
Racist Violence in France

By Dr Jean-Yves Camus



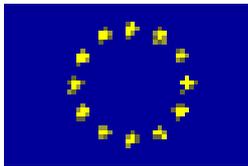
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An assessment of overall trends and patterns

This chapter analyses the most recent legal changes affecting the patterns and trends of racist violence in France on the basis of the available official data and information coming from the NGOs.

General information

In order to properly understand the situation in France, one should be reminded that the French Constitution states that the French Republic is “one and indivisible”. The consequence is that French law does not formally recognize ethnic or religious minorities. Therefore, it is forbidden by law to keep a record of the citizens’ ethnic origin or religious affiliation¹ and the only difference in legal status is that between citizens and non-citizens. Another French peculiarity is the concept of “laïcité”, which is inadequately translated into “secularism”. A cornerstone of the French Republic, “laïcité” roughly means total separation of the churches and the State, but it also means that there is no room for the affirmation of religious beliefs outside of one’s home and outside places of worship. This is the explanation for the political consensus that led to the voting of legislation banning the Muslim headscarf (as well as the Jewish skullcap and the Sikh turban) in schools² and the law that was voted on 14 September 2010, with the effect of banning the niqab and the burka in the streets as well .

Legal provisions and statistics of racist violence

There are adequate records and statistics of racist violence, although there is still room for improvement in the data collection system. Since 1990, the Commission nationale consultative des droits de l’homme (CNCDH) is commissioned by the Prime Ministers’ office to release an annual report which gives an overview of “The fight against Racism, Antisemitism and Xenophobia”, and which includes statistical data from Government sources about racist violence. NGOs are on the board of the Commission and are asked to provide their own contributions to the report, which is released on March 21, on the International Day against Racism.

Furthermore the law of December 30, 2004³, has set up an independent agency, the Haute Autorité de Lutte contre les Discriminations et pour l’Egalité (HALDE). Its aim is to take legal action in cases of discrimination (racial or otherwise) that are reported by individuals. This mainly targets discrimination in the workplace and HALDE is not competent in cases of racist violence.

The French legal system does not recognize “hate crime” as a specific category, but nevertheless, it includes specific provisions which punish racist violence, incitement to racial hatred including targeting a specific religious group, and denying the Holocaust. Incitement to racial hatred is a criminal offence under a 1 July 1972 law known as the “Loi Pleven”. The law passed on 13 July 1990 and known as the “Loi Gaysot” does not only deal with Holocaust-denial: it also allows judges to deprive

¹ Law 6 January 1978, art.31

² Law, 15 March 2004, and article 141-5-1 of the Code de l’éducation.

³ Loi n°2004-1486 du 30 décembre 2004 portant création de la haute autorité de lutte contre les discriminations et pour l’égalité (1).

the perpetrators of racist incidents of their citizens' rights for a limited period of time, in addition to the penal sentence they receive.

There are more recent legal provisions in this domain. The "loi Lellouche" passed on 3 February 2003, in the wake of an unprecedented wave of anti-Semitic violence, allows judges to impose harsher sanctions upon perpetrators of racist violence, than those they would normally receive in the case of a similar act of violence not motivated by racism. Furthermore damage to private property, which is under normal circumstances a relatively minor offence, was made a crime, when it is motivated by racism with the potential to lead to injury (e.g in cases of arson of a religious building, with the possible effect of killing worshippers). On 18 March 2003, another law was enacted which provided for aggravating sanctions in instances of crimes committed against individuals because of their sexual orientation. Finally on 9 March 2004, the so-called "loi Perben II" came into effect. This includes a provision that makes sending death threats, stealing or extorting money from an individual, because of his race or religion an aggravating factor.

Several NGOs, including the Collectif contre l'islamophobie en France (CCIF, founded in October 2003)⁴, are asking the State to specifically add Islamophobia to the provisions of racist behaviour that are punishable by law. The CCIF publishes an annual report of islamophobic incidents, but Islamophobia is not a legal category and, contrary to the United Kingdom, this word is used with much reluctance by the French intellectual elite, because it is described as having been coined by the Islamists. The CCIF report for 2009, lists 184 islamophobic incidents, 163 targeting Muslim individuals and 21 targeting Muslim institutions. Actions against individuals mostly consist of attacks against women wearing the hijab. Actions against institutions mostly consist of desecrations of mosques and cemeteries. The CCIF says that in 2009 there has been an unprecedented increase in physical violence from 60 incidents in 2008 to 163. By contrast, desecrations and mosque vandalizing remain stable and according to the same source, are perpetrated for the most part by "Extreme-Right leaning groups". In 2009, CCIF reports that the actions against individuals have sharply risen in June, when the debate on the burka was launched in the Assemblée nationale. This continued when, in November, the debate on national identity was launched by the government. It also highlights the influence of the Swiss referendum on minarets as a source of islamophobia, especially because it contributes to the reluctance of mayors and city councils to allow the building of new mosques.

