



REPRESENTATION PERMANENTE DE LA FRANCE
AUPRES DE L'O.S.C.E

**Combating hate crimes and ensuring effective protection against discrimination -
Working sessions 12 and 13 (Tuesday, 29 September 2015)
Statement from the French Delegation**

I stand behind the statement of the European Union and wish to add a few points in a national capacity.

After the tragic events that took place in Paris on 11 January, the French Government introduced, in addition to immediate security measures to protect places of worship and faith schools, a strict, cross-cutting approach to prevent and suppress racist acts.

(1) The fight against racism and anti-Semitism was declared a major national cause by the President of the French Republic and was the subject of a new interministerial plan adopted on 17 April 2015. This plan to combat racism and anti-Semitism involves all ministries, local governments and civil society. It is based on four essential pillars: sanctioning, educating, passing on the values of the Republic, and combating hate speech, especially online. Prevention is a particular focus, because prejudice is very often rooted in ignorance. Knowledge, culture and education in the broadest sense remain the best defence against hate speech. A total of €100 million will be mobilized over three years, for both running initiatives at national level and encouraging local policies to promote citizenship. A more detailed presentation of this new plan is attached to the written statement.

(2) To improve suppression, France has also perfected its statistical tools to measure the effectiveness of criminal law policies. In line with the recommendations of the ODIHR, the Ministry of the Interior and the judicial institutions have access to disaggregated statistics on the motives for racist acts, which are published annually. In the framework of the implementation of the new interministerial plan, a list of the sentences handed down for these acts will also be published. France's data collection methodology was presented during the OSCE Human Dimension Committee meeting on 27 January 2015.

(3) Lastly, since combating racism and discrimination of all kinds involves the whole of society, the Government began a close dialogue with civil society representatives, including the institutions representing Muslims and Jews in France. The main aim is to jointly monitor the acts committed against schools and places of worship and define the protective measures that are needed.

In its fight against intolerance, the Government does not prioritize any form of discrimination over another. Whether they target Jews, Muslims, Christians, Roma people or homosexuals, all acts of intolerance and discrimination are condemned strongly by the French authorities and are the subject of the necessary legal action. As the President of the French Republic once again reminded us on 13 March 2015, "Anyone who persists in committing

acts or declaring messages of hate or incitement to violence in France will see the Republic and its laws rise up against them.”



PREMIER MINISTRE

MOBILIZING FRANCE

AGAINST

RACISM AND

ANTI-SEMITISM
2015-2017 ACTION PLAN

INTRODUCTION

On 31 December 2014, in his New Year speech to the French people, the President of the French Republic declared combating racism and anti-Semitism a Major National Cause for 2015.

Prioritizing the combat against racism and anti-Semitism, mobilizing the State, the local governments, civil society and the citizens in both metropolitan and overseas France, means recognizing the urgency of the situation: the urgency of the new outbreak of anti-Semitism which we believed to have been extinguished and is at its highest level since the end of the war; the urgency of the social, territorial and identity divide in areas left to tackle delinquency and radicalism alone, and where all values will be gradually distorted if we are not careful; the urgency of the flood of hatred spouted daily on the Internet and social networks by preachers of hate and back-room ideologies; and lastly, the urgency when racist and anti-Semitic insults become the norm in school playgrounds and sports grounds.

In the French Republic, there can be no areas outside the law. Nor can there be any areas where the importance of respect, an essential value of the Republic, is not recognized: racist insults cannot be tolerated in public spaces, in classrooms, or on the Internet. It should be possible to talk about the Holocaust, teach about genocides, discuss slavery, look back at history and all histories, without avoiding or skirting round these subjects, because knowledge is the only way to reduce intolerance.

When it comes to racism, no act is harmless. Each one weakens the Republic, especially if it goes unpunished. And racist abuse has taken place. This abuse is not only a threat to those who fall victim to it, French citizens who are Jewish or Muslim, and more broadly all those who suffer racism or discrimination due to their skin colour, origin or beliefs: this abuse undermines the pact on which our Republic is founded. It jeopardizes the national community's very ability to continue living together, under the laws of the Republic, with a shared love of its values.

Protecting and supporting victims

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Action 15. Guarantee the security of places of worship, schools and Jewish and Muslim meeting places
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Action 16. Authorize class actions by law to combat discrimination more effectively
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Action 17. Provide specialized assistance to victims of racist and anti-Semitic acts

3. PROTECTING INTERNET USERS FROM THE PROPAGATION OF HATRED

Combating racist and anti-Semitic content requires not only eliminating hate messages, but also prosecuting those responsible for these messages. It is necessary to increase the responsibility of digital platforms, ensure offences are properly sanctioned and promote an effective counter-discourse.

