

The political situation in France in 2006 was still shadowed by the repercussions of the “*banlieue* riots,” i.e., riots that took place in the fall of 2005 in predominantly immigrant inhabited suburban areas of large cities.¹ The state of emergency in those areas was called off first on 21 February 2006. The impoverished suburbs gave rise to some of the most salient human rights issues in France also in 2006: widespread xenophobia and violations of the right to adequate housing.

In the aftermath of the “*banlieue* riots,” large-scale demonstrations took place throughout the country protesting against a new law allowing for more flexible work contracts for young employees. Officially adopted with the aim of tackling youth unemployment, they were regarded by many as undue discrimination against young people. The March and April mass protests against the new regulations lead to illegal actions by the demonstrators and the use of force by the police.

Other central human rights issues included threats of mass expulsions of immigrants and the adoption of a restrictive immigration law in July. In addition, violations against media freedom persisted, affecting especially investigative journalists and their right to keep their sources confidential.

The report of the UN special rapporteur on freedom of religion or belief, Asma Jahangir, from her 2005 visit to France was published in March. It especially shed light on the effects of the 2004 introduction of a ban on wearing conspicuous religious symbols in public schools, and the repercussions of a 2001 law on religious “sects.”

Freedom of the media

As in the previous year, numerous journalists were prosecuted to make them reveal their sources. Despite the promise of Justice Minister Pascal Clément to include privacy of sources in the revised (1881) press law, formal investigations were initiated against six

journalists for “possessing legally confidential material,” “violating professional secrecy,” and “violating confidentiality” in the so-called Clearstream corruption scandal.²

◆ Formal judicial investigations were opened in November in the case of three journalists with the Montpellier-based daily *Midi Libre* on suspicion of “violating professional confidentiality.” The case was filed by former Languedoc-Roussillon regional council president, Jacques Blanc, over a leaked official audit. The police raided the *Midi Libre* offices on 5 July and copied its electronic files in an attempt to discover how the paper had obtained the preliminary official information on Blanc’s handling of the region’s finances it had published on 25 and 26 October 2005.³

The June dismissal of Alain Genestar, the editorial director of the magazine *Paris Match*, nurtured the frequently voiced concerns over too tight links between politicians and powerful media corporations in France. Genestar was fired for having published a photo on the cover of his magazine showing the interior minister’s spouse on a holiday trip with her lover.⁴

In a positive landmark ruling, a court in Paris in November dropped charges against journalist Claude Ardid and lawyer Albert Lévy for revealing details of a judicial investigation into alleged corruption in school meal contracts in Toulon in 1998. The court cited in its ruling the important role of journalists “to help inform the public” and invoked article 10 of the European Convention on Human Rights (freedom of expression), as opposed to article 38 of the 1881 press law that prohibited the publication of indictments or any other criminal procedural documents.⁵

In a regretful development for freedom of information, the National Assembly adopted a law banning denial of the 1915 Armenian massacres. Violations of the law can result in five years’ imprisonment and a fine of EUR 45,000.⁶

Freedom of religion and religious intolerance⁷

In her March report, the UN special rapporteur on freedom of religion or belief particularly took up the repercussions of the Law 2004-228 of 15 March 2004 on “laïcité” and of the About-Picard Law of 3 May 2001 on religious “sects.”

The Law 2004-228 on “laïcité” prohibited the wearing of conspicuous religious symbols in public schools as from the fall of 2004. While the special rapporteur called the law appropriate insofar as it was intended to protect the autonomy of minors who may be pressured to wear a headscarf or other religious symbols, she noted that the law at the same time denied the rights of those minors who freely chose to wear such symbols as part of their religious belief. She also noted that the real number of pupils who had had to leave public schools on grounds provided by the law remained unclear.⁸

The special rapporteur noted that the law disproportionately affected young Muslim women, and its implementation had resulted in humiliation among them. Moreover, the stigmatization of the headscarf had indirectly provoked acts of religious intolerance and discrimination against all Muslim women wearing a headscarf, and led, according to many, to the radicalization of the persons affected.

The About-Picard Law on “sects” was officially adopted to dissolve those religious groups or movements which had been convicted several times of crimes, as well as to extend the criminal offence of wrongful abuse of an individual’s state of ignorance or weakness. It also extended criminal responsibility for legal entities and limited the ability of sectarian movements to advertise.

The special rapporteur considered that the law and government policies may have contributed to a climate of general suspicion and intolerance towards religious minorities listed as “sects”; had negatively af-

ected the right to freedom of religion of some members of these communities; and led to negative court decisions, for example, in child custody cases. In addition, a number of children in schools had been stigmatized. The special rapporteur called for improvements in the activities of the Inter-ministerial Mission to monitor and combat abuse by sects (MIVILUDES).

Racism, xenophobia and intolerance

Intolerant and xenophobic attitudes, and actions, continued to be reported and in some cases it appeared that the police were unable or unwilling to consider their possible xenophobic undertones or motivations.