Although one can challenge the use of the word "Islamophobia" on intellectual grounds, and given the fact several of the reported actions against individuals may not be classified as an ethnic or religious prejudice under the French legal definition, there is no doubt that the overwhelming majority of those incidents reported by CCIF belongs to a specific category of prejudice that is targeted against Islam as a religion and its (supposed) believers because of their faith. The fact that Islamist groups and individuals use the category "Islamophobia", does not mean it is neither valid nor significant⁵.

⁴ Collectif Contre l'Islamophobie en France, available at <http://islamophobie.net> accessed 20 September 2010.

⁵ The author wants to make clear here, that he does not condone the demands of those NGOs or individuals which use the word "Islamophobia" in order to change the French legislation that

Apart from statistics and records from public authorities, several NGOs keep track of racist incidents, although they do not publish comprehensive reports they offer general information on the situation of racism in France. Usually, these NGOs keep track of the incidents that are reported to them by the victims and only when they choose to be part of the legal procedure against the perpetrators, as they are allowed to under French law. Those NGOs are MRAP (Mouvement contre le Racisme et pour l'Amitié entre les Peuples)⁶; SOS-Racisme; LICRA (Ligue Internationale contre le Racisme et l'Antisémitisme)⁷ and LDH (Ligue des Droits de l'Homme). On the specific topic of anti-Semitism, the Service de Protection de la Communauté Juive (SPCJ), a Jewish communal organization in charge of security, issues an annual report, including statistics that mirror those of the Ministry of the Interior⁸. Another source of information about anti-Semitic violence is the privately run Bureau National de Vigilance contre l'Antisémitisme (BNVCA). Although it does not publish a report, it offers an online form that can be filled in by victims of anti-Semitic incidents, and that are then forwarded to the authorities. Its definition of anti-Semitism is wider than that of SPCJ.

General trends with a focus on 2009-2010

In order to properly understand the situation in France, it is necessary not only to look at the figures of racist incidents, but also to evaluate the extent to which the policies of the present government are influencing, if not fuelling, racism and xenophobia.

The last report of the CNCDH was for 2009⁹, which means that it recorded the data pertaining to 2008 and also offered a glimpse of the situation during the first two months of 2009. The report pointed out the increase of racist incidents in 2008. The CNCDH reported a total of 1026 incidents in 2009, against 467 in 2008 and 321 in 2007. The number of violent incidents was 220 in 2009 against 97 in 2008, the rest being threats¹⁰. The report states that 'members of the community from the Maghreb' are the main victims: they were the target of 33.64% of racist violent acts and of 29.77% of racist threats.

separates the religions from the State, or in order to ask for a law against blasphemy. For the same reasons, he is opposed to the new legislation against the integral veil, which is badly worded and uselessly divisive.

⁶ In 2009 the Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) published a comprehensive survey of racism on the internet see <http://www.mrap.fr/campagnes/RacismeInternet/rapport-MRAP2009.pdf>, accessed 20 September 2010.

⁷ LICRA mostly goes to court against authors of anti-Semitic incidents, but the new president Alain Jakubowicz, elected in 2010, wants to broaden the scope of those legal actions to include all forms of racism. LICRA took part in the demonstration against the immigration policy of the Government, on 4 September

⁸ An English version can be read at: <http://www.spcj.org/publications/report2009.pdf>, accessed 20 September 2010.

⁹ Commission nationale consultative des droits de l'homme, '*La Lutte Contre le Racisme, L'antisémitisme et la xénophobie, 2009, available at* <http://lesrapports.ladocumentationfrancaise.fr/BRP/104000267/0000.pdf>, accessed 20 September 2010.

¹⁰ The number of threats increased from 370 to 806.

