



American ideals. Universal values.



# Breaking the Cycle of Violence

## Countering Antisemitism and Extremism in France

January 2016

**ON HUMAN RIGHTS**, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability, and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

*Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.*

© 2015 Human Rights First All Rights Reserved.

**This report is available online at [humanrightsfirst.org](http://humanrightsfirst.org)**

#### WHERE TO FIND US

---

75 Broad Street, 31<sup>st</sup> Floor  
New York, NY 10004

Tel: 212.845.5200  
Fax: 212.845.5299

805 15th Street, N.W., #900  
Washington, DC 20005

Tel: 202.547.5692  
Fax: 202.543.5999

1303 San Jacinto Street, 9th Floor  
at South Texas College of Law, Houston, TX 77002

Tel: 713.955.1360  
Fax: 713.510.1935

[www.humanrightsfirst.org](http://www.humanrightsfirst.org)

#### Acknowledgements

We would like to give special thanks to The David Berg Foundation for their generous support. In addition, we would like to thank Arthur & Toni Rembe Rock, the Alan B. Slifka Foundation, Robbie and Brad Karp, the Longhill Charitable Foundation, and the Tali and Boaz Weinstein Philanthropic Fund. Their combined support has made the production of this report possible.

This report is the result of research trips by Susan Corke, Floriane Hohenberg, and Rebecca Sheff to France during 2015 as well as interviews and consultations with a wide range of human rights activists, government officials, national and international NGOs, multinational bodies, scholars, attorneys, journalists, and victims. We salute their courage and dedication, and give heartfelt thanks for their counsel and assistance. Tad Stahnke, the former Vice President of Research & Analysis, contributed to the research, including in a trip to France, for this report during his time at Human Rights First.

A special thanks to: August & Debouzy, Schulte Roth & Zabel, the U.S. Holocaust Memorial Museum, Nonna Mayer, and Timothy Meyers. We are very grateful to Floriane Hohenberg for extensive research, writing, and editorial contributions. Thanks to Sarah Graham for graphics and design, Meredith Kucherov and David Mizner for editorial assistance, and the Human Rights First communications team for their work on this report.

– Susan Corke and Rebecca Sheff

**COVER PHOTO: People light candles during a vigil in Kathmandu November 15, 2015, following the deadly attacks in Paris. REUTERS/Navesh Chitrakar**

*“I call on you to remain united, because—as I previously told the French people—it’s our best weapon. We must show our determination to fight against anything that could divide us, and to be merciless when it comes to racism and anti-Semitism. . . . We must show just how effective solidarity is. We are a free nation that does not give in to pressure, that is not afraid, because we have an ideal that is greater than we are and we are able to defend it wherever peace is threatened.”*

–French President François Hollande, January 9, 2015

*“Once again we’ve seen an outrageous attempt to terrorize innocent civilians. This is an attack not just on Paris, it’s an attack not just on the people of France, but this is an attack on all of humanity and the universal values that we share. . . . We are reminded in this time of tragedy that the bonds of liberté and égalité and fraternité are not only values that the French people care so deeply about, but they are values that we share. And those values are going to endure far beyond any act of terrorism or the hateful vision of those who perpetrated the crimes this evening.”*

–U.S. President Barack Obama, November 13, 2015

# CONTENTS

<b>Executive Summary</b> .....	<b>1</b>
<b>Antisemitism in France</b> .....	<b>3</b>
<b>Historical Origins of Jews in France</b> .....	<b>3</b>
<b>French Jews Confront Multiple Forms of Antisemitism</b> .....	<b>4</b>
<b>Antisemitic Incidents on the Rise</b> .....	<b>6</b>
<b>Antisemitic Attitudes Persist Among Many Groups</b> .....	<b>8</b>
<b>Complex Array of Root Causes Contributes to Antisemitism</b> .....	<b>9</b>
<b>Institutional Responses</b> .....	<b>12</b>
<b>French Government</b> .....	<b>12</b>
<b>French Parliament</b> .....	<b>16</b>
<b>French Civil Society</b> .....	<b>16</b>
<b>U.S.-France Relations</b> .....	<b>18</b>
<b>Recommendations</b> .....	<b>20</b>
<b>Recommendations to the U.S. Government</b> .....	<b>20</b>
<b>Recommendations to the French Government</b> .....	<b>22</b>
<b>Recommendations to the French Parliament</b> .....	<b>24</b>
<b>Recommendations to Private Foundations and Other Donors</b> .....	<b>24</b>
<b>Recommendations to French Civil Society</b> .....	<b>24</b>
<b>Recommendations to Internet Companies</b> .....	<b>25</b>
<b>Endnotes</b> .....	<b>26</b>

---

## Executive Summary

The deadly terrorist attacks on November 13 in Paris, coming less than a year after the killings at Charlie Hebdo and a kosher supermarket, have focused long overdue attention on the resurgence of antisemitism and extremism in France. France has both the largest Jewish and one of the largest Muslim communities in Europe. With the rise of the xenophobic far-right National Front party, this situation is a tinderbox. “Antisemitism is unacceptable no matter where it comes from,” said the Chief Rabbi of France, Haim Korsia, in July 2015. “When there is a Republic with strong values—liberty, equality, fraternity, which we often forget—we have security and serenity for everyone, including Jews.”

Violence targeting Jews and Jewish sites has led to a heightened sense of insecurity, and an increasing number of Jews are relocating in or outside of France for security reasons. Some observers have drawn comparisons to Europe in the 1930s. While that dark history continues to cast a cautionary shadow, as it should, the comparison is inapt. Nonetheless, antisemitism is a grave threat to human rights, and its resurgence in France should be of great concern to the French government and its allies, including the United States.

Antisemitic violence harms not only its direct victims but entire Jewish communities, preventing them from being able to exercise their fundamental rights. And the potential damage is even greater: Left unchecked, antisemitism leads to the persecution of other minorities, and to an overall increase in repression and intolerance. An increase in antisemitism is a harbinger of societal breakdown.

This report analyzes the nature and extent of antisemitism in France and presents recommendations for combating it by promoting tolerance and inclusiveness. Based on public information and interviews with a range of government officials, civil society representatives, and academic experts, the report examines this problem within broader and interrelated phenomena, including the ascendancy of the far-right party the National Front, mounting anti-immigrant and anti-Muslim sentiment, the spread of Islamic extremism, and the increasing alienation of many Muslims in France. While the report assesses spikes in antisemitic incidents related to developments in the Middle East, it focuses on France and the domestic dynamics contributing to this problem. However, we see France as a test case for the plight of Jews on the continent because the pertinent trends there also exist in other European countries.

The report’s core findings include the following:

- French Jews confront multiple forms of antisemitism, including antisemitic hate crimes ranging in severity from insults and graffiti to assaults; organized crimes motivated by Jews’ perceived wealth; antisemitic incidents associated with public protests against the government and the Israeli-Palestinian conflict; and terrorist attacks targeting Jews and Jewish institutions.
- Antisemitic incidents are on the rise in France, yet underreported and inadequately researched. The number of reported antisemitic hate crimes more than doubled in 2014 from the previous year, and they account for a disproportionate number of all bias-motivated incidents. Yet limited data is

available on perpetrators' ethnic and religious identities, due in part to France's prohibition on collecting "ethnic" statistics. Inadequate data collection in schools and in the criminal justice system further inhibits analysis.

- Supporters of the National Front are among those most likely to hold antisemitic and other intolerant attitudes. Surveys indicate that other groups in France that are likely to harbor antisemitic views, but to a lesser degree, include supporters of far-left political parties, observant Catholics, and certain minority groups including Muslims and immigrants, although more research is needed on this issue.
- A complex array of root causes contributes to antisemitism, including the rising influence of the National Front and the exclusion of marginalized groups from French identity and "Republican" values. Conflicting and polarized interpretations of *laïcité* (secularism) fuel an environment in which antisemitic, racist, and xenophobic discourse is on the rise. French Muslims, immigrants, and French citizens of Middle Eastern, North African, and Sub-Saharan African heritage also suffer from hate crimes, prejudice, and discrimination.
- Government action to denounce and confront antisemitism paradoxically exacerbates it, by validating the narrative that Jews exert inordinate influence over the French political establishment.
- The French government has launched renewed efforts to combat antisemitism, including a National Action Plan to Fight Racism and Antisemitism in 2014, but these measures fall short of the long-term political vision necessary to confront the problem's root causes. French civil society faces structural challenges including dependence on public funds, recruitment of promising

leaders into government service, resistance among activists to coalition-building efforts, and a disconnect between established national NGOs and local grassroots initiatives.

This report builds on our extensive history of monitoring and combating hate crime—including antisemitic hate crime—in Europe. For more than a decade, we have advanced a comprehensive approach to hate crime, urging governments to address its root causes while protecting free speech. We engage on this issue as an organization that seeks to foster American leadership on human rights. France is a vital American ally, both as a close partner in bilateral initiatives and as a member of the European Union and other multilateral institutions advancing security, democracy, and human rights. The United States and France therefore share a strong interest in combating this serious human rights problem and creating a stronger and more inclusive society.

The report's recommendations seek to promote greater transatlantic cooperation. We aim to spur the U.S. government to work with France to address the root causes of antisemitism and extremism and prevent future attacks. We also provide recommendations to civil society, proposing that a coalition of civil society representatives from both countries work together across oceans, faiths, national, and ethnic identities to build concrete successes from the ground up and to shine a spotlight on where governments should intensify their efforts.

A sampling of key recommendations, which the report's final section articulates in more depth:

- **For the U.S. government:** The U.S. government should maintain a focus on antisemitic violence and its prevention in France, seeking to better understand the root causes, including the marginalization and radicalization of other segments of society. It



should conduct intergovernmental exchanges on combating hate crime and promoting community/law enforcement relations; increase opportunities for civil society cooperation (including between U.S. and French civil society organizations) to combat antisemitism and racism; and promote programs to increase social and economic inclusion in France.

- **For the French government:** The French government should continue to prioritize combating antisemitism and racism; maintain appropriate security measures without undermining civil liberties; increase resources to respond to bias-motivated violence; fill research gaps, particularly on hate crime victimization, radicalization, and the root causes of antisemitic violence; increase consultations with civil society; and advance a national narrative that emphasizes the positive contribution made to France by people from all parts of society, in particular immigrants and their descendants. Parliament should increase its attention to these issues.
- **For French civil society:** Civil society organizations should undertake coalition-building efforts, particularly welcoming and cultivating grassroots and interfaith initiatives, in order to comprehensively address different forms of intolerance and discrimination, including antisemitism. An inclusive discourse is needed to have policy impacts that address the root causes of bias-motivated violence.
- **For Internet companies:** Internet companies should proactively reach out to civil society and jointly discuss approaches for better identifying and responding to hate speech and incitement to violence. This collaboration could include training by Internet companies on how to report violations online and how to develop and disseminate effective counter-

narratives through various social media platforms.

Upcoming French elections in 2017, the rise of far-right parties, and the refugee crisis make the need to confront this problem all the more urgent. We are releasing this report on the one-year anniversary of the Charlie Hebdo and kosher supermarket attacks, as an urgent appeal: in 2016 we should work together to strengthen France so that the violence of 2015 does not happen again. The U.S. government and France should work together now to prevent attacks and help build a more peaceful, inclusive future. Our research is intended to contribute to a greater mutual understanding and to galvanize a powerful response.

