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France: persistent discrimination endangers human rights

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Strasbourg, 17/02/2015 – “Despite advances in legislation and measures to combat intolerance and racism, discrimination and hate speech not only persist in France but are on the rise. There is an urgent need to combat this in a sustained and systematic manner,” Nils Muižnieks, the Council of Europe Commissioner for Human Rights, said today, publishing the [report on his visit to France from 22 to 26 September 2014](#). In this report, the Commissioner addresses issues of intolerance, racism, and respect for the human rights of migrants, Travellers, Roma and persons with disabilities.

“In recent years, there has been a huge increase in antisemitic, anti-Muslim and homophobic acts. In the first half of 2014 alone, the number of antisemitic acts virtually doubled, while the number of Jews leaving France for Israel tripled compared with 2012, which is a telling indication of their feeling of insecurity. The rising number of anti-Muslim acts, 80% of which are carried out against women, and homophobic acts, which occur once every two days, is also cause for great concern. It is essential to put an end to such acts, including on the Internet, and to punish those responsible.”

The Commissioner welcomes France’s sound legal and institutional framework for combating racism and discrimination and urges the authorities to continue to fight resolutely against these phenomena. “To this end, it would be helpful to give full effect to the criminal law provisions recognising “testing” as evidence of discriminatory conduct and to include the fight against discrimination in a national plan to promote and protect human rights. Ratifying Protocol No. 12 to the European Convention on Human Rights on the general prohibition of discrimination would also help to further strengthen the legal framework.”

The trend towards more stringent and more complex rules in the asylum and immigration field raises serious questions of compatibility with France’s international commitments, particularly with regard to being granted asylum and the reception of asylum seekers. “The serious and chronic inadequacies in the reception of asylum seekers force many of them to live in extremely vulnerable and degrading conditions. Lasting solutions need to be found as a matter of urgency to ensure that everyone has effective access to reception centres and social protection.”

The reception and care of unaccompanied migrant minors highlights a further shortcoming in the French migration system. “There are between 7,000 and 12,000 such children living in France, 3,000 of whom are in Mayotte. Many are left without any social or educational support or medical care and some are even homeless. Their age is often determined following certain highly questionable procedures, especially when these involve bone age tests. It is not uncommon for these children to be deprived of their liberty when they arrive at the border unlawfully. The French authorities must put an end to these practices and provide better reception conditions, including overseas.”

The Commissioner also calls on the French authorities not only to honour their commitment to take in 500 Syrian refugees, but to take in even more and to remove all barriers, such as the obligation to have an airport transit visa, which undermine their chances of being granted asylum. The Commissioner also calls on the authorities to improve the living conditions of migrants in Calais and to afford them greater protection against violent homophobic attacks.

Commissioner Muižnieks urges France not to adopt or implement legislative or other measures to accelerate asylum procedures still further, until the structural problems in the national asylum authorities have been resolved. He underlines the need to improve the effectiveness of remedies in the asylum and immigration field, by expediting the introduction of suspensive appeals against all decisions taken in these matters, including overseas. In addition, he recommends that the authorities improve the legal aid and procedural guarantees offered to immigrants and asylum seekers and cease the practice of holding hearings by the 'liberties and detention judges' in the annexes of regional courts located in the immediate vicinity of administrative detention centres or waiting zones.

High levels of anti-Gypsyism have prevailed in France for a very long time, and the Commissioner calls on the authorities to firmly tackle hostile speech and acts directed at migrant Roma and Travellers, including on the Internet. He recommends that the authorities put an end to the discriminatory system applied to Travellers, provide appropriate camping areas and ensure effective access to education for the children of Travellers by promoting solutions more in keeping with their lifestyle.

Like Travellers, migrant Roma continue to be targeted and stigmatised by hate speech emanating from certain politicians and by sometimes harmful media coverage. They are also the victims of violence perpetrated by individuals and at times even by members of law enforcement agencies, in particular during forced eviction operations. The Commissioner also underlines the urgent need to guarantee Roma access to healthcare, education, housing and employment, and to conduct public awareness-raising activities to combat stereotypes and prejudice against Roma and Travellers.

With regard to the situation of persons with disabilities, the Commissioner notes that despite a well-developed legal framework and the priority given to independence and social inclusion, these are not always guaranteed in practice. "There is an urgent need to rectify a situation which continues, de facto, to perpetuate the social exclusion and marginalisation of persons with disabilities. The serious delays in ensuring that public places are accessible and the shortcomings in the arrangements concerning guidance and support for these persons should be dealt with as a matter of priority."

The Commissioner is also concerned that thousands of persons with disabilities are obliged to leave France to find more appropriate solutions to their situation abroad, particularly in Belgium. He also condemns difficulties in access to employment and the discriminatory conditions applying to workers with disabilities within certain specialised facilities.

Lastly, while welcoming the measures adopted to promote the education of children with disabilities in mainstream schools, the Commissioner notes with concern that no education solution has yet been found for some 20,000 of these children, and particularly for those with autism spectrum disorder. "The authorities should step up their efforts to ensure that all children receive appropriate education. The authorities should also attach priority to setting up local services promoting the social inclusion of people with disabilities, and improve the support provided to those with autism, in particular by making greater use of educational, behavioural and developmental methods in the care they are given."

- ▶ [Link to the report \(in French\)](#)
- ▶ [Link to the French government's comments on the report](#)
- ▶ [Link to the infographic](#)

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Nils Muižnieks, took up his function on 1 April 2012