Anti-Semitic incidents are recorded as a specific category. In December 2008 and January 2009 their number increased dramatically, a situation that was the consequence of Operation Cast Lead. The CNCDH reports 815 incidents, as compared to 864 in 2008¹¹ and 723 in 2007. In December 2009 the Minister of the Interior, Brice Hortefeux, announced that the number of anti-Semitic incidents in the January-October period had been 750, that is twice the number for 2008¹². It would however be wrong to assume that anti-Semitic violence is a consequence of the situation in the Middle-East: if peaks are closely related to the political or military tension there, the level of anti-Semitic violent acts is much higher now, even in “quiet times” in the Middle-East, than it used to be before the start of the Second Intifada in 2000. One hotly debated issue in France is that of the so-called “New Anti-Semitism” that is, anti-Jewish prejudice among the Muslim population, whether it be motivated by Islamism or by an extreme form of anti-Zionism which denies the right of Israel to exist¹³. It has been argued that this “New Anti-Semitism” is responsible for an overwhelming majority of anti-Semitic incidents and that the traditional, fascist Catholic fundamentalist groups/militants are now very much marginal when it comes to anti-Semitic violence. According to French police statistics, this is hardly the truth: in 2009, Muslim people were the authors of only 20 out of 172 anti-Semitic attacks, while 14 attacks were perpetrated by Neo-Nazis. On the other hand 13% of anti-Semitic threats are attributed to Muslim people, against 5% attributed to Neo-Nazis. In order to explain those figures, one needs to remind that:

- Due to the fact ethnic statistics are forbidden by law, those incidents that are attributed to Muslims are only those which were clearly said by the perpetrators to have been carried out because of ethnic or religious prejudice, with a reference to Islam
- The overwhelming majority of anti-Semitic incidents are graffiti, the authors of which remain unknown

Incidents that target Muslims and which can be labelled as a consequence of Islamophobia are on the rise and consist of three categories: desecrations; daubing on mosques and violent attacks on individuals. 25 racist attacks out of 220 and 156 out of 806 racist threats were perpetrated by people with a clear connection to the Extreme-right, and which targeted Muslims. The ECRI report on France, published in June 2010, writes on the specific topic of anti-Muslim prejudice that “there has been a recent shift in anti-Arab, North African racism directed at Muslims, although the population targeted by this racism remains substantially the same”. ECRI says that a part of the population draws unsubstantiated parallels between Islam, Muslims and terrorism, sometimes leading to discrimination in the field of employment.

Finally, the issue of Roma rights has come to the forefront in the summer of 2010. The French president Nicolas Sarkozy has launched a head-on clash with the European Union (EU) by ordering the inhumane and forcible deportation of

¹¹ Given that the figure for 2009 was that of the two first months only, this means an important increase over the preceding year.

¹² *Le Figaro*, 13 November 2009, ‘Forte hausse des actes antisémites en France’ available at <http://www.lefigaro.fr/actualite-france/2009/12/13/01016-20091213ARTFIG00196-forte-hausse-des-actes-antisemites-en-france.php> accessed 20 September 2010.

¹³ The French standard work on this issue is: Taguieff, Pierre-André. *Rising From the Muck: The New Anti-Semitism in Europe*. Ivan R. Dee, 2004.

thousands of Roma to Romania and Bulgaria and stirred massive international controversy. Already in 2009, around 10,000 Roma were sent back to their native countries of Bulgaria and Romania. The context now, however, is different. On 30 July 2010 in Grenoble, Sarkozy gave an important speech in which he equated crime with immigration. This is the city where a youth from an immigrant background (but non-Roma) violently clashed with the police at the beginning of that month. Sarkozy also announced that he wanted the 300 illegal camps where Roma live to be dismantled within three months and the Roma who are settled there to be deported to their countries of origin, mostly Romania and Bulgaria. There are approximately 400,000 Roma who belong to long established communities and hold French citizenship, notably in Alsace and southern France. In addition, an estimated 12,000 undocumented Roma from Eastern Europe live in dire poverty in slums located on the periphery of France's big cities, such as Lyon and Paris. According to EU legislation, they have the right to enter France without a visa, but under special rules they must have work or residency permits if they wish to stay longer than three months. That means that most Roma from Bulgaria and Romania are in France illegally. However, the French government acknowledges the fact that 70% of those who are deported simply return within a short time.

The Roma rightly complain about police harassment and about a pitiful lack of willingness of city councils from across the political spectrum, to enforce a 5 July 2000 law that makes it compulsory for each city to provide the Roma with a permanent camping ground¹⁴.