◆ On 21 January, Ilan Halimi, a young man of Jewish origin, was kidnapped in the Paris suburb of Bagneux by a gang, severely tortured and rediscovered on 13 February. He died shortly afterwards of his injuries. This brutal incident focused attention not only on Ilan Halimi’s case but also to the anti-Semitic motivation of the crime. The kidnapper stated later during police investigations that the victim was chosen because of his Jewish origins since, as he said, “Jews have money.” The gang leader was later caught in Ivory Coast, Africa, and extradited to France where he was facing murder charges at the end of 2006

Halimi’s mother accused the police of having been reluctant to recognize the crime’s anti-Semitic motivation despite the fact that there had recently been at least three other attempted abductions of young Jews. The mother believed that the police negligence could be attributed to a fear of clashes with Muslims should the real motivation be revealed.⁹

The racist and anti-Semitic undertones that had been brewing in French sports for quite some time came to a violent breakout on 23-24 November near the Paris Parc-de-Princes stadium, when the local PSG football club lost a UEFA cup game

against Hapoel Tel Aviv. After the game, militant PSG supporters brutally attacked a Tel Aviv fan, and a plainclothes police officer of Antillean origin who came to his defense. As a result, the police officer shot and killed one PSG supporter and severely wounded another. An inquiry commission was set up to look into the case since both the attack on the Israeli fan, and on the police officer, clearly appeared racially and ethnically motivated. This was demonstrated by the virtual hunt by French fans after Tel Aviv supporters, shouting clearly anti-Semitic slogans.

The December report by the European Monitoring Centre on Racism and Xenophobia on Islamophobia in Europe found that French Muslims, as Muslims in other EU countries, were discriminated against in housing, education, and employment.¹⁰ However, the report also found that a majority of respondents in France (and in Great Britain) expressed a

favorable view of Muslims, contrary to other EU countries.

Migrants, asylum seekers and refugees¹¹

The new immigration and integration law, adopted on 25 July, aimed at giving the government better control over immigration and making immigration "selective." As opposed to previous immigration to France that was mainly based on family-related reasons (approximately 113,000 people annually), the new law and government policy emphasized employment-driven immigration. The law's main objectives are: fighting illegal immigration; recruiting skilled workers; facilitating foreign students' stay; tightening the rules on family reunification; and limiting access to residence and citizenship.

The new law facilitates the recruitment of immigrant workers with needed skills or



A migrant woman holds her child as French police began evacuating a former dorm-turned-squat in Cachan, outside Paris. August 2006. © AP/Brinon

qualifications by granting them “skills and talents” visas. In the similar vein, the law facilitates foreign students’ stay in France after they complete their studies.

The law tightens the rules on family reunification, officially with the objective of modifying family reunification policy in three ways: by ensuring that immigrants respect French values, by promoting their integration into French society, and by fighting forced or polygamous marriages.

The law also limits access to residence and citizenship *inter alia* by simplifying the procedure for deporting unauthorized migrants who are refused the right to stay in France.

Although coming into force only in 2007, the law’s effects were already felt in 2006: several thousand illegal immigrants and migrants with expired residence permits were threatened with expulsion. Following public outrage, exceptions were made for some families with school-aged children. In order to avoid deportation, these immigrants had to meet several criteria, including having a child enrolled in the French school system and demonstrating a “real will” to integrate.

Persons wishing to have their status legalized in view of obtaining temporary residence permits were to submit their documents to the local administration that would decide on them on the basis of a June circular from the then minister of the interior.¹² Some 30,000 applications were submitted and around 6,000 cases were decided positively by mid-September. The decisions taken were heavily criticized for arbitrariness as each prefecture interpreted the ministerial circular in its own way.¹³

Almost 13,000 people who did not have the required documents had been deported already by the end of July, a fig-

ure more than 50% of the Interior Ministry’s goal of 25,000.

Tightening the rules on family reunification and increasing stringency in giving legal status to illegally resident immigrants provoked protests especially by immigrant leaders and organizations.

Right to adequate housing

In 2005, several persons died in fires in substandard and unhealthy temporary housing facilities in Paris and its suburbs, revealing the precarious housing conditions to which many migrant families and other people with low income were exposed to. Reportedly, some three million people in France lived in such conditions or were homeless, a situation attributed to the lack of affordable housing particularly in the Paris region where rental fees were soaring.

In August, several hundred persons of African origin were evicted from an unused students’ hostel on university premises in the town of Cachan, one of Paris’ southern suburbs (see photo). The squatters, most of them with French passports or valid residence permits,¹⁴ had occupied the building for lack of other available housing. They were transferred to different temporary accommodation facilities throughout the Paris region.¹⁵

Although the right to decent housing was provided for by French legislation, it could not be claimed through courts. A draft law providing access to courts and compensation to persons whose housing application would not be responded by a specific deadline was rejected by parliament in April, but President Jacques Chirac promised in his 2007 New Year’s address that a similar law would be put forward in early 2007.