---

## Antisemitism in France

### Historical Origins of Jews in France

Half a million Jews live in France today, making up just under one percent of the population. Jews have lived in France since the 6th century and have been French citizens since 1791, when the 40,000 Jews in France at the time were granted equality during the Revolution. Napoleon Bonaparte initiated significant reforms in 1808 that established Jewish representative institutions and the organization of religious life as it still exists today.

In 1870 the “Cremieux decree” granted citizenship to the 300,000 Jews living in Algeria, Morocco, and Tunisia, territories that were part of the French colonial empire. The vast majority of North African Jews were native to the region; they were the descendants of successive waves of Jewish migration from around the Mediterranean since ancient times.<sup>1</sup>

At the turn of the 20th century, the Jewish community in France confronted a spike in

antisemitism fueled by political parties that culminated in the “Dreyfus Affair,” in which a Jewish captain of the French army was falsely accused of selling military secrets to the Germans and convicted of treason in 1885. This controversy symbolized the supposed disloyalty of French Jews; Dreyfus’s name was subsequently cleared by a civilian court of appeals that set aside the judgment. A decade later, as virulent antisemitism was still being voiced in parts of French society, France welcomed large numbers of Jewish immigrants from Eastern Europe who were fleeing persecution.

The German army defeated the French in 1940, which was followed by the establishment of the Vichy regime under the leadership of Marshal Philippe Petain. The Vichy regime immediately adopted discriminatory measures against so-called “undesirables,” such as immigrants, Roma, freemasons, communists, and Jews. Copying Nazi legislation, the Vichy regime enacted a series of measures in 1940–1941 excluding Jews from employment in most professions, including civil service. The government openly collaborated with the Nazis to identify Jews for deportation and transportation to the death camps, where about 75,000 were killed.

In the wake of the decolonization movements in the mid-20th century, 250,000 French Jews left North Africa to settle in France, doubling the size of the Jewish population. This significant migration had a lasting influence on the visibility of French Jews and on the composition of the Jewish population, which until then had mostly been of Ashkenazi origin. North African Jews, who were overwhelmingly Sephardic, enjoyed a relatively successful social and economic integration. Kosher restaurants and grocery stores, Jewish schools, community-based institutions, and media outlets were established across France in the 1980s. There was a renewal of religious practice among younger generations in the 1990s.

The size of the Jewish population in France has remained relatively stable over the past 45 years. However, some have voiced concerns recently about the emigration of French Jews to Israel and other countries due to rising antisemitism. The Jewish Agency for Israel, the only institution recording the number of Jews from France emigrating to Israel, found that the number of Jews making *aliyah* typically oscillated between 1,000 and 2,000 annually. Yet in the past two years they recorded a striking increase in the number of emigrants, with 3,295 French Jews departing in 2013 and 7,230 in 2014.<sup>2</sup>

## French Jews Confront Multiple Forms of Antisemitism

Antisemitic violence in France can be disaggregated into roughly four types:

### 1. General Antisemitic Incidents

Hate crimes and incidents targeting those perceived as Jewish or associated with Jews, including insults, threats, graffiti, vandalism, and assault. These incidents constitute the bulk of the reports made to the authorities. They can occur in any place, at any time, and the perpetrators are not necessarily part of any organized groups.

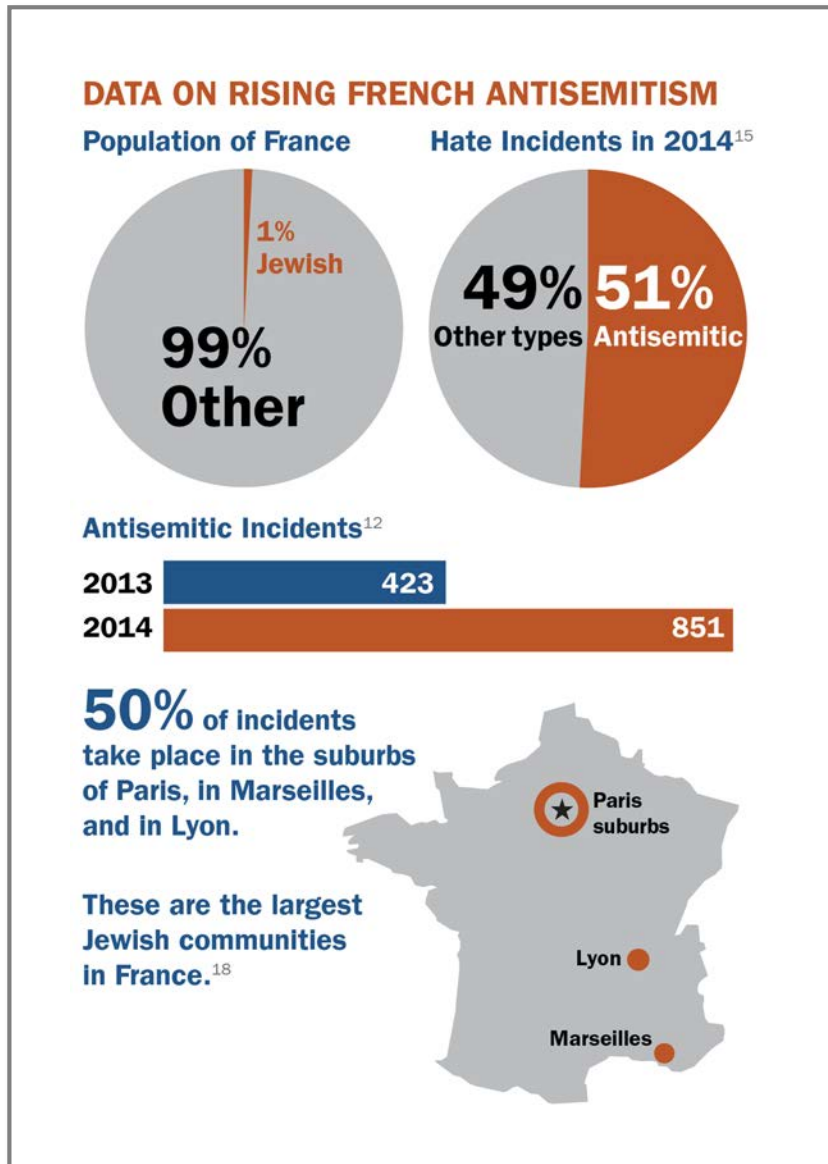
### 2. Incidents Motivated by Jews’ Perceived Wealth

Organized violent crimes with an economic motive targeting Jews or persons the perpetrators believe to be Jewish, because of their perceived wealth. Violent examples include the kidnapping, torture, and murder of Ilan Halimi in 2006<sup>3</sup> and a home invasion and rape in Creteil in 2014.<sup>4</sup>

### 3. Incidents Related to Public Demonstrations

Antisemitic violence associated with anti-Israel, pro-Palestinian, or anti-government protests, such as the July 2014 attacks on a Paris synagogue and Jewish shops in Sarcelles, as well as other





incidents were French of North African origin, and in some way affiliated with Islamic terrorist networks. Targets were selected for symbolic value and to maximize media coverage. Perpetrators seem to be motivated to target Jews as representatives of western society and democratic governments; Jews are “in the front line” by proxy. Jews are also viewed as stand-ins for the “Israeli oppressor” or the French political establishment.

These incidents reveal the persistence of traditional stereotypes about Jews in some parts of French society, and the intensity of resentment towards Jews felt by perpetrators, as well as a lack of inhibition to act upon their sentiments. The situation is exacerbated by the social, economic, and political conditions experienced by marginalized populations in France, who feel excluded from French society and live in places—such as the suburbs

of Paris—that have high rates of crime, little social cohesion, and limited public services.<sup>8</sup>

incidents in 2000, 2002, 2004, and 2009.<sup>5</sup> Police report that most protests on these issues are peaceful and not antisemitic; violent incidents targeting Jews or Jewish property tend to be perpetrated by small numbers of people.

#### 4. Terrorist Attacks and Proxy Targets

Armed attacks on Jews and Jewish institutions, including the shootings at the Jewish school in Toulouse in 2012,<sup>6</sup> the Jewish Museum in Brussels in 2014, and the Hyper-Cacher in Paris in January 2015.<sup>7</sup> The attackers in each of these

Because of these attacks, Jews living in neighborhoods where the prevalence of incidents is high, and who wear religious symbols or garb by which they can readily be identified as Jewish, fear taking public transport or walking on the street. It is common for Jews to enroll their children in private schools, partly out of fear that their children may be the targets of antisemitic hate crimes in public schools. Many Jews have

of Paris—that have high rates of crime, little social cohesion, and limited public services.<sup>8</sup>

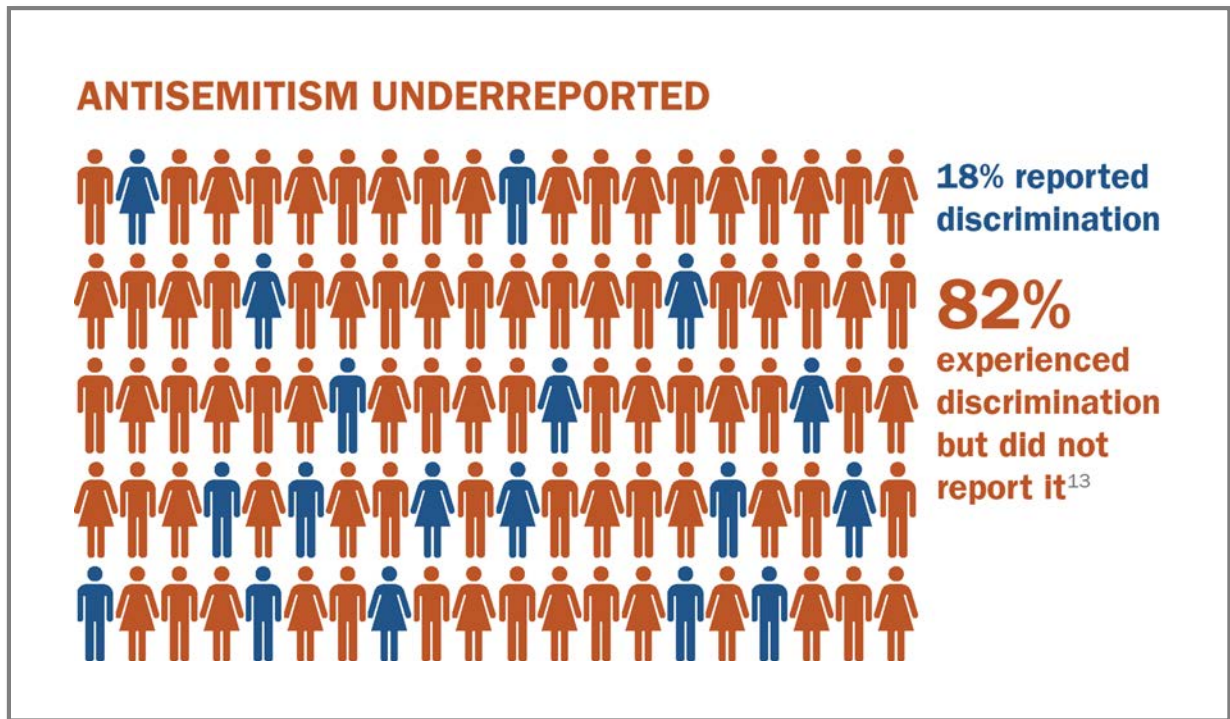
moved from long-inhabited neighborhoods, mostly in the suburbs of Paris, because they felt insecure.