A further step along the road of scapegoating the Roma population was taken on 28 July 2010 when government Minister Luc Chatel, denounced the 'unbearable behaviour of some within the Roma community', making no difference between the French Roma who are fully fledged citizens and Roma from other EU member States who, from January 2014, will enjoy unbridled freedom of movement anywhere in the EU.

On 5 August, the Interior Minister, Brice Hortefeux asked the State administration through a circular to dismantle illegal camps, which specifically targeted the Roma. This circular was clearly illegal as it is forbidden to target specific ethnic groups under French law¹⁵. Apart from harassment and abuse, the Roma are in some cases the victims of plain violence. For example on July 18, 2010, a group of French Roma went on the rampage in the village of Saint Aignan, burning cars, attacking the police station and felled numerous trees. The president said events underlined 'the problems caused by the behaviour of some Roma'. The youths rioted hours after a friend, Luigi Duquet, a 22-year-old robbery suspect, had been shot dead by a policeman who acted while being on duty. On September 16 a « gendarme », that is a policeman who has military status, was found not guilty of having killed a 27 years-old French Roma with a criminal record, while he was trying to escape his police escort. Such incidents are not considered as racist violence, because of the unlawful behaviour of the victims, but the Roma say that the police treat them according to

¹⁴ Loi n°2000-614 du 5 juillet 2000 relative à l'accueil et à l'habitat des gens du voyage

¹⁵ The article 1 of the French constitution states that France 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 organised on a decentralised basis. all citizens are equal before the law irrespective of origin, religion", accessible at : <http://www.assemblee-nationale.fr/english/8ab.asp>, last access 6.10.2010

their racist prejudices against a minority who have been described for centuries as thieves and beggars.

The situation of the Roma is closely watched by several NGOs, among others the Fédération nationale des associations solidaires d'action avec les Tsiganes et les Gens du voyage (FNASAT), an umbrella organization of more than 80 associations.

Creation and activities of groups and organisations aiming at discriminating

French skinhead and Neo-Nazi groups are small except in the Nord-Pas de Calais and Eastern France, where they have perpetrated cemetery and mosques desecrations as well as racist or anti-Semitic attacks¹⁶. Local groups include the Réveil Picard who are responsible for clashes that regularly take place in the region Picardie, between Caucasian youth and young immigrants; the skinhead branches of Blood and Honour as well as of the Charlemagne Hammerskins; the Paris soccer hooligans who belong to Extreme-Right groups such as Milice Paris, Commando Loubard, Ligue de Défense Française and Ligue 732. The government response to the surge of such movements has been swift but banning a racist, violent group, does not prevent it from continuing under another name. After a hooligan died in February in a clash between Caucasian Far-Right and immigrant hooligans in Paris the Government banned the Commando Loubard and Milice Paris groups, as well as Brigade Sud Nice, another Extreme-Right group. However, it also banned «Supras Auteuil 1991», «Paris 1970 la Grinta» and «Les Authentiks», who are outspokenly anti-racist. The fast growing Extreme-Right movement, the so-called “Identity” movement, now cautiously avoid being involved in racist actions, although its ideology is opposed to immigration, multiculturalism and especially Islam. The militants of Front National and its youth wing, Front National de la Jeunesse, share the same beliefs, and are regularly involved into racist violence. In 2009 on the Riviera, a group of FN supporters who came back from a Le Pen meeting in Marseille, were sentenced for having assaulted a black man. The man who was the most violent during the incident was a minor, but he was incited to attack the man by a 69 year-old woman who was also put on trial. Another violent group, Groupe Union Défense (GUD), established in 1969, was revived in autumn 2009 after having been inactive for several years.

Anti-Semitic violence does not come from organized groups except those on the Extreme-Right. In particular, it is important to note that those anti-Semitic attacks that are perpetrated by youth of Arab or African descent may be motivated by religious hatred, but are not committed by people belonging to any structured Islamic movement. The only exceptions to this rule are two small groups of anti-Semitic radicals who refer to Islamism but are not endorsed by the mainstream organizations such as the Union des Organisations Islamiques de France (UOIF): the Parti des Musulmans de France (PMF) and the Collectif Sheikh Yassine. Another controversial and anti-Semitic group is the Parti Anti-Sioniste (PAS), which contested the 2009 election to the Regional Council in the Paris area and received 1.5% of the vote. The PAS is an offshoot of the Shia “Centre Zahra”, a pro-Ahmadinejad group which

¹⁶ On January 29, 2010 The local daily newspaper *La Voix du Nord* published a summary of cases involving neo-nazi skinheads, most of them aged between 15 and 18. See: ‘Qui sont donc ces néonazis capables de profanation ?’ available at http://www.lavoixdunord.fr/Region/actualite/Secteur_Region/2010/01/29/article_qui-sont-donc-ces-neonazis-capables-de-p.shtml accessed 20 September 2010.

mostly attracts converts. The comedian Dieudonné M'Bala M'Bala, although not himself a Muslim, led the PAS slate, which also included Extreme-Right activists.

