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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF FRANCE
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Unless otherwise indicated, any developments which occurred after 15 May 2018, the date on which the response of the French authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1. In its report on France (fifth monitoring cycle) published on 1 March 2016, ECRI recommended that the French authorities fight racial and homophobic/transphobic stereotypes and prejudices effectively to deal better with the concrete challenges that arise due to living together in an intercultural world. To this end, ECRI recommended that school curricula and teacher training programmes are revised in order to enable teachers and pupils to understand better societal issues linked to questions such as religions and beliefs as well as immigration matters.

The French authorities have informed ECRI that on 19 March 2018, the Prime Minister presented the second national action plan to combat racism and antisemitism for the years 2018 to 2020. It contains measures for increasing the resources allocated to education against racism and antisemitism, and makes provision for enhancing training for all staff in preventing and managing racist acts and discourse.¹ The ethics and civic education curricula which became effective at the beginning of the 2015-2016 academic year include at the very heart of these courses the issues of discrimination, prejudice and stereotyping, and secularism as freedom of thought and belief or not to believe; they are designed to develop students' awareness of diversity, acceptance of differences, tolerance and respect for others. A "citizenship path" seeks to prepare pupils to exercise their rights as citizens in an active and enlightened manner.

In addition, the Government has put in place or supported measures to raise awareness to combat racism and antisemitism, such as the campaign entitled "Take a Stance against Racism" launched by associations, the Awareness Week against Racism and Antisemitism, and resources such as the "Education to combat racism and antisemitism" Platform.

Regarding the fight against homo- and transphobia, in 2016 the Government extended the terms of reference of the Interministerial Task-Force to combat Racism and Antisemitism (DILCRA) to include the fight against anti-LGBT hatred and discrimination (now DILCRAH). This broadening of the terms of reference has been accompanied by a plan to take action to combat anti-LGBT hatred and discrimination, with an annual budget of €1.5 million. This plan contains measures to educate against this type of hatred and discrimination in schools and in higher education, in particular initial and in-service training for teaching staff, support for associations working in the education sector, and the relaunching of prevention campaigns and awareness-raising for parents. The Government has tasked the National Consultative Commission for Human Rights (CNCDH) with assessing the implementation of this plan and at the end of 2015, it launched a campaign entitled "Homophobia will not be tolerated in schools".

The Human Rights Ombudsman (Défenseur des droits) also contributes to the training and awareness-raising of teaching staff and pupils through the "Educadroit" programme in which the issue of discrimination is addressed.

ECRI considers that this recommendation has been implemented.

2. In its report on France published on 1 March 2016, ECRI recommended that the French authorities take immediate and proactive measures to ensure that no legitimate "residence" application submitted by persons belonging to vulnerable groups such as Roma is turned down and that the periods for processing these applications are reduced to the absolute minimum.

"Administrative domiciliation" enables persons with no fixed abode to have an address for receiving mail and particularly to be able to have access to certain rights and social benefits, and to meet certain obligations. The authorities have informed ECRI that the domiciliation procedures were simplified by Law No. 2014-366 of 24 March 2014 and its implementing decrees No. 2016-632 and No. 2016-641 of 19 May 2016. The first of these decrees clarified and considerably broadened the notion of "link with the municipality", and pursuant to the decree of 11 July 2016, forms for applying and

¹ French Government (2018), National plan to combat racism and antisemitism (2018-2020): 6 et al.

attesting “administrative domiciliation” were published. Two months after submitting such a form, an appeal can be lodged with the administrative authority concerned or with the courts. The Minister for Social Affairs and Health issued an instruction dated 10 June 2016² on the domiciliation of persons with no fixed abode together with a guide on domiciliation. In the instruction of 25 January 2018,³ the Government called on all *préfets* of regions and *départements* to ensure that the needs of persons residing in camps were met throughout the country and that the service in this regard was being properly delivered.

Further to Law No. 2017-86 of 27 January 2017 which abolished the specific requirements relating to the domiciliation for Travellers, an information note issued on 5 March 2018⁴ updated the instruction of 10 June 2016 and the model forms were amended by an order of 3 November 2017. Lastly, the Ministry of Solidarity and Health published online a guide on the interview prior to domiciliation.⁵

In 2017, the Human Rights Ombudsman received a complaint following the refusal to grant domiciliation to seven persons who initially lived with more than 600 other people in two camps. Of the 250 minors present, only 50 were attending school. In his decision 2017-275, the Human Rights Ombudsman recommended that the mayor of the municipality in question remind his departments of the legal and regulatory framework on the right to domiciliation.

In five other cases, the Human Rights Ombudsman was informed of a refusal to enrol children in school and concluded that there had been discrimination in access to education on the grounds of the place of residence, the particular economic vulnerability of the families, or their origin. Having noted the ongoing nature of the problems in certain municipalities, in a general decision of 7 December 2017 (Decision 2017-342), the Human Rights Ombudsman reiterated his recommendations on the matter to all French mayors. Lastly, the Human Rights Ombudsman pointed out in this context that Articles 225-1 and 225-2 of the French Criminal Code prohibit discrimination when it consists in refusing or making the supply of a good, service or right subject to a condition based on the place of residence or particular economic vulnerability.

Civil society stakeholders have informed ECRI that there continue to be a considerable number of problems in the implementation of the regulations on domiciliation: certain municipalities refuse to provide domiciliation thereby forcing the applicants and associations to turn to neighbouring municipalities. Others do not give reasons for their refusal despite being legally obliged to do so, invoke grounds for refusal which are not in conformity with the regulations in force, ask for an excessive number of documents to prove the applicants’ link with the municipality or refuse documents such as attestations that the children attend school. In other cases, the files are dealt with very slowly, even in case of an emergency, such as the file of a pregnant woman who needed medical monitoring.

Taking into account the progress regarding the regulations on domiciliation, but also the persistent problems in its implementation, ECRI considers that this recommendation has been partially implemented.

² No. DGCS/SD1B/2016/188

³ NOR:TERL1763127J

⁴ No. DGCS/SD1B/2018/56.

⁵ <http://solidarites-sante.gouv.fr/affaires-sociales/lutte-contre-l-exclusion/droits-et-aides/article/domiciliation-des-personnes-sans-domicile-stable-417653>, accessed on 13 June 2018.