**Antisemitic Incidents on the Rise**

*Yet underreported and inadequately researched*

The Ministry of the Interior and the Jewish Community Security Service (Service de Protection de la Communauté Juive, SPCJ) work closely to monitor and record antisemitic incidents in France,<sup>9</sup> yet significant gaps in the data remain and important areas are under-researched. The available data include “acts” and “threats” which are classified in French law as crimes, misdemeanors, or other infractions.<sup>10</sup> Data from the Ministry and the SPCJ, as well as the European Union’s Fundamental Rights Agency (FRA)<sup>11</sup> show the following:

- Antisemitic incidents are increasing, from 423 recorded in 2013 to 851 in 2014,<sup>12</sup> yet likely remain underreported. In the FRA survey, 82 percent of respondents said that they did not report to anyone the most serious incident of antisemitic discrimination that they had experienced in the past 12 months.<sup>13</sup>
- A disproportionate number of hate incidents overall are antisemitic. According to the Ministry of the Interior and SPCJ data, antisemitic acts accounted for 51 percent of all recorded hate incidents in 2014,<sup>14</sup> targeting Jews who account for only one percent of the population. These incidents are increasingly violent. Fifty-five percent, 40 percent, and 51 percent of all recorded bias-motivated violent acts were antisemitic in 2012, 2013, and 2014 respectively.<sup>15</sup>
- According to the Ministry of the Interior data, the 30 percent increase in racist acts committed in France in 2014 compared to 2013 comprises exclusively an increase in antisemitic acts. In fact, the racist acts that were recorded in 2014, excluding antisemitic acts, actually decreased by 5 percent compared to 2013.



- Antisemitic incidents tend to occur with greater frequency and more severe violence during spikes in the Israeli/Palestinian conflict. For instance, in July 2014 during the Israeli “Protective Edge” operation, there were 208 antisemitic incidents recorded, which corresponds to 25 percent of incidents for the entire year. In January 2009 during the “Cast Lead” operation, there were 354 antisemitic incidents, corresponding to 42 percent of the total incidents recorded for the year.<sup>16</sup>
- High profile antisemitic violence sparks imitation, as recorded antisemitic incidents increase dramatically immediately after a terror attack or well-publicized hate crime. In the ten days following the Toulouse attack in 2012, 90 antisemitic hate crimes and incidents were recorded. After the Hyper-Cacher attack in January 2015, the authorities recorded 506 antisemitic incidents between January and May 2015, in comparison to 274 in 2014 over the same period of time. In December 2014, 68 incidents were recorded following news of the home invasion, rape, and robbery of a Jewish family in Creteil.
- Most recorded antisemitic incidents are threats, including verbal and written threats, graffiti, threatening gestures, and insults. In 2014, 610 antisemitic threats were recorded, as compared to 241 acts.<sup>17</sup>
- Half of the reported incidents take place in the suburbs of Paris, in Marseilles, and in Lyon, which are the areas where most Jews live.<sup>18</sup>

In three important areas, the data are unclear:

- **Perpetrators’ ethnic and religious identities:** Perpetrators of most antisemitic violence are perceived to be of “Muslim culture or origin” (an opaque catch-all term that may refer to people who practice Islam, immigrants, or people of Middle Eastern, North African, or Sub-Saharan African

heritage), although there is no data to substantiate this conclusion—in part because of the prohibition in France on collecting “ethnic” statistics. Ethnic statistics have been a topic of debate in France since international organizations—including the Committee on the Elimination of Racial Discrimination (CERD) and the Council of Europe’s European Commission against Racism and Intolerance (ECRI)—have continuously recommended that France should collect data on discrimination disaggregated by ethnicity, religion, and other factors. Some civil society actors have advocated for an improved understanding of discrimination patterns through the collection of ethnicity-based statistics.<sup>19</sup> The lack of specific data prevents authorities from smart policing and may fuel broader anti-Muslim, racist, or xenophobic sentiment.

- **Judicial outcomes of antisemitism cases:** There is insufficient data on investigations, prosecutions, and convictions for antisemitic and other forms of hate crimes, as data from the Ministry of Justice is not disaggregated according to type of bias, and individual cases cannot be tracked chronologically from investigation through judicial disposition.<sup>20</sup>
- **Antisemitism in educational settings:** There is a lack of comprehensive and reliable official data about antisemitic incidents in public schools,<sup>21</sup> despite numerous anecdotal reports of verbal and physical harassment of Jews as well as difficulties in teaching Jewish history and the Holocaust in some public schools.<sup>22</sup> In France, teaching on the Holocaust is mandatory at several academic levels, and conducted in coordination with private national institutions. Some teachers report difficulty when teaching the Holocaust or Jewish history because some students reject the lessons, challenge the truth of their

content, or make antisemitic statements, which undermine the role of the teacher in advancing tolerance. There are no large-scale studies on this important matter.

### Antisemitic Attitudes Persist Among Many Groups

People in France have expressed the greatest level of tolerance toward Jews, relative to other French minorities, in the National Consultative Commission on Human Rights (Commission Nationale Consultative pour les Droits de l'Homme, CNCDH) annual “tolerance index”<sup>23</sup> survey since 2000.<sup>24</sup> Yet traditional antisemitic stereotypes persist, such as that Jews have “a specific relationship to money” and that they hold too much power.<sup>25</sup> The CNCDH concludes that although French Jews are considered a model in terms of integration in French society, traditional antisemitic opinions endure. Similarly but to a lesser degree, there is a belief that Jews use the Holocaust to their advantage<sup>26</sup> and that they are more loyal to the state of Israel than to the French Republic.<sup>27</sup>

**Antisemitic attitudes are concentrated at the ends of the political spectrum**, dramatically so at the far right (National Front supporters) but also the far left (Left Front supporters). Supporters of the National Front are the most likely to harbor antisemitic attitudes, according to the CNCDH and FONDAPOL<sup>28</sup> surveys (respectively 51 percent and 53 percent).<sup>29</sup> Even though antisemitism can be found at the far left side of the political spectrum, as expressed by 27 percent of Left Front supporters, the rate is still much lower than the views among conservative party voters such as the Republicans (Les Républicains), of whom 37 percent hold antisemitic views according to CNCDH.<sup>30</sup> By comparison, 22 percent of voters for the Socialist Party (Parti Socialiste) hold antisemitic views. The FONDAPOL survey finds similar results with regard to supporters of the Left

Front, but differs on the prevalence of antisemitic prejudice among the conservative parties.<sup>31</sup>

According to the FONDAPOL survey, there are two qualitative differences between antisemitic attitudes harbored by National Front and Left Front supporters. National Front supporters feel that being French is connected to a specific ethnicity or religion, which is not the case for Left Front supporters. While both far-right and far-left French voters call into question the significance of the Holocaust, Left Front supporters tend to think that it is comparable to other dramatic historical events, while National Front supporters tend to think that the number of victims is exaggerated.<sup>32</sup>

### There is limited data on antisemitic attitudes among religious and ethnic groups in France

but the CNCDH annual survey and the FONDAPOL survey provide some insight. According to the CNCDH, antisemitism is equally prevalent among certain minority groups and the rest of the population: “France from a diversity background is not more antisemitic than the average [as compared to other European countries], it is equally antisemitic.”<sup>33</sup>

The CNCDH notes however that some academic research indicates “greater receptivity to antisemitic prejudice... among groups with a migration background, notably from North Africa and of Muslim religion” and concludes that there is a need for more qualitative research on the issue. The FONDAPOL survey found, however, that significantly higher percentages of Muslim respondents held antisemitic views than the national average.<sup>34</sup>

Similarly, the Council of Europe’s European Commission against Racism and Intolerance (ECRI) mentions in its 2014 annual report that “in many countries, growing antisemitic trends have been observed among Muslim immigrant communities, in particular the younger generation.”<sup>35</sup>



Apart from groups affiliated with right-wing political parties, antisemitic attitudes are most prevalent among observant Catholics according to the CNCDH survey.<sup>36</sup> The FONDAPOL survey confirms the prevalence of antisemitic attitudes among “a minority” of observant Catholics.<sup>37</sup>

The CNCDH stresses that there is a correlation between antisemitic attitudes and age (the older, the higher likelihood of holding antisemitic views), level of income (the lower, the higher likelihood of holding antisemitic views), perceived economic situation (the less favorable, the higher likelihood of holding antisemitic views), level of education (the less educated, the higher likelihood of holding antisemitic views), level of religious practice (the more observant, the higher likelihood of holding antisemitic views) and political affiliation (the closer to the right wing of the political spectrum, the higher likelihood of holding antisemitic views).<sup>38</sup> FONDAPOL notes a correlation between higher confidence in religious authorities and mistrust in political institutions and a greater likelihood of harboring antisemitic views.<sup>39</sup>

**Antisemitic views are not expressed publicly by representatives of the national government, the parliament or in mainstream media, but such views are expressed occasionally by local politicians.** Although the vast majority of elected officials reject antisemitic and discriminatory discourse, several elected representatives and political candidates have recently been convicted of using racist or discriminatory language, or have resigned their official positions following the use of hate speech.<sup>40</sup> Civil society representatives deplore a general increase in racist and xenophobic speech in the public sphere, leading to an acceptance of racist stereotypes and prejudice. Educators also confirm that students make racist and antisemitic statements more often than a few years ago.

**Officials and civil society leaders express serious concerns about virulent and rampant**

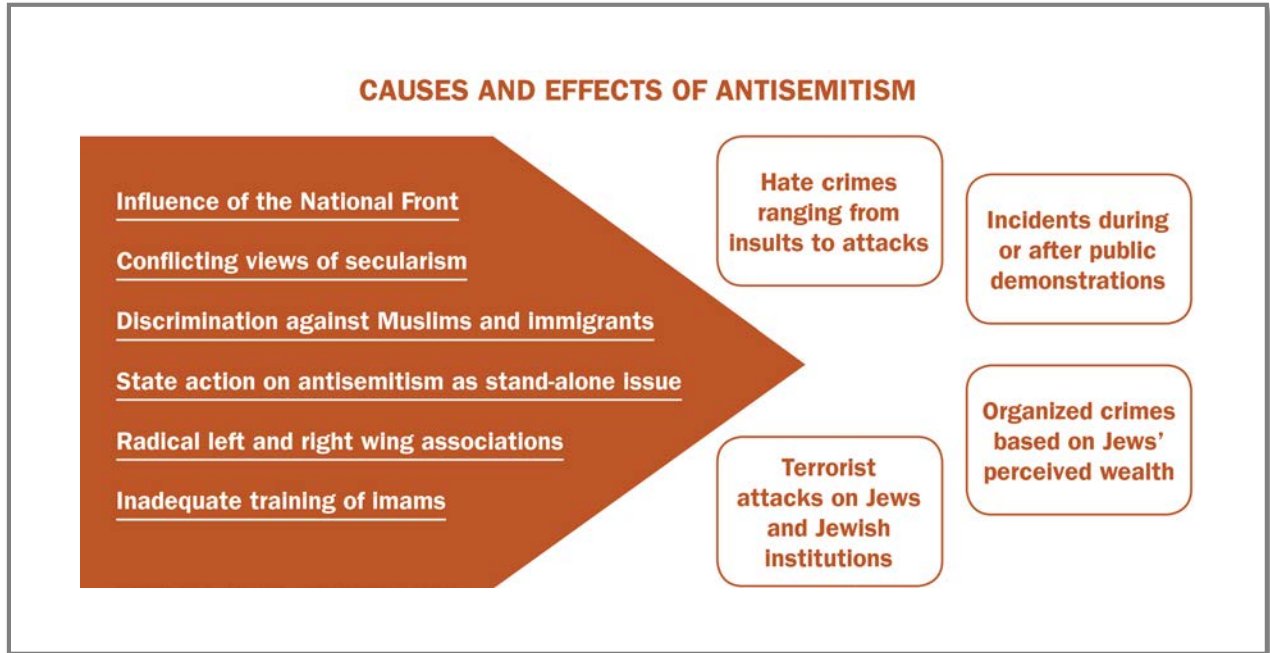
**antisemitic content on the Internet and social media.** Young people with certain ideological motivations are seen as the consumers and propagators of these views, including ultra-nationalists of the “mouvement identitaire,” supporters of Islamic extremist views, and conspiracy theorists. These groups express antisemitic views—such as the notion that Jews control politics and economics and use the Holocaust to further dominate France and execute a global Zionist conspiracy—along with negative views of capitalism, globalization, and the perceived oppression of certain minority groups around the globe. Two iconic figures of this movement are Dieudonné, a comedian,<sup>41</sup> and Alain Soral, a far-right novelist.<sup>42</sup> French officials are requesting help from U.S.-based companies in removing such content, but such requests contradict U.S. speech protections which differentiate based on the threshold required of incitement to violence. A National Assembly report concluded that antisemitic views are “systematically found” in social media content intended to radicalize young people.<sup>43</sup>

