate is falling faster than elsewhere. The proportion of pupils repeating a year is close to that in middle schools outside the priority education areas and, while it is falling, the proportion of pupils with an educational delay of at least a year or of two or more years is still high.

304. In addition, a variety of support, aid and accompanied-learning measures are available at the primary and secondary levels to promote equality of opportunity. They are intended primarily for pupils who have special needs and/or come from areas with socioeconomic problems. Accompanied learning, for example, which is available in all middle schools, is particularly encouraged in elementary schools in priority education zones. For the pupils who volunteer for it, this form of aid supplements the usual classroom teaching through, in particular, assistance with schoolwork or homework. The *internats d'excellence* boarding schools give motivated pupils the chance to find, in the context of a formative pedagogical and educational project, the physical, educational and sociocultural conditions that they need for full academic and personal success. The *Cordées de la réussite* (Linked for success) partnerships between secondary and higher education establishments are intended to benefit young people from modest backgrounds whose academic ambitions may be frustrated by their social or geographical origin; they involve the strengthening through tutoring and cultural activities of the links between secondary and tertiary education and the world of work.

305. Children in conflict with school may be offered temporary placement in a booster scheme where they can receive differentiated teaching. A personalized training programme is devised for each child on the basis of an assessment of his or her achievements and skills relative to the set of core knowledge and skills.

306. For the most disruptive middle-school pupils, those whose behaviour prevents the proper functioning of their class or perhaps even of their school, educational reintegration centres were introduced at the start of the 2010/11 school year. Whenever possible, these are in the form of boarding institutions. They follow a novel timetable, with classes in various subjects in the morning and a range of other activities, in particular formative sports, in the afternoon. The aim of the centres is to prepare the pupils for a return to general, technological or vocational education while socializing them and teaching them about citizenship.

307. Parental involvement has proved its worth in terms of children's school results. Establishing dialogue with parents is a general aim of teaching teams and educators. The professionals describe the school year's issues and curriculum and the targets and methods of work for their subject, and meetings throughout the year provide an opportunity to discuss how each child is doing. There are purpose-designed policies of assistance and support for families, especially those for which the family/school divide is greatest:

- The objective of the "parents' kit" operation is to strengthen the link between teachers and their pupils' parents and to overcome the problems of communication the parents may have because of the complexity, structure and functioning of the school system. It is also to promote better monitoring by parents of their children's academic progress and to improve the children's results. Debates are held with parents, using tools (guidance sheets and a DVD) provided for the moderators;
- As was seen above in the first part of this report, the "Open schools to parents for successful integration" campaign offers free training for pupils' parents who are foreigners or immigrants from outside the European Union to enable them to learn French (literacy training, basic or advanced study of the language) and to familiarize them with the school system and the rights and duties of pupils and their parents.

308. In addition, the Ministry of Education encourages the conclusion of partnerships conducive to equality of opportunity and the diversification of paths towards excellence, especially for pupils from priority education zones. Many large companies implement equal-opportunity programmes as part of their sponsorship policy. The programmes, all of which target pupils from modest backgrounds, seek to raise the pupils' aspirations, broaden their cultural horizons, combat low self-esteem and accompany the pupils on their way to

demanding tertiary studies that they might not otherwise have dared to undertake. They can be for individual pupils, or for groups or an entire class, level or school. They help pupils to discover the world of business and its codes and employment opportunities.

Education in languages and cultures of origin (ELCO) in school years 2003/04 to 2009/10

ELCO		2003/04		2004/05		2005/06		2006/07*		2007/08*		2008/09		2009/10	
		Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary
Arabic	Pupils	8 582	437	9 528	374	10 799	543	11 793	543	13 114	450	14 054	302	16 036	307
Algeria	Teachers		121		145		147								
	Classes	634	45	621	31	709	32	751	47	795	35	851	26	1 022	33
Croat	Pupils					5	18	21		20			24		6
	Teachers						2								
	Classes		Nil		Nil	1	2	3		3			3		1
Spanish	Pupils	1 270	263	1 142	283	1 088	223	1 212	174	1 151	138	774	171	699	41
	Teachers		35		35		35								
	Classes	91	24	81	17	81	16	91	13	69	15	44	9	46	3
Italian	Pupils	2 335	532	1 556	489	1 449	383	1 502	362	1 424	336	1 211	299	1 258	266
	Teachers		80		106		90								
	Classes	210	38	189	32	106	30	88	21	100	24	80	15	96	17
Arabic (Morocco)	Pupils	24 987	3 041	22 679	2 739	24 235	2 411	26 860	2 432	27 504	2 574	28 218	2 186	28 327	2 022
	Teachers		264		286		312								
	Classes	1 814	255	1 674	234	1 787	218	1 935	219	1 900	221	1 935	182	1 943	170
Portuguese	Pupils	9 545		8 878		8 663		9 324		10 356		10 466		10 969	
	Teachers	120	No	126	No	119	No		No		No		No		No
	Classes	594	secondary	506	secondary	527	secondary	573	secondary	659	secondary	664	secondary	578	secondary
Arabic (Tunisia)	Pupils	5 237	614	4 712	674	5 107	575	4 923	551	5 000	318	4 605	391	5 287	260
	Teachers		139		135		132								
	Classes	391	53	334	55	375	41	356	45	363	34	342	35	376	26
Turkish	Pupils	12 717	3 682	13 002	3 502	13 932	3 795	15 004	3 600	15 593	3 473	15 836	3667	16732	3555
	Teachers		173		174		181								
	Classes	923	237	914	217	907	219	897	230	958	221	971	234	1067	217
Serbian	Pupils	184	0	153	0	159	6	149		136	15		89		156
	Teachers		5		4		4								
	Classes	12	0	11	1	10	0	13		8	1		8		12

<i>ELCO</i>	2003/04		2004/05		2005/06		2006/07*		2007/08*		2008/09		2009/10	
	<i>Primary</i>	<i>Secondary</i>												
Pupils, totals per level	64 857	8 569	61 650	8 061	65 437	7 954	70 788	7 662	74 298	7 304	75 277	7016	79470	6451
Pupils, grand total		73 426		69 711		73 391		78 450		81 602		82293		85921
Classes, totals per level	4 669	652	4 330	587	4 503	558	4 707	575	4 855	551	4898	501	5141	466
Classes, grand total		5 321		4 917		5 061		5 282		5 406		5399		5607

* Teacher numbers are not given from 2006/07 onwards as the figures are hard to break down because the same persons work in several schools and sometimes in several *départements*