SOURCES FOR FURTHER INFORMATION:

Organizations:

- ◆ Amnesty International France, at www.amnesty.fr
- ◆ International Federation for Human Rights ("Fédération Internationale des ligues des Droits de l'Homme," FIDH), at www.fidh.org
- ◆ Reporters Without Borders ("Reporteurs sans Frontières," RSF), at www.rsf.org
- ◆ Don Quixote's children ("Les Enfants de Don Quichotte") (on housing), at www.lesenfantsdedonquichotte.com
- ◆ Housing Rights ("Droit au Logement"), at www.globenet.org
- ◆ Against Disposable Immigration ("Contre Immigration Jetable"), at www.contreimmigrationjetable.org
- ◆ SOS Racism ("SOS-Racisme"), at www.sos-racisme.org

Publications:

- ◆ *Reporters Without Borders 2007 Annual Report*, at www.rsf.org/article.php3?id_article=20696
- ◆ *European Monitoring Centre on Racism and Xenophobia: inquiry into Islamophobia in Europe*, at http://eumc.europa.eu/eumc/index.php?fuseaction=content.dsp_cat_content&catid=4491243f59ed9
- ◆ *Civil and Political Rights, Including the Question of Religious Intolerance, Report submitted by Asma Jahangir, Special Rapporteur on freedom of religion or belief, Addendum 2, Mission to France, (18 to 29 September 2005)*, E/CN.4/2006/5/Add.4, 8 March 2006, at http://ap.ohchr.org/documents/dpage_e.aspx?m=92

Endnotes

- ¹ For more information on the 2005 "banlieue riots," see IHF, Human Rights in the OSCE Region: Europe, Central Asia and North America, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4255.
- ² Reporters Without Borders (RSF), *Annual Report 2007*, at www.rsf.org/article.php3?id_article=20813. For the Clearstream scandal, see RSF, "Clearstream wins libel suit against investigative journalist targeted from all sides," 5 Dec 2006, at www.rsf.org/article.php3?id_article=20007.
- ³ RSF, "Three Midi Libre reporters under judicial investigation over leaked audit," 28 November 2006, at www.rsf.org/article.php3?id_article=19938.
- ⁴ RSF "Reporters sans frontières réagit à la mise à l'écart d'Alain Genestar de la direction de Paris Match," 28 June 2006, at www.rsf.org/article.php3?id_article=18142&var_recherche=g%E9n%E9star.
- ⁵ RSF, "In landmark decision, Paris court drops charges against journalist who revealed details of judicial investigation," 15 November 2006, at www.rsf.org/article.php3?id_article=19761.
- ⁶ RSF "Reporters Without Borders regrets adoption of law making it a crime to deny Turkish genocide against Armenians," 13 October 2006, at www.rsf.org/article.php3?id_article=19176.
- ⁷ Based on the report *Civil and Political Rights, Including the Question of Religious Into-*

lerance, Report submitted by Asma Jahangir, Special Rapporteur on freedom of religion or belief, Addendum 2, Mission to France, (18 to 29 September 2005), E/CN.4/2006/5/Add.4, 8 March 2006, at http://ap.ohchr.org/documents/dpage_e.aspx?m=92.

- ⁸ According to official figures, 47 pupils had been expelled from school on grounds provided by the law. However, it was not clear how many had decided not to register with public schools at all, left France to attend school elsewhere, or enrolled with private schools or distance learning.
- ⁹ Times online, 23 February 2006, at www.timesonline.co.uk/article/0,,13509-2054882,00.html.
- ¹⁰ The EUMC Annual Report 2006 is posted at http://eumc.europa.eu/eumc/index.php?fuseaction=content.dsp_cat_content&catid=4491243f59ed9.
- ¹¹ Unless otherwise noted, based on Migration Policy Institute, Kara Murphy, "France's New Law: Control Immigration Flows, Court the Highly Skilled," November 2006, at www.migrationpolicy.org/about/index.php.
- ¹² The circular is accessible at the Ministry of Interior website at www.interieur.gouv.fr/sections/a_votre_service/lois_decrets_et_circulaires/2006/intk0600058c/downloadFile/file/INTK0600058C.pdf.
- ¹³ RFI, "Régularisation des sans-papiers: quels critères?" 18 July 2006, at www.rfi.fr/actu/fr/articles/079/article_45126.asp.
- ¹⁴ *L'Express*, Jaques Attali, "Le syndrome de Cachan, at www.lexpress.fr/idees/tribunes/dossier/attali/dossier.asp?ida=451474.
- ¹⁵ LICRA, "Expulsés de Cachan: un accord est trouvé," at www.licra.org/index.php?section=detail&cur_rub=1&id=1690