Typical case study

This section describes one case that is typical of racist violence against migrants and black people and that includes connections to a politically- motivated, National-Socialist group. It is selected because of the media attention it attracted, both at the time of the attack and during the court trial.

Circumstances:

On May 28, 2008 in the city of Saint-Michel sur Orge, a suburb located south of Paris, three men went on a shooting spree, using automatic weapons¹⁷. They shot 35 bullets in one of the main streets, targeting black persons and Arab passers-by, but miraculously wounded no one. Several victims reported to the police a precise description of the attackers. The three men, who are in their mid-twenties, were soon arrested and one of them said he was motivated by the fact that 'immigrants' threw a stone in the windscreen of his car. The two other perpetrators followed him.

Inquiry

The inquiry lead the police to find an impressive military arsenal in a truck belonging to one of the perpetrators that was parked in a warehouse in St Michel sur Orge. The truckload of weapons and ammunition included 2,700 bullets; 17 automatic or semi-automatic rifles; a "how-to" manual for home brewing napalm, a crossbow, 11 automatic loaders, 250 9 mm bullets, three long-distance shooting optical devices, a riot-gun, a tabletop scanner for monitoring police VHF communications, hydrochloric acid, one nunchaku and. TATP, a highly volatile explosive material.

Further investigation proved that the members of the group were the inner circle of an informal Neo-Nazi movement named NOMAD 88, which acted as stewards for the street demonstrations of Droite Socialiste (DS), by then the most publicly active National-Socialist group in France. Apart from disseminating highly anti-Semitic material, DS took the strange decision to work together with the Black supremacists of the tiny but high-profile Tribu KA, led by Kemi Seba. Bonded by their common hatred of the Jews, they staged street events where Nomad 88 thugs were in charge of security. The core of Nomad 88, the police later discovered, was also involved in arms trafficking with Belgium and had connections to the criminal bikers' scene, thus its name, Nomad being the denomination of a specific category of members in the Hells'Angels international network¹⁸.

Trial and conviction

¹⁷, *Rue 89*, 3 June 2008, 'Jean-Yves Camus' available at <http://www.rue89.com/jean-yves-camus/essonne-un-groupe-skinhead-implique-dans-une-fusillade?page=1> accessed 20 September 2010.

¹⁸ The Nomads are individuals who belong to the Hells'Angels without being affiliated with a specific chapter that recruits on a geographical basis

In March 2010, the court of Evry sentenced 12 members of Nomad 88 to jail terms ranging between 2 months (suspended sentence) and two and a half years without suspension. Two other members were acquitted. They were sentenced on several counts including creating a combat group and arms trafficking, but not for racism, despite the very evident political motivation of their acts.

Recommendations

- It would be very useful if the Direction Centrale du Renseignement Intérieur (DCRI) published an annual report with detailed information about Extremist and Racist groups, thus giving background information which would enlighten the findings of the CNCDH report on Racism.
- The French authorities, as well as NGOs should clarify their definition of anti-immigrant racism and take into account the anti-Islam dimension of the attacks against Muslim worship places and cemeteries as well as that of attacks against people wearing traditional Muslim garb.
- A balanced approach to anti-Semitism should be the rule: the definition of the so-called “New Antisemitism” is a problem, and it must be made clear that anti-Zionism is not always anti-Semitic. On the other hand, serious research should be commissioned on the emergence of extreme, blatantly racist forms of anti-Zionism, based on the definition given by the Fundamental Rights Agency (FRA).
- They should as well try to be more precise in the analysis of who are the authors of anti-Semitic attacks and what their motives are, in order to avoid the scapegoating of any specific religious or ethnic group.
- Both the State and the NGOs should watch the emergence of Racist prejudices against relatively new groups of immigrants such as the Chinese, ten thousand of whom have demonstrated in June 2010 against racist abuse in Paris.
- Given the scope of the prejudices against the Roma population, both native and immigrant, particular attention should be paid to research on this very specific form of discrimination. In particular, research should be made on the topic of anti-Roma violence.

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