### **Complex Array of Root Causes Contributes to Antisemitism**

Although there is no consensus as to the root causes of antisemitic violence, experts identify several factors contributing to antisemitic attitudes and the atmosphere in which violence is occurring:

#### **Factor 1: Marginalized Groups Excluded from French Identity and “Republican” Values**

French Muslims, immigrants, and French citizens of Middle Eastern, North African, or Sub-Saharan African heritage, especially those living and attending school in marginalized areas, experience prejudice and suffer from hate crimes as well as official and private discrimination. Many do not experience themselves as “French,” and do



not see how “Republican” values work for them, as hate crimes and discrimination go unaddressed. Many antiracism and human rights activists conclude that the government is not adequately confronting these problems.

Some experts believe that this experience can make young people from these marginalized groups more susceptible to adopting the antisemitic perception that Jews hold inordinate wealth and power, a message with which they may be bombarded. They are likely to be exposed to strong antisemitic views and stereotypes from a range of sources, including online social networks, Islamist extremist groups, Middle Eastern traditional and social media, and visits or other connections to their countries of origin. A lack of education, social and physical mobility, and exposure to diverse perspectives only exacerbate the situation. The impact of this antisemitic content is further intensified by certain media coverage of the Israeli/Palestinian conflict as well as fierce anti-establishment and far left-wing criticism of Israeli policies in France.<sup>44</sup>

Other groups that hold antisemitic views, including the supporters of right-wing extremist ideologies, such as the National Front and “mouvements identitaires,” as well as online communities including followers of Dieudonné and Soral, also think that the “Republican” values of France do not work for them, although they experience themselves as the representatives of a traditional “French identity.” They are critical of the elites whom, in their worldview, profit from European integration and globalization—with Jews perceived as being among those on the “winning” side. Most of these groups are also critical of immigration and express anti-Muslim and anti-refugee sentiments.

**Factor 2: Rising Influence of the National Front**

The National Front has grown enormously, from securing only 4.3 percent in the 2007 French elections, to scoring first place in 2014 European elections with 25 percent and first place in the first round of the 2015 regional elections in France with 27.9 percent, concurrent with an attempt to “clean up” the party’s antisemitic rhetoric and



Holocaust denial. Marine Le Pen is considered to be a serious contender in the 2017 presidential elections in France, although after the second round of December 2015 regional elections expectations tempered. The party's platform still contains positions on ritual animal slaughter and public subsidies that are discriminatory against Jews as well as Muslims. Evidence suggests the National Front's middle ranks and base still hold and periodically express antisemitic views.

The National Front rallies its supporters around animosity towards Muslims, Roma, foreigners, and migrants. It plays a very powerful role in shaping the debate on the issues in this report, such as the integration of Muslims, *laïcité*, and immigration.

### **Factor 3: Conflicting and Politicized Interpretations of *Laïcité* (Secularism)**

Most experts with whom Human Rights First met expressed that the French concept of *laïcité* (secularism) is widely misunderstood and politicized. In principle, *laïcité* includes three elements: (1) freedom of religion or belief, (2) the neutrality of the state, and (3) respect for religious pluralism. While most experts stressed that *laïcité* has historically made a positive contribution in the evolution of French society, there are contentious debates about how *laïcité* should be interpreted in the contemporary political environment.

The debates in recent years have evolved around the interpretation of the neutrality of the state. The 2004 law on secularism and conspicuous religious symbols in schools and the 2011 law prohibiting concealing one's face in public spaces sparked considerable debate in France about identity in a multi-ethnic, multicultural, and pluralist society. Some experts assert that these controversies over restrictions on the hijab and the burqa in the public sphere contributed to the view that *laïcité* limits the acceptance of differences and promotes unattainable conformity. These measures fueled

anti-Muslim sentiment and nurtured perceptions of discrimination.

Pressure to assimilate can be intense and may contribute to alienation from religious, ethnic, and cultural identities. Others view *laïcité* as a bedrock principle of French society, acceptance of which is necessary in order to successfully manage and accept diversity.

### **Factor 4: Government Action to Confront Antisemitism Paradoxically Exacerbates It**

Official action to confront antisemitism or express solidarity with Jews in France paradoxically validates the antisemitic narrative that Jews exercise inordinate influence and breeds further resentment, which sets up the potential for backlash including hate crimes and violent incidents. One of the most pervasive stereotypes of Jews in France is their perceived privileged association with the government and the political establishment. These entities are targets of anger and violence from some disaffected Muslim youth, National Front supporters, and followers of Diouddonné and Soral. Online conspiracy theories about the role of Jews in national and global politics contribute to resentment.

### **Factor 5: Inadequate Training of Imams in France**

In meetings with Human Rights First, some civil society representatives, researchers, and local government officials raised the recruitment and training of imams as a potential source of antisemitism and a failed opportunity to effectively confront antisemitic attitudes. Reportedly, 300 of the 2,000 foreign imams in France are sent to the country through bilateral agreements with the governments of Morocco, Algeria, and Turkey. There is little research in this area, yet several experts with whom Human Rights First met believed that issues related to expression of religion would be less controversial if imams operating in France were also trained in France.

However, the French state's ability to influence these matters is limited due to *laïcité* and the protection of freedom of religion.

### **Factor 6: Radical Left-Wing and Right-Wing Associations Foster Antisemitic Views**

Radical left-wing and right-wing groups propagate antisemitic ideologies and contribute to an environment that fosters antisemitism, but their influence is more limited. These extra-parliamentary associations are comprised of loosely affiliated individuals who promote radical agendas on the far ends of the political spectrum. One such organization is the "Parti de France" (Party of France), a group led by Carl Lang, a former National Front organizer, which won two seats in municipal elections in small cities in 2014. These groups mainly operate via the Internet through websites, Facebook pages, and blogs, which makes it difficult to assess their reach.<sup>45</sup>

---

## **Institutional Responses**

### **French Government**

#### ***French Government's Response is Constructive but Insufficient***

Since 2014, French government officials at the highest levels have repeatedly condemned antisemitic incidents and declared combating antisemitism and racism to be a major national cause. Experts and representatives of the Jewish community have welcomed the clear condemnation of antisemitic violence by high-level political leaders as a change of attitude from earlier, more muted responses.<sup>46</sup>

#### **2014 National Action Plan to Fight Racism and Antisemitism**

In 2014, the government issued a new National Action Plan to Fight Racism and Antisemitism,

funded with €100 million and coordinated by a senior official, the Interministerial Delegate for the Fight Against Racism and Antisemitism (Délégation Interministérielle à la Lutte Contre le Racisme et L'Antisémitisme, DILCRA) under the Prime Minister.<sup>47</sup> The plan complements policy and legal instruments that have been built up over the last forty years, and introduces innovative measures to "mobilize and galvanize" society and inspire civic action.<sup>48</sup>

The primary areas the plan and related government actions address include the following:

#### **Hate Speech**

The plan would move hate speech offenses (such as incitement, defamation and insult) from the 1881 Press Law to the Criminal Code to speed up effective punishment.<sup>49</sup>

The 1881 Law on the Freedom of the Press allows for limitations on the freedom of speech under certain circumstances. Punishable offenses include public incitement to hatred, violence, and racial discrimination; public defamation or public insult on the basis of real or perceived membership in an ethnic group, nation, race, or religion; and denial of a crime against humanity.

The 1881 Law has built-in procedural safeguards to guarantee freedom of the press, which have more recently been viewed as obstacles to effective punishment of alleged offenders.

Therefore the plan foresees either transferring these offences in the Criminal Code or amending the 1881 Law to remove the safeguards. These measures have triggered concerns among civil society groups about the potential for such legal reforms to infringe on freedom of speech and violate defendants' procedural rights.

#### **Hate Speech on the Internet**

The plan would improve enforcement, including with respect to U.S. companies, of current

legislation that makes a web host liable for known illicit content.

Hate speech on the Internet is regulated by three laws: the 1881 Press Law, the 2004 Law on Confidence in the Digital Economy, and the 2009 “Hadopi Law.” French legislation distinguishes between content editors and web hosts. A web host is liable for illicit content (as defined by the 1881 Press Law) under two conditions: if the host is aware of the illegal content hosted on its web, or if the host discovers illicit content and does not act “promptly to remove such data or make access impossible.” The conditions set out in the legislation are also applicable to foreign companies providing web services in France.

Studies reveal that these provisions of the 1881 Press Law were never rigorously enforced; the government intends to take measures to ensure that enforcement will be intensified in the future.

In addition, following concerns expressed by national actors and international organizations about widespread hate speech on the Internet, the Ministry of the Interior has increased its awareness-raising efforts to promote reporting illicit content on a web-based platform called the Platform for Receiving, Processing, and Referring Notifications of Unlawful Content (Plateform d’Harmonisation, d’Analyse, de Recoupement et d’Orientation des Signalements, PHAROS) and has made the website more accessible and user-friendly. It has also increased the number of investigators.<sup>50</sup> As a result, the number of reported cases has increased by 73 percent over the past two years. In 2014 approximately 120,000 instances were reported on PHAROS, leading to 500 investigations by the authorities.

### Hate Crimes

The plan would extend the aggravating circumstance of “bias-motivation” to any offense in the Criminal Code, which currently allows for

increased penalties only for offenses involving violence.

The government also plans to introduce changes in criminal proceedings to speed up prosecution and sentencing, which has generated concerns among human rights groups. In 2015, the Ministry of Justice instructed prosecutors to expeditiously handle hate crimes<sup>51</sup> and convened a nationwide network of prosecutors who act as contact points on discrimination.<sup>52</sup>

The Ministry of the Interior and the Ministry of Justice are reforming their hate crime data collection systems to ensure that databases are interconnected and that incidents can be tracked from reporting to disposition. The Ministry of Justice also plans to add data on the alleged bias of the offence to its recorded cases.

The Memorial for the Remembrance of the Holocaust has recently delivered “citizenship seminars” to hate crime offenders as alternative sentences. These resource-intensive seminars have yielded some positive results, but have not been in existence long enough to evaluate their success.<sup>53</sup>

### Data Collection

The plan provides for implementing a hate crime victimization survey, to be carried out by the French National Supervisory Board on Crime and Punishment (Observatoire national de la délinquance et des réponses pénales, ONDRP), a department of the French National Institute for Advanced Studies in Security and Justice, placed under the Prime Minister’s authority.