Increasing the responsibility of digital platforms

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Action 18. Make it an obligation for platforms hosting content intended for the French public to have a legal base in France

Ensuring offences are properly sanctioned

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Action 19. Create a national unit against hatred on the Internet
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Action 20. Issue e-warnings to reduce the number of repeat offences
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Action 21. Give associations the means to promote an effective counter-discourse
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Action 22. Make use of Digital Public Spaces

4. EDUCATING CITIZENS THROUGH SCHOOL, CULTURE AND PASSING ON VALUES

Prejudice is rooted in ignorance. Knowledge, culture and education in the broadest sense remain the best defence against hate speech.

Schools are at the heart of this combat, as places where knowledge is passed on and pupils learn how to live together. But education spreads far beyond the classroom: it takes place through culture, visiting remembrance sites, learning about community life, and sport.

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Action 23. Create a scientific committee attached to the Interministerial Delegation for the fight against racism and anti-Semitism (DILCRA)

Giving schools the means to preserve and pass on the values of the Republic

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Action 24. Strengthen and structure the training and resources dedicated to combating racism and anti-Semitism
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Action 25. Provide staff training on the values of the Republic and secularism
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Action 26. Support educational teams that are dealing with incidents
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Action 27. Establish a network of racism and anti-Semitism advisers in higher education establishments

Ensuring all incidents are followed up on by evaluating the reporting system, giving pupils greater responsibility and improving teaching about sanctions

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Action 28. Evaluate the quality of the reporting system, the effectiveness of preventive, educational responses, and the use of sanctions in the school environment
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Action 29. Give pupils more responsibility and develop peer mediation to improve the atmosphere and reduce racism and anti-Semitism in schools
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Action 30. Draw up a reference guide recapping the law and the applicable penalties, for use by all those involved in education

Culture, remembrance and history, to educate against racism and anti-Semitism

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Action 31. Set up a “Remembrance and Histories” response fund to mobilize and foster links between remembrance institutions
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Action 32. Ensure each stage of education focuses on a remembrance site and a particular work, to educate against racism and anti-Semitism
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Action 33. Develop audiovisual education in partnership with actors in this field, including the French National Audiovisual Institute (INA) and France Télévisions.

Citizenship education outside school

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Action 34. Set up a civic sponsorship scheme
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Action 35. Assign civic service volunteers to associations combating racism and anti-Semitism and support those involved in community education
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Action 36. Make the week of 21 March a major opportunity to unite people against racism and anti-Semitism
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Action 37. Encourage initiatives to combat racism and anti-Semitism, in the framework of territorial education projects
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Action 38. Increase vigilance towards anti-Semitism and racism in sport
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Action 39. Train 1000 ambassadors for “values in sport”
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Action 40. Set up a toll free helpline in each sports league for managers of amateur clubs

FOCUS 1: INCREASING RESOURCES TO COMBAT RACISM AND ANTI-SEMITISM

The action plan against racism and anti-Semitism will be implemented over three years, from 2015 to 2017.

It will have a budget of €100 million over three years, for both running initiatives at national level and encouraging local policies to promote citizenship.

This plan will be implemented under a tighter national management structure. In the first stage of this restructuring, the Interministerial Delegation for the fight against racism and anti-Semitism (DILCRA) was completely overhauled and directly attached to the Prime Minister.

The Interministerial Committee for the fight against racism and anti-Semitism will meet annually with the Prime Minister, to ensure the plan is being correctly implemented and make any necessary adjustments.

A steering committee, led by DILCRA and meeting on a quarterly basis, will bring together correspondents selected by the Ministers - one from each Minister's private office and one from the administrative departments of each ministry.

DILCRA will report annually on the implementation of the plan to the National Representatives, the Defender of Rights, the French National Consultative Commission on Human Rights, the Economic, Social and Environmental Council, and the European and EU bodies that deal with human rights.

FOCUS 2: COMBATING RACISM AND ANTI-SEMITISM: A MAJOR NATIONAL CAUSE

Launch a proactive government communication campaign in mid-2015

Declaring the combat against racism and anti-Semitism a Major National Cause is an opportunity to launch a campaign to raise public awareness via local and national mass media, in metropolitan and overseas France. This campaign will be launched in mid-2015. This proactive, realistic campaign, seeking to galvanize people and raise awareness, should express the State's commitment and call for French society to take action.

Launch a participative and viral campaign in the second half of 2015

In order to extend this government campaign, a call for applications from associations will be launched in the second half of 2015; the selected association will run a campaign lasting throughout 2016. A participative communication campaign, aiming for viral popularity and based on short formats (videos, photos, texts), will also be launched, in order to encourage civil society initiatives and reach younger people who are more interested in the Internet and social networks than traditional media. Web artists, designers and influencers will be called on to take part in this project.

Mobilize “major sponsors” of the fight against racism and anti-Semitism

Artists, sportspeople, intellectuals, and online and social network influencers, as well as role models from various professions (teachers, police officers, servicemen and -women, people in the restaurant and hotel trades, journalists, medical professionals, emergency services staff and craftspeople) who are able and willing to make a contribution will receive the title of “major sponsors of the fight against racism and anti-Semitism” and receive logistical support from public authorities to lead creative, educational or awareness-raising initiatives.

Set up a club of citizenship patrons

A club will be set up to gather contributions from corporate foundations and private donors. These funds will be used to support charitable projects or communication initiatives.

FOCUS 3: AN “OPERATION OF TRUTH” TO UNCOVER THE REALITY OF RACISM AND ANTI-SEMITISM

Supplement knowledge of racism and anti-Semitism through an annual survey of victims, carried out by the French National Supervisory Board on Crime and Punishment (ONDRP)

As for crime in general, our knowledge about racist and anti-Semitic offences is based on the information recorded by the police and the gendarmerie. While this system is an effective measuring tool and helps us to assess changes over time, it would be useful to develop an approach based on surveys of victims, to reduce the number of unreported incidents, which are particularly common when it comes to discrimination and insults, as well as police refusal to record complaints, which is even more harmful.

Publish an annual list of the sentences given for the various charges related to racism and anti-Semitism

Currently, incidents recorded by the police and the gendarmerie are known and cross-checked, in the case of both anti-Semitic and anti-Muslim acts. A similar list should be drawn up and widely circulated, detailing complaints lodged, proceedings initiated and sentences handed down by the judicial authority, distinguishing between categories of acts (racism, anti-Semitism, racial, ethnic or religious discrimination, negation or defence of crimes against humanity). This transparency will increase the visibility of action within the justice system and strengthen citizens' confidence in the courts' commitment to prosecuting and sanctioning these offenders.

Create a scientific committee attached to the Interministerial Delegation for the fight against racism and anti-Semitism (DILCRA)

This body will be made up of researchers, academics and intellectuals representing all disciplines that enhance existing knowledge of the development of racist behaviours, ideologies and prejudices, including sociology, political sciences, history of ideas, psychiatry, neurology and anthropology. It will also include public action practitioners, such as elected officials, magistrates, prefects, police officers and teachers, so that these practitioners and experts may benefit mutually from comparing their knowledge and experience.

The committee will meet regularly to formulate recommendations and opinions, encourage research by awarding grants and research prizes, organize conferences and coordinate publications. It will be able to build partnerships with public higher education establishments in France and abroad that wish to contribute to the growth of knowledge in this area.

FOCUS 4: MORE EFFECTIVE AND EDUCATIONAL SANCTIONS

Include punishment of hate speech in the field of general criminal law, to simplify investigation and judgment rules

Certain specific features of press law provided for by the 1881 act are a source of procedural red tape and significantly hinder the actual judgment of the accused. This is no longer a suitable means of prosecuting those charged with racist and anti-Semitic incitement, insults or slander. It is therefore necessary either to include these offences in the criminal code, making certain specific arrangements, or ensure they are no longer covered by provisions of the 1881 act that no longer seem appropriate.

Make racism and anti-Semitism an aggravating factor for all crimes and offences

As several recent cases have shown, ordinary crimes are now often accompanied or even inspired by racist or anti-Semitic prejudices. This is true of financially motivated crimes such as bag snatching, mobile phone theft or sequestration, where anti-Semitic prejudices have suddenly become an underlying motive. Yet racism, like homophobia, is not recognized as an aggravating factor for all offences, or is not recognized when there is another aggravating factor involved for some offences.

Develop alternative measures and educational sentences

Community service is a sentence under which an offender who has accepted the principle works for a public body or association. It often enables offenders to acknowledge the gravity of their offence without being removed from society. Public prosecutors and prison integration and probation services therefore need to take action, with an educational aim, to increase the number of community service placements in associations promoting remembrance, restoration of damaged religious or cultural buildings, etc.

Another measure that should be applied more often is that of citizenship courses. These courses should provide a general reminder of the values of the Republic, including tolerance and respect for human dignity, on which society is based, and ensure that offenders acknowledge their criminal and civil liability, as well as the duties that life in society entails. In addition, under the French Criminal Code, when the citizenship course concerns a person who has been sentenced for an offence with an aggravating factor listed in Article 132-76, it must also include a reminder about crimes against humanity, especially those committed during the Second World War. Citizenship courses will now include a specific module on combating racism and anti-Semitism. Furthermore, in the largest population areas, or in those where racist and anti-Semitic offences are most frequent, citizenship courses on this specific issue need to be introduced, in collaboration with associations.

FOCUS 5: CREATING A NATIONAL UNIT AGAINST HATRED ON THE INTERNET

The purpose of this unit will be to coordinate the institutional actors that are responsible for establishing and enforcing standards on protection against hate speech. Tasks will include:

- ▶ **Simplifying the reporting system:** creating a simple interface that can be used to report illegal content from any platform in just a few clicks; developing a generic “plug-in” that can be installed on the main browsers; developing a mobile application; standardization.
- ▶ **Running “cyber-patrols” charged with tracking online the racist and anti-Semitic material that is the most representative, the most repeated and the most frequently shared, and carrying out investigations to identify offenders (IP addresses) so that they can be prosecuted.**
- ▶ **Establishing and enforcing binding specifications for platforms:** compulsory explicit references in Terms of Use; clear warning on the home page about moderation; sufficient number of staff to carry out moderation; delisting procedure; obligation to report illegal content immediately to the coordination unit; deactivation of profiles after notice, etc.
- ▶ **Laying down recommendations and warnings** directed at platforms.

FOCUS 6: ENSURING EACH STAGE OF EDUCATION FOCUSES ON A REMEMBRANCE SITE AND A PARTICULAR WORK, TO EDUCATE AGAINST RACISM AND ANTI-SEMITISM

In the framework of citizenship lessons and artistic and cultural education, remembrance sites, cultural and heritage establishments and archives, whether local or national, will be fully mobilized (Shoah Memorial, Palais de la Porte Dorée – Museum of the History of Immigration, Maison d'Izieu, Memorial to the Abolition of Slavery – Nantes, Memorial Site of Les Milles Camp, Rivesaltes Memorial, MUCEM – Museum of European and Mediterranean Civilizations, Musée des Confluences, Montluc Prison Memorial, Mémorial de Caen museum, Struthof, ACTe slave trade memorial in Guadeloupe, etc.).

Every primary and secondary school will be encouraged to develop a special partnership with one or several of these establishments, which will feature in its school development plan, to enable all pupils, at every stage of their school career, to:

- ▶ understand the history of the various forms of racism and anti-Semitism, as well as the ways and means of overcoming them and building a collective identity, through learning and interpretation activities linked to a heritage and remembrance site;
- ▶ learn about living in a community, combating racism and anti-Semitism, and the history of movements opposing hatred, in various contexts, through encounters with artists and their work (painting, sculpture, performing arts, cinema, architecture, etc.).

The national register of cultural and remembrance resource sites will be updated annually by an operational group involving the Directorate-General of School Education, the Remembrance, Heritage and Archives Directorate of the Ministry of Defence, and the Directorate-General of Heritage of the Ministry of Culture, and made available to teachers. An interactive map will be available on the “Educating against racism and anti-Semitism” page of the new shared resources website of the Ministry of National Education, Higher Education and Research and the Ministry of Culture, and on the websites of cultural establishments and remembrance sites that so wish.

This will be supplemented by a local register in each regional education authority.

FOCUS 7: SETTING UP A CIVIC SPONSORSHIP SCHEME

What is the best way to tackle the challenge of integrating young people, especially those from poor neighbourhoods, into all aspects of community life, including education, employment, culture, and political and community involvement? How can we help those who are keen, want to get involved, and make an effort, but are trapped by a glass ceiling?

These young people will be given the chance to take part in a civic sponsorship scheme and be mentored for two years by an adult volunteer from the Citizen Reserves. The aim is to enable young people to take full ownership of the values of the Republic, become involved in community life in various ways (civic service, taking part in citizen councils, voluntary work, etc.), receive the necessary training for these activities, and more generally, access various public resources more easily (for example, a guided tour of an official institution, an immersion course in a police department or with the army, etc.). Sponsors will also facilitate procedures related to education and professional integration.

The young people will undertake personal projects that may take various forms: primarily civic service, but also voluntary work, community service, a public service internship, or an artistic project.

When they turn eighteen, they will be accompanied to the town hall by their sponsors to register on the electoral roll.

At local level, prefects, who will be responsible for rolling out the scheme, will ensure the involvement of all State services, local governments, social partners, and main employers, so that the young people who make the effort to sign up receive support from all those who work to promote civic, social and professional integration.

At national level, high-profile figures who are recognized in their professional field and for their commitment to helping others will build on the work of the sponsors and give the scheme greater visibility.

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