The ONDRP has conducted an annual victimization survey on crime since 2007, jointly with the French National Institute for Statistics (Institut national de la statistique et des études économiques, INSEE). The planned survey is vitally important to developing reliable information

on the scope and nature of antisemitic and other hate crimes.

### Education

In 2015, new courses teaching civics, ethics, and morals were introduced to better transmit common (“Republican”) values, to develop ethical and critical reasoning, and to prepare young people for citizenship. According to the Ministry of Education, significant qualitative and quantitative research was undertaken after the Charlie Hebdo and kosher supermarket attacks to inform the restructuring of the curriculum. Some teachers and others fear, however, the course is too abstract and does not resonate with the realities faced by many students it is trying to reach. Education officials described to Human Rights First some reluctance by teachers to implement this part of the curriculum.

Human Rights First met with social scientists, historians, civil society members, and government officials who feel that the French national narrative, including the teaching of French history and citizenship, does not emphasize the positive contributions made by migrant populations to France, thus failing to project an inclusive vision with which French citizens from North Africa can identify. There is little public discussion of the distinct history that France shares with North Africa, including the colonial period, and there is generally no public space to learn more about the positive and negative aspects of that history. As these experts expressed to Human Rights First, the plan’s initiatives on education and citizenship do not address these gaps.

The government opened a “Superior School for Professors and for Education” in 2013 with the aim of training teachers as well as students who intend to become teachers. The core curriculum includes specific modules on discriminations and stereotypes. Teachers are trained on *laïcité*, civic and moral education, and religions.

Following consultations with experts and civil society partners, the Ministry of Education initiated a number of measures in mid-2015, including educational modules for teachers on tolerance and religion, and establishing points of contact in universities in charge of discrimination matters with direct access to the university presidents.

The Ministry of Education also intends to strengthen efforts to collect data and report on bias-motivated incidents in schools.<sup>54</sup> Reporting incidents will be mandatory for primary school and high school principals and reviewed on an annual basis to assess problems and trends.

The Ministry outsources some of its awareness-raising activities to NGOs, including the Union of Jewish Students of France.

### Public Awareness Campaigns

In the fall of 2015, the government launched its first ever traditional and social media campaign to confront prejudice and boost awareness of antisemitism and racism. This campaign will be supplemented by engaging public personalities—including from sports and the arts—to speak out against intolerance and strengthen civic engagement to combat it.

Several branches of government also launched a number of other public outreach initiatives in 2015. The Ministry of Justice launched a website entitled “Stop Discrimination”<sup>55</sup> in September 2015 that presents information for victims of discrimination on the law, reporting mechanisms, and the actions of the Ministry. In order to foster civic engagement, it permits users to share information about best practices. The Rights Defender, an independent authority with a broad mandate to fight direct or indirect discrimination, also launched a website in September 2015,<sup>56</sup> which is intended to be a one-stop-shop for anyone wishing to report on or find information about hate speech. Forty-two partners are

engaged in this enterprise, including large private and public companies and civil society groups.

### Countering Terrorism and Violent Extremism

The French Parliament passed bills on counterterrorism in 2014 and intelligence gathering in 2015 with overwhelming support, but this legislation has concerning human rights implications.

The French legal and policy framework to address terrorism has progressively evolved in the wake of terror attacks that have targeted the country since the 1980s. The legislature has periodically revised and expanded the legal framework in response to terror attacks and concerns that an increasing number of French citizens and residents are involved in Islamic extremist networks.

In November 2014 the French Parliament adopted a law on counterterrorism that defines the mandate and tasks of intelligence services, authorizes new technical means for intelligence services, and allows highly intrusive surveillance methods.<sup>57</sup> The Constitutional Council (“Conseil Constitutionnel”) validated most of the 2014 legislation in July 2015. In particular, the law provides a framework for authorities to prevent French nationals from leaving the country if they are suspected of traveling abroad to participate in terrorist activities, or of posing a threat to public safety after they return from a place where terrorist groups operate. The law also creates the new offense of an “individual terrorist undertaking,” a vaguely worded offense that some experts fear could lead to people facing criminal charges for conduct that is not clearly described as unlawful.

The French Parliament also passed a law on intelligence gathering in July 2015.<sup>58</sup> Although the law was welcomed because it is the first of its kind to regulate intelligence activities, it raises serious concerns from a free speech and privacy perspective. The draft was criticized by civil rights

groups, Internet companies, and some judges for granting excessive powers to the Prime Minister’s office to undertake surveillance measures with broad and undefined goals, including the use of mass surveillance tools, without guaranteeing any independent oversight. Civil rights groups compared the law to a Patriot Act without any “sunset” clauses.

The government further stepped up its ability to implement counterterrorism policies by recruiting 2,600 counterterrorism officers and allocating €425 million for counterterrorism efforts in 2015–2017. Cross-governmental coordination efforts have been enhanced. The government has allocated specific resources to fighting radicalization, including increased support to the national center to counter radicalization that was established in April 2014.

The Prime Minister announced in May 2015 that the government would be providing funding to establish a group of “community managers,” comprised of civil servants and civil society activists, who would counter radicalization via “counter-speech.”

### Community Security

The government, in consultation with the Jewish community, has deployed more than 30,000 police and military personnel since January 2015 to protect Jewish places of worship, schools, community buildings, and other areas where Jews are visible. The government has also increased financial support to the Jewish community’s representative institutions for security purposes.

Yet increased security, while welcome, is seen as a short-term response and insufficient to ensure the protection of Jews and their rights. Human Rights First spoke with civil society and Jewish community representatives who also said that it reinforced the perception that security was needed, which had a psychological effect on Jews that their security required armed officers.



## Assessment of the National Action Plan and the Government's Efforts

When speaking with Human Rights First, experts and civil society leaders were cautiously positive in providing an overall assessment of the National Action Plan and other measures, yet they expressed criticism on a number of key points.

On the positive side, senior figures have named antisemitism as a priority problem, and many government agencies are helping to implement several previously-planned initiatives. Some projects—such as the public awareness campaigns and the victimization survey—are new elements in the fight against antisemitism.

Yet social scientists and civil society activists, along with some government officials, view the government's efforts as falling short of the long-term political vision necessary to confront the problem's root causes, and therefore fear the prospects to yield substantial results are limited.

They also regret the National Action Plan does not include a final evaluation of its effectiveness, and there is no baseline data to assess progress. A related problem is that countering antisemitism is treated as a top-down state project, which creates structural obstacles and disincentives for independent civil society initiatives.

One of the most glaring absences in the plan is its failure to address the issue of antisemitic attitudes and acts on the part of some French Muslims, despite substantial anecdotal evidence on this aspect of the problem. This gap calls into question whether the plan can be effective overall without confronting this root problem directly.

The plan also does not address the potential value of combating racism more broadly as a method of preventing antisemitic attitudes and acts, despite some evidence from social scientists, NGOs, and media reports that those who experience or perceive discrimination are

more likely to hold antisemitic attitudes. In the absence of a broad and inclusive antiracism initiative, the government's efforts to combat antisemitism risk bolstering the perception that Jews benefit from affirmative action or exert undue influence on authorities.

Finally, the plan does not lay out a clear path to address institutional racism and discrimination. International organizations, including the Committee on the Elimination of Racial Discrimination (CERD) and the Council of Europe, have criticized France for years for racial profiling practices. The highest national court condemned the government in July 2014 for its use of discriminatory identity checks, and the state lost its appeal in June 2015.<sup>59</sup> The Ministry of the Interior introduced limited measures in 2014 to address this issue, but there is no mention of the problem in the plan despite its potential to serve as a tool to address root causes of antisemitism.

## French Parliament

### *Perceived as Disengaged and Not Complementing Executive Efforts*

Policy debates and initiatives typically arise from the Executive rather than Parliament. There is a parliamentary group dealing with antisemitism, but it has taken no concrete actions, such as reports, hearings, or formal questions to the government. Members of the government and civil society who Human Rights First queried about this body were mostly unaware of its existence. The Senate and the National Assembly have issued reports on terrorism and radicalization, as well as civic engagement and integration. Yet there is little to no discussion of antisemitism in these reports, even though these are key issues in the broader fight to confront antisemitism.

## French Civil Society

### *French civil society movement against antisemitism and racism has limited effectiveness*



The landscape of civil society groups that address antisemitism in France is composed of general antiracist nonprofit organizations, associations representing the interests of the Jewish community, and “newcomers” including local organizations advancing interreligious dialogue and international NGOs that are increasingly vocal and active on antisemitism in France.

The traditional French antiracist movement is composed of four main actors: the League for Human Rights (Ligue des Droits de l’Homme, LDH), founded in 1898 in the context of the Dreyfus affair; the International League against Racism and Antisemitism (Ligue Internationale Contre le Racisme et l’Antisémitisme, LICRA), founded in 1926 in the context of antisemitism of the 1920s and 1930s; the Movement against Racism and for Friendship among Peoples (Mouvement Contre le Racisme et Pour l’Amitié Entre les Peuples, MRAP) founded in 1949; and the youngest and most well-known abroad, SOS Racisme, founded in 1983 to fight the increasing influence of the National Front.

Several civil society leaders and experts who met with Human Rights First asserted that the French antiracism movement has lost much of its vitality since the end of the 1980s and is not making a substantial impact on official policy or public mobilization on antisemitism or racism. Effective civil society action is undermined by (1) the dependence of many established organizations on public funds, (2) a strong “state-centered” culture that attracts promising leaders into government service, (3) entrenched positions among activists who are resistant to compromise and coalition-building efforts; and (4) a “disconnect” between established NGOs and the populations they are representing.

Although the four organizations mentioned above are still active and receive public funding to deliver training in schools and for civil servants, they have limited impact, both in the field and on policy

development. They are also considered to be “disconnected” from the concerns of the groups they are representing.

The Representative Council of French Jewish Institutions (Conseil Représentatif des Institutions Juives de France, CRIF) is considered to be the legitimate representative of the concerns of the Jewish community in France, including on antisemitism. It has sufficient resources and expertise to monitor and report on antisemitic incidents, and the legitimacy to discuss policy matters with government. Its annual dinner is a national event attended by the head of state.

A number of international organizations are present on the French scene, including the French branch of the American Jewish Committee (AJC), which received significant attention when it published the results of a much-discussed study on antisemitic attitudes in France that it had commissioned.

Another newcomer is “Coexister,” an interreligious organization founded by eleven young people in 2009, which has grown into a movement gathering 600 activists and 1,700 members. Coexister holds interreligious events promoting diversity and facilitates seminars in schools to confront prejudice and stereotypes and to raise awareness about religion. In 2015 Coexister was awarded the national “France is committed” prize by President Hollande.

### Local Initiatives

Several very active local NGOs and “citizen initiatives” provide services to their communities or address a single issue or geographical area. They do important work, such as supporting migrants’ literacy, organizing interreligious social action, and documenting discrimination, and have benefited from U.S. Embassy and Open Society Foundations support. However, they are disconnected from established national organizations and have little influence on public

policy. Initiatives that address the problems of a particular ethnic or religious community are sometimes accused of promoting “communitarianism.” Some community-based groups exhibit intolerant attitudes toward other groups, including Jews, which can inhibit coalition-building.

### **Broad-based Civil Society Coalitions Absent**

The disconnect between local and national civil society groups, and among different issue-based NGOs, prevents the formation of national coalitions to combat antisemitism. There is no national platform addressing contemporary manifestations of antisemitism. It is also unclear whether the different groups perceive a need to build coalitions to increase their impact on policymaking. The prospects for forming coalitions to engage in policy advocacy are limited by the current top-down approach to addressing these issues.

### **Holocaust Remembrance Institutions Addressing Antisemitism**

The Shoah Memorial is the primary partner for the authorities and civil society on Holocaust education and remembrance. In response to teachers’ expressed needs, the Memorial intends to hold nationwide seminars to address contemporary forms of antisemitism. The Shoah Foundation, a separate body, is implementing a €10 million project to spur innovation in the fight against antisemitism.

### **U.S.-France Relations**

#### ***Should Be Enhanced in Priority Areas***

Although the United States and France are aligned around the goal of preventing antisemitic violence and the need to combat antisemitism, racism, and intolerance, the two countries have very different national approaches to core issues

that could be part of shared strategies to achieve that goal.

For example, the French conception of freedom of expression does not include protection for hate speech, whereas the U.S. Constitution protects much of the hate speech prohibited under French law. Likewise, U.S. conceptions of religious liberty protect forms of religious expression in the public sphere that are prohibited in France under the legal principle of *laïcité*, on the separation of religious identity and affiliation from the public space.

Misunderstandings by government officials and civil society about these divergences in approach inhibit efforts to build joint strategies to tackle these problems. These differences on freedom of expression, hate speech, and freedom of religion need to be more closely examined in order to identify areas of convergence where solidarity on priority issues is possible.

### **U.S. Actions on Antisemitism and Related Issues in France**

Antisemitic violence in France and elsewhere in Europe is part of the U.S.–France political dialogue. The 2014 Country Report on Human Rights Practices called the increase in antisemitic incidents one of the “most significant human rights problems” in France.<sup>60</sup> Senior U.S. officials have noted the alarming rise in antisemitic violence in Europe, including France, over the past decade and its connection to the repression of other minority groups as well as the gains by far-right nationalist parties, including the National Front.

President Obama and senior U.S. officials strongly condemned the Charlie Hebdo and Hyper-Cacher attacks in January 2015, the Paris attacks in November 2015, and other terrorist attacks in France, noting the need to confront the causes of violent extremism, to promote tolerance, and to uphold fundamental human

rights.<sup>61</sup> The U.S. government offered assistance to France in its response to these attacks.

The U.S. Special Envoy to Monitor and Combat Anti-Semitism, Ira Forman, regularly visits France and issues statements on the situation, including positive steps. The U.S. Special Representative to Muslim Communities, Shaarik Zafar, visited France following the January 2015 attacks and met with government officials and civil society.

The U.S. Embassy in Paris has sponsored exchanges, events, and other public affairs programming promoting interfaith dialogue and socioeconomic inclusion of minority groups in France, including youth in disadvantaged suburban areas.

Beyond these initiatives, neither the State Department nor USAID has funded organizations or programs to combat antisemitism, racism, or anti-Muslim sentiment in France. There needs to be an agile funding mechanism that enables projects that can respond to urgent needs.

### **U.S. Congressional Support for Combating Antisemitism in Europe**

Congress, noting the alarming rise in antisemitic violence in Europe, has urged the State Department and other agencies to work with the European Union and European governments to combat antisemitism, including through partnerships, training, and information-sharing among government entities and community security groups.<sup>62</sup>

### **U.S.-French Cooperation on Counterterrorism and Countering Violent Extremism**

Addressing the threat of violent extremism requires a truly comprehensive strategy that goes beyond military intelligence and law-enforcement tools. France and the United States have worked together on strategies to combat terrorism and counter violent extremism (CVE), including on the

action agenda that emerged from the February 2015 White House Summit.<sup>63</sup> Both are engaged militarily and diplomatically in the fight against ISIL and in other conflicts involving Islamist groups. U.S. officials and members of Congress have commended France for its strong partnership with the United States in the broader fight against terrorism, including interventions and joint actions in Syria, Iraq, Libya, Mali, Nigeria, Chad, and Afghanistan.

These historic allies must show their commitment to the principles that they have been championing through more comprehensive, preventative CVE strategies at home. Human rights and the rule of law are not secondary in any strategy to promote stability and counter violent extremism; they are essential to its success. A comprehensive CVE strategy must address the religious and ideological narratives that lure vulnerable and disenfranchised segments of society to violent extremism, without curtailing freedom of religion. To be effective as counterweights to extremist discourse, religious institutions must be—and be perceived to be—independent of political control. Governments must ensure that diverse religious views are tolerated. The United States and France should jointly offer resources to civil society leaders and community-based stakeholders to develop programming to counter violent extremism.

## Recommendations

### Recommendations to the U.S. Government

Antisemitic violence and its root causes in France have international implications. The United States and France face distinct but interrelated challenges on terrorism, antisemitism, social exclusion, discrimination and events beyond their borders. The experience of one country is relevant to the other. The severity of these problems justifies joint action as a priority matter.



French President Francois Hollande and U.S. President Barack Obama place flowers at a makeshift memorial to pay tribute to the victims of the Paris attacks at the Bataclan theatre, November 30, 2015. REUTERS/Kevin Lamarque

### Public Statements and the U.S.–France Political Dialogue

- Senior U.S. officials should continue to condemn antisemitic violence in France and raise this issue, including efforts to address its root causes, as fundamental concerns in the U.S.–France political dialogue, in the context of broader trends in Europe.
- The Obama Administration should assess the social, political, and economic marginalization of certain groups in French society, which is fueling antisemitism and undermining efforts to confront intolerance. U.S. officials should develop public messaging that is sensitive to current forms of marginalization, avoids intensifying it, and welcomes diverse voices to join the conversation on how to combat hate violence.
- Official statements should avoid fueling a “clash of civilizations” narrative between Jewish and Muslim communities and instead urge tolerance and inclusion. This is not a niche issue between two groups; it is a much larger societal issue.

### Intergovernmental Exchanges on Hate Crime and Police-Community Relations

- The State and Justice Departments should conduct intergovernmental exchanges on current strategies to prevent and respond to violent hate crime, including victimization surveys, studies of the factors driving radicalization, and data collection methodologies that are objective and avoid stigmatizing racial or religious populations.
- Facilitate intergovernmental dialogues to share models to amplify

French community-based policing and mediation efforts in high-tension communities, and improve police-community relationships to combat hate crime. Civil society, human rights, and faith-based organizations should be part of the planning and execution of these exchanges.

## Strengthening Civil Society Cooperation to Combat Racism and Antisemitism

- The State Department should advance exchanges and educational opportunities for French civil society leaders, including youth and members of minorities, to learn about U.S. experiences in (1) building coalitions, especially grassroots initiatives, to combat antisemitism, anti-Muslim hatred, and other forms of intolerance; (2) combating discrimination; and (3) developing evidence-based advocacy strategies to impact legislation, public policy, and the courts. The U.S. Embassy should fund visits by U.S. civil society leaders to France to speak on their experiences and strategies on these issues.
- Engage with the French government to create a joint action task force on combating antisemitism and racism, including government officials, civil society, and religious leaders. To avoid the pitfalls of other cumbersome dialogue platforms, this task force should focus on defining what needs to be done as the starting point and then identify the appropriate participants and goals. The architecture itself should not be the goal. This task force should be properly resourced, including joint funding for specific actions such as:
  - Developing common understandings of convergences and divergences in national legal frameworks;
  - Identifying joint civil society initiatives to support;
  - Undertaking better victimization surveys;
  - Assessing the views and experiences of teachers and students;
- Developing terms of cooperation between law enforcement and vulnerable communities;
- Establishing an official system of hate crime data collection that incorporates civil society input;
- Developing crowdfunding and other flexible private funding strategies for civil society groups; and
- Compiling case studies on civil society organizations' models of organizing and tactics.
- Develop an initiative bringing together Internet companies, civil society, youth, religious leaders, and government officials around the topic of countering antisemitism and hatred online by creating compelling counter-narratives. Focus in part on lessons learned from platforms that digital civil liberties advocates have developed on U.S. issues. Provide funding for innovative models to improve civil society organizations' capacity to mobilize creative tech-driven solutions to tackle this problem.
- The U.S. Embassy in Paris should initiate projects and support NGOs promoting grassroots business development and social entrepreneurship among disadvantaged and minority populations.

## Cooperation on Counterterrorism and Countering Violent Extremism

- The U.S. government should consistently uphold respect for human rights as a critical means of combating violent extremism. The U.S. government should couple this rights-based approach with a call to strengthen the transatlantic security institutions based on democratic principles, and resist the xenophobic policies of far-right forces in France.



- The United States and France should study the role of antisemitism and other forms of hatred in extremist groups' recruitment efforts. This study should include an assessment of how French Muslims, immigrants, and other groups are subjected to human rights violations and social exclusion. Civil society organizations should be invited to participate in this effort, the results of which should be publicly available.
- Promote a strong and consistent message of inclusion for Muslim audiences. Provide trainings and platforms for religious leaders and influential figures to counter radicalization and promote tolerance.

## Recommendations to the French Government

### Public Messaging

- The French government should continue to condemn at the highest levels and in the strongest terms acts of violence targeting Jews and Jewish institutions, name these acts as antisemitism, affirm that they have no place in France, and that events in the Middle East are never a justification for violence.
- Continue to publicly reject antisemitic stereotypes and raise awareness about antisemitism, its extent, its specific characteristics, and its impact on human rights.
- Complement these messages by acknowledging other forms of discrimination and hatred, such as racism and anti-Muslim bias, and describe the interrelationship between different forms of intolerance as well as their specific characteristics.
- Advance a national narrative that emphasizes the positive contribution made to France by all parts of society, in particular immigrants and their descendants, utilizing the Museum of the History of Immigration and other resources.

- Clarify that emergency security measures are time-limited and narrowly construed to respond to specific threats, in order to avoid undermining the French government's abiding commitment to the protection of human rights and civil liberties as an integral part of long-term comprehensive security strategies.

### Community Security Matters

- The French government should continue to protect and fund the protection needs of the Jewish community, share information about threats, collect information on antisemitic incidents, and encourage reporting to the authorities. Similar initiatives should be developed with other vulnerable communities as appropriate.
- Ensure that the security sector receives adequate training, including from civil society organizations, to identify threats against religious communities, recognize hate crimes, and address these incidents adequately.
- Consider expanding the mandate and the resources of the "Bureau des Cultes," the office in charge of relationships with religious communities, to ensure that dialogues established with different communities can be institutionalized.

### Criminal Justice System

- The French government should demonstrate that a commitment to upholding human rights and the rule of law is central to its domestic counterterrorism measures. Efforts should include building more cooperative relationships with communities in France affected by terrorism and violent extremism.
- Accelerate efforts to track hate crime cases from reporting to sentencing. Organize joint training seminars for police and prosecutors to



improve cooperation and increase the rate of successfully prosecuted cases.

- Increase the capacity of prosecutors in charge of discrimination matters to share experiences; increase public awareness of these contact points; conduct outreach to affected communities; monitor the handling of cases; and review potential abuses with human rights NGOs.
- Assess the effectiveness of alternative sentencing, including “citizenship internships,” which are awareness-raising seminars on intolerance and discrimination, its impact, and the law on this matter.

### Education

- The Ministry of Education should monitor the implementation of the new course on “Republican” values and assess its impact with a view to revising its approach if necessary.
- Collect, on a mandatory basis and disaggregated according to type of bias, data on acts of hatred, discrimination, and violence in schools. Use this data, along with additional qualitative and quantitative research and analysis, to evaluate the results of policies to combat antisemitism and discrimination in educational institutions.
- Evaluate the introduction of points of contact on discrimination and tolerance in universities.
- Assess the results of the week in March dedicated to countering racism, with input from civil society, educators, and government ministries, and adapt relevant programming based on lessons learned.
- Undertake a representative survey of teachers regarding their experience with teaching about the Holocaust. Consider conducting a large-scale survey on students’ attitudes regarding Holocaust education.
- Work with educational institutions and religious organizations to prepare training programs for imams in France, and consider requiring participation in these programs for imams admitted under bilateral agreements with foreign countries. Support research and education on Islamic studies.
- Collect and analyze case studies on educational institutions in France and the United States that are developing best practices on structural measures that promote inclusion and welcome diversity.

### Civil Society Outreach

- DILCRA should intensify its periodic consultations with civil society, religious leaders, and government officials at all levels on the implementation of the National Action Plan. Civil society should be empowered to propose collaboration with DILCRA on policy matters and to initiate, rather than just implement, policy proposals.
- The Ministry of the Interior should increase its outreach to Muslim leaders and youth, and identify more young leaders to participate in discussions about the concerns of Muslims.
- The ministries that distribute grants to fight antisemitism should set up a transparent and competitive system for funding civil society groups and look to diversify and bring in new grantees.

### Data Collection and Research

- The French government should evaluate the impact of the National Action Plan in consultation with civil society. Identify and raise awareness about positive measures in order to replicate best practices.
- Complete the hate crime victimization survey in the National Action Plan as a priority matter. Record and publish disaggregated

data on hate crimes and other forms of discrimination.

- Conduct qualitative research on divergent interpretations of *laïcité* and formulate recommendations on how to move from an exclusionary, constraining use of this principle to one that respects religious pluralism while maintaining a neutral role for the state.
- Fund research on (1) antisemitic attitudes among different religious and ethnic populations; (2) antisemitism on the Internet and in social media; (3) the root causes of antisemitic violence, including its connection to other forms of discrimination; and (4) social identities in contemporary France.
- Fund research on radicalization, including in educational institutions and prisons, to better understand motives, drivers to action, and the role of antisemitism in the process.

### Recommendations to the French Parliament

- The French parliamentary ad-hoc Committee to Fight Antisemitism should reinvigorate its activities, develop a public platform to disseminate its work, hold hearings and debates, and raise questions with the government on antisemitism, its root causes, and the implementation of the National Action Plan.
- French parliamentarians should engage with existing parliamentary groups on antisemitism outside of France, such as the Inter-Parliamentary Coalition for Combating Antisemitism and the OSCE Parliamentary Assembly.

### Recommendations to Private Foundations and Other Donors

- Donors should support civil society groups combating discrimination and hate crimes in

France to promote the creation of broad-based coalitions to: confront all forms of discrimination and hate violence; link national groups with those operating at the local level; develop capacity for grassroots approaches; and develop effective advocacy strategies to influence the agenda at the national level.

- Support opportunities for engagement between civil society groups in the United States and in France to share experiences on coalition building and advocacy strategies.
- Cultivate emerging grassroots organizations, interfaith movements, and innovative initiatives to broaden the voices contributing to the dialogue on tolerance and inclusion.

### Recommendations to French Civil Society

- Civil society groups working on different forms of intolerance and discrimination should engage in coalition building efforts to increase their collective impact on government policies and legal reforms. Discussions should be inclusive, address diverse viewpoints, and confront prejudice and stereotypes in order to build broad anti-discrimination platforms on antisemitism, racism, anti-Muslim hatred, xenophobia, and other forms of intolerance.
- Well-established national human rights and antiracism NGOs in France should consider supporting grassroots or community-based NGOs and citizen initiatives.
- Study and build on the success of the litigation strategy undertaken by a group of French lawyers and NGOs to challenge racial profiling by the police and explore how this success in court can be followed up with policy reforms and local measures, as well as how this strategy could be applied to other anti-discrimination issues.

## Recommendations to Internet Companies

- Internet companies should reach out to civil society in France and discuss approaches for better identifying and responding to incitement to violence, including through training by Internet companies on how to develop counter-narratives through social media platforms and how to report violations online.
- Conduct a study on the effectiveness of counter-speech on antisemitism and widely disseminate the findings.
- Provide case studies on innovative models developed by digital civil liberties advocates in the United States to improve policymakers' literacy on the creative tech-driven solutions available to tackle this problem.
- Participate in a joint U.S.-France task force, alongside government officials, civil society representatives, and other stakeholders, to chart a constructive path for promoting tolerance online.

---

## Endnotes

- <sup>1</sup> “Jewish Population of French North Africa,” United States Holocaust Memorial Museum, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10007310>.
- <sup>2</sup> Government of Israel, Central Bureau of Statistics, [http://www1.cbs.gov.il/reader/?Mlval=cw\\_usr\\_view\\_Folder&ID=141](http://www1.cbs.gov.il/reader/?Mlval=cw_usr_view_Folder&ID=141).
- <sup>3</sup> A youth gang calling themselves “The Barbarians” abducted a young Jewish man, Ilan Halimi, in January 2006. They detained and tortured him for 24 days, before leaving him for dead near a railway station outside Paris. The young man died on the way to the hospital. The gang’s leader, Youssouf Fofana, said that they had chosen the victim because they thought he was Jewish and that all Jews were rich, so they could pay a high ransom. As it became clear that the young man’s family was not wealthy, they asked the Jewish community to pay the ransom, as they assumed that Jews were “sticking together.” Twenty-seven people were implicated in this crime and tried for kidnapping and murder in 2009.
- <sup>4</sup> In December 2014, three assailants invaded a home to rob the inhabitants, saying that it was because they were Jewish. A young couple, the tenants’ son and his girlfriend, were present. The young woman was raped while one of the assailants went to withdraw money with the stolen credit card. The police apprehended the perpetrators. Whereas in the 2006 attack on Ilan Halimi, French law enforcement was heavily criticized for not looking into a bias motive immediately, the authorities immediately recognized the antisemitic motive in this incident in 2014.
- <sup>5</sup> There is a spike of recorded incidents in 2000, corresponding to the start of the Second Intifada; in 2002, coinciding with the launch of the “Defensive Shield” operation by the Israeli army and the broadly publicized operation in the Jenin camp; in 2004, coinciding with the “Days of Penitence” operation launched in the northern Gaza Strip; in 2009, corresponding to the continuation of the “Cast Lead” operation which started at the end of 2008; and finally, in 2014, corresponding with the “Protective Edge” operation in the Gaza Strip. For example, during the “Protective Edge” operation in July 2014, 208 antisemitic incidents were recorded in France, corresponding to 25 percent of the total number of bias-motivated incidents recorded for the entire year. In January 2009, during the “Cast Lead” operation, 354 antisemitic incidents were recorded, comprising 42 percent of the total of 832 bias-motivated incidents that year. See *2014 Report on Antisemitism in France*, Service de Protection de la Communauté Juive, <http://www.antisemitisme.fr/dl/2014-EN.pdf> [hereinafter *SPCJ 2014 Report*]; Floriane Hohenberg, Ronald Eissens & Suzette Bronkhorst, *Antisemitic Incidents in Europe Before, During and After the Israel-Gaza Conflict: A Report by the International Network against Cyber Hate (INACH) and the Ligue Internationale contre le Racisme et l’Antisémitisme (LICRA)*, [http://www.hass-im-netz.info/fileadmin/dateien/inach/INACH\\_Antisemitism\\_2014.pdf](http://www.hass-im-netz.info/fileadmin/dateien/inach/INACH_Antisemitism_2014.pdf).
- <sup>6</sup> On March 19, 2012, a French citizen of Algerian descent, Mohamed Merah, fired shots at children entering a Jewish school in Toulouse, killing a 30-year-old teacher and his three- and six-year-old children. A third child, aged eight, was also killed and a 17-year-old student was seriously injured. The perpetrator expressed an antisemitic motive and was found to have links to Islamic extremism.
- <sup>7</sup> On January 7, 2015, two Islamic extremists attacked Charlie Hebdo, a French satirical newspaper that had published cartoons of the Prophet Muhammad, killing ten members of the staff and two police officers. Two days later, while the perpetrators of the Charlie Hebdo attack were surrounded by police, an assailant took hostages at the Hyper-Cacher, a kosher supermarket in eastern Paris, and killed four people.
- <sup>8</sup> The expression “the lost territories of the Republic” refers to the title of a book published in 2002 gathering testimonies of teachers and headmasters in France about racism, antisemitism, and sexism in schools. It became a common expression to refer to those geographical areas (especially the suburban areas of Paris) where social cohesion is threatened and where authorities find it challenging to uphold law and order. Following on the book, a documentary film entitled “Teachers in the Lost Territories” was broadcasted in October 2015 in France. “Comment être prof dans les territoires perdus de la République?,” *Le Figaro*, <http://www.lefigaro.fr/vox/societe/2015/10/22/31003-20151022ARTFIG00128-comment-etre-prof-dans-les-territoires-perdus-de-la-republique.php>.
- <sup>9</sup> On the methodology used by the SPCJ to record antisemitic incidents, see: <http://www.antisemitisme.fr/>.
- <sup>10</sup> France’s Penal Code and legislation on freedom of the press include specific provisions that define having an antisemitic motive as an aggravating circumstance for a number of offenses. To consult the relevant legislation, see: “France: Hate Crime Laws,” OSCE Office for Democratic Institutions and Human Rights, <http://www.legislationline.org/topics/country/30/topic/4/subtopic/79>.
- <sup>11</sup> The E.U. Fundamental Rights Agency surveyed “Jewish people’s experiences and perceptions of discrimination, hate crime, and antisemitism” in six European countries, including France, in 2012. This survey was the first E.U. victimization survey to collect data on antisemitism that allows for comparisons across Europe and will form the baseline for future surveys. *Discrimination and*

*Hate Crimes against Jews in E.U. Member States: Experiences and Perceptions of Antisemitism*, European Union Agency for Fundamental Rights, [http://fra.europa.eu/sites/default/files/fra-2013-discrimination-hate-crime-against-jews-eu-member-states-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2013-discrimination-hate-crime-against-jews-eu-member-states-0_en.pdf) (2013) [hereinafter *E.U. FRA Survey*].

<sup>12</sup> *SPCJ 2014 Report*, *supra* note 5, at 17.

<sup>13</sup> *E.U. FRA Survey*, *supra* note 11, at 57–58.

<sup>14</sup> *SPCJ 2014 Report*, *supra* note 5, at 17.

<sup>15</sup> *2012 Report on Antisemitism in France* at 26, Service de Protection de la Communauté Juive, <http://www.antisemitisme.fr/dl/2012-EN.pdf>; *2013 Report on Antisemitism in France* at 28, Service de Protection de la Communauté Juive, <http://www.antisemitisme.fr/dl/2013-EN.pdf>; *SPCJ 2014 Report*, *supra* note 5, at 17.

<sup>16</sup> *SPCJ 2014 Report*, *supra* note 5, at 19.

<sup>17</sup> According to Ministry of the Interior and SPCJ data, the 610 reported antisemitic threats are disaggregated as follows: 261 incidents of threatening words, gestures or insults; 60 flyers or emails, and 289 incidents of graffiti. The 241 reported antisemitic acts are disaggregated as follows: 2 terror attacks, 108 incidents of physical violence, 5 incidents of arson or attempted arson, and 126 incidents of defacing or vandalism. *SPCJ 2014 Report*, *supra* note 5, at 19.

<sup>18</sup> According to Ministry of the Interior and SPCJ data, most incidents take place in Paris and its surroundings (in particular Sarcelles and Creteil), Marseilles, and Lyon, as well as Villeurbanne, Toulouse, Nice, and Strasbourg. In Paris, one-third of incidents recorded in 2013–2014 took place in the 4th, 11th, 19th, and 20th districts.

<sup>19</sup> The French national human rights institution, CNCDH, published an opinion in 2012 expressing its opposition to the collection of data disaggregated by race or ethnicity since it is in contravention of the French Constitution. However, CNCDH supports the collection of statistics based on the origin of persons, including their place of birth and nationality, or that of his or her parents. The institution perceives a need to adapt public policy in this area, to ensure adequate data collection, and to promote the analysis of discrimination indicators in access to employment, housing, goods, and services. See “Avis sur les statistiques ‘ethniques,’” Commission Nationale Consultative des Droits de l’Homme, [http://www.cncdh.fr/sites/default/files/12.03.22\\_avis\\_sur\\_les\\_statistiques\\_ethniques.pdf](http://www.cncdh.fr/sites/default/files/12.03.22_avis_sur_les_statistiques_ethniques.pdf) (March 22, 2012).

<sup>20</sup> Currently, it is impossible to compare police and prosecution data for a number of reasons. The Ministry of the Interior records incidents whereas the Ministry of Justice records infractions. Furthermore, prosecutors may classify an incident differently than the police, making it virtually impossible to track cases. However, since 2012 the Ministry of Justice has had the capacity to extract detailed data on the number of cases pursued and the decisions taken by the courts. The Ministry recorded 604 prosecutions of hate crimes in 2012, and 579 in 2013, with motives based on race, nationality, ethnicity, or religion. In 2012, the courts handed down 550 sentences for hate crimes, and there were 396 such sentences in 2013. It should be noted, however, that these prosecution and sentencing figures also include other crimes related to discrimination and defamation. According to the available data, the number of cases pursued by prosecutors in 2012–2013 is relatively low, since it varies between 28.7 percent and 32 percent of the total complaints made by individuals. However, the rate of sentencing in these cases is high, accounting for between 77.7 percent and 82.5 percent of cases pursued during this period.

<sup>21</sup> The French Ministry of Education collects some data on violence in schools via two surveys: a victimization survey that is implemented every other year (the “National Survey on the climate in school and on victimization”) and an annual survey on serious incidents in schools (the “Information and Vigilance System on Security in Schools,” also known as SIVIS). Reports to SIVIS are made on a voluntary basis by headmasters. In 2013–2014, only 100 racist, xenophobic, or antisemitic incidents were reported. The Ministry stresses that since the first SIVIS survey was conducted in 2007, the number of reported incidents has been stable. The small number of reported incidents does not allow for any conclusions, and its size and stability are contradicted by anecdotal evidence. See Contribution of the Ministry of Education to the CNCDH Annual Report, 2014.

<sup>22</sup> A report published by the French Senate in July 2015 concludes that the collection of data on incidents is not systematic or comprehensive. *Rapport fait au nom de la commission d’enquête sur le fonctionnement du service public de l’éducation, sur la perte de repères républicains qui révèle la vie dans les établissements scolaires et sur les difficultés rencontrées par les enseignants dans l’exercice de leur profession*, Report No. 590, Extraordinary Session of the Senate, <http://www.senat.fr/rap/r14-590-1/r14-590-11.pdf> (July 2015).

<sup>23</sup> The CNCDH has been publishing an annual report on racism, xenophobia, antisemitism, and other forms of intolerance since 1990. The report includes an analysis of the phenomenon and responses of government and civil society. Since 2008, the CNCDH has been using a “tolerance index” to measure attitudes of French society regarding diversity. The “tolerance index” is based on a series of questions that are consistently used over the years, although new questions are added to respond to the changing context. See *La Lutte contre le Racisme, l’Antisemitisme et la Xenophobie*, CNCDH, *Report 2014* at 211, La Documentation Française, <http://www.ladocumentationfrancaise.fr/> [hereinafter *CNCDH 2014 Report*]. The “tolerance index” measures trends regarding attitudes of French society towards minority groups. Responses are disaggregated by age, level of

education, and political affiliation, but not ethnic or religious identity. From 2000 to 2008, there was a measurable increase in tolerance towards all minorities, including the Jewish community. Then, between 2008 and 2013, there was a general decrease in the level of tolerance toward all minorities, which is seen as a consequence of the global economic crisis.

- <sup>24</sup>The CNCDH stresses in their 2014 report that “although there is an increase of antisemitic acts and threats... there is a stability of attitudes towards Jews” over time. Since 2000, the Jews have scored highest on the “tolerance index” compared to black people, Muslims, people from the Maghreb, travelers, and Roma. For example, in 2014, Jews scored 79.5 on the tolerance index, while Roma and travelers scored 28 (the lowest), Muslims scored 53 (the second lowest) and black people scored 73.6. See *CNCDH 2014 Report*, *supra* note 23, at 216–17.
- <sup>25</sup>The CNCDH study shows a slight increase between 2013 and 2014 in the number of respondents who believe in antisemitic stereotypes: 63 percent of respondents expressed that Jews have a “particular relationship with money” in 2014 (versus 61 percent in 2013) and 37 percent believed that Jews have too much power in France in 2014 (versus 33 percent in 2013). These results coincide with the Anti-Defamation League’s (ADL) “Global 100” survey’s 2015 update for France, according to which 33 percent of respondents think that Jews have too much power in business, and 26 percent believe that Jews have too much power in international financial markets. Additionally, the ADL survey reveals that a significant portion of French respondents believe that Jews have too much control over global affairs (22 percent) and the global media (21 percent). “2014 Survey of Attitudes Toward Jews in Over 100 Countries Around the World: 2015 Update in 19 Countries,” Anti-Defamation League, <http://global100.adl.org/#country/france/2015>.
- <sup>26</sup>The CNCDH study shows that the number of respondents who think “there is too much talk about the Holocaust” has increased in 2013 (23 percent) and 2014 (25.5 percent). By comparison, only 17 percent expressed this opinion in 1998, 2000, and 2002. However, it should be noted that the majority of respondents (62 percent in 2013 and 57 percent in 2014) estimate that there is adequate talk about the Holocaust. In fact, the number of respondents who think that there is too little talk about the Holocaust has increased from 12 percent in 2013 to 14 percent in 2014. See *CNCDH 2014 Report*, *supra* note 23, at 238–39.
- <sup>27</sup>The number of respondents who agree that “for French Jews Israel is more important than France” increased from 51 percent in 2013 to 56 percent in 2014. This trend may be explained, according to the CNCDH, by two factors: the fact that CRIF has demonstrated consistent support for policies of the state of Israel; and the prevalence of media reports about the emigration of French Jews to Israel. See *CNCDH 2014 Report*, *supra* note 23, at 239.
- <sup>28</sup>FONDAPOL, a think-tank that carried out a survey on antisemitism in French public opinion in 2014, is known to be close to the conservative political party Les Républicains. The results of this survey were much discussed in the French media as it marked the first time that a survey gathered data on antisemitic attitudes among Muslims. *L’antisémitisme dans l’opinion publique française: Nouveaux éclairages*, FONDAPOL, <http://www.fondapol.org/wp-content/uploads/2014/11/CONF2press-Antisemitisme-DOC-6-web11h51.pdf> (Nov. 2014) [hereinafter *FONDAPOL 2014 Report*]. Respected social scientists heavily criticized the survey methodology (in particular the composition of the sample and the choice and formulation of the questionnaire) as employing biased research techniques, which led these experts to question the validity of the results.
- <sup>29</sup>According to the CNCDH, 58 percent of respondents who are close to the National Front express antisemitic opinions. The FONDAPOL survey indicates that among National Front supporters, 53 percent would like to avoid a Jewish president, while this view is only held by 21 percent of respondents overall. *CNCDH 2014 Report*, *supra* note 23, at 243.
- <sup>30</sup>*CNCDH 2014 Report*, *supra* note 23, at 243.
- <sup>31</sup>Twenty-seven percent of respondents who identify with the Left Front think that “Jews have too much power in politics;” 28 percent think that “Jews have too much power in the media;” 33 percent think that “Jews have too much power in economy and finance;” and 51 percent think that “Jews use the Holocaust to further their interests.” See *FONDAPOL 2014 Report*, *supra* note 28, at 28.
- <sup>32</sup>*FONDAPOL 2014 Report*, *supra* note 28, at 30–31.
- <sup>33</sup>*CNCDH 2014 Report*, *supra* note 23, at 243 (referring to a study of Vincent Tiberj to be published that collates the data from ten CNCDH surveys focusing on questions related to the origin of respondents).
- <sup>34</sup>Fifty-one percent of Muslim respondents agree with the statement that “Jews have too much power in politics” (versus 19 percent of all respondents). The FONDAPOL survey also finds that Muslim respondents who indicate a higher degree of religious observance are more likely to express antisemitic views: 37 percent of respondents who identify as of “Muslim origin” agree with this stereotype, while this view is held by 49 percent of those who identify as “Muslim believers” and 63 percent of those who identify as “Muslim believers and observant.” See *FONDAPOL 2014 Report*, *supra* note 28, at 21.
- <sup>35</sup>*Annual Report on ECRI’s Activities* at 11, European Commission against Racism and Intolerance, [https://www.coe.int/t/dghl/monitoring/ecri/activities/Annual\\_Reports/Annual%20report%202014.pdf](https://www.coe.int/t/dghl/monitoring/ecri/activities/Annual_Reports/Annual%20report%202014.pdf) (2014).
- <sup>36</sup>“No matter one’s level of religious observance, the level of antisemitism increases with proximity to the right-wing on the political spectrum. But if most antisemitic people are at the same time observant Catholics and politically right-wing, the least antisemitic



are those who hold no religious belief and identify politically as center-left, followed by those who hold no religious belief and identify with the extreme-left wing.” *CNCDH 2014 Report, supra* note 23, at 246.

- <sup>37</sup> Twenty-two percent of observant Catholics say that there are too many Jews in France (as compared to 16 percent of all respondents) and 10 percent declare that they don’t like it when they hear that someone is Jewish (versus 3 percent of all respondents). See *FONDAPOL 2014 Report, supra* note 28, at 36.
- <sup>38</sup> *CNCDH 2014 Report, supra* note 23, at 243–44.
- <sup>39</sup> Sixty-seven percent of respondents who trust religious authorities express at least one antisemitic opinion (as compared to 47 percent of all respondents). Among those who think that “democracy does not work well,” 76 percent believe that Jews have too much power in politics, 79 percent think that Jews are responsible for the economic crisis and 81 percent believe that there is a Zionist global conspiracy. See *FONDAPOL 2014 Report, supra* note 28, at 37.
- <sup>40</sup> *Report by Nils Muiznieks Following His Visit to France from 22 to 26 September 2014* at 9, Council of Europe Commissioner for Human Rights, <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2810149&SecMode=1&Doid=2256624&Usage=2> (Feb. 17, 2015).
- <sup>41</sup> Dieudonné is a French comedian of Cameroonian origin whose performances have become very popular in France in the last decade. He has been convicted eight times by French courts for public defamation, hate speech, and racial discrimination for making antisemitic statements in his performances. For instance, he has compared Holocaust remembrance with “memorial pornography” and denounced the power of the “Jewish sect.” Dieudonné also popularized a gesture that can be interpreted as an inverted Nazi salute (the so-called “*quenelle*” which involves stretching one arm downwards, with the other hand at wrist, elbow, or shoulder level) but he claims that this gesture only represents anti-establishment views. The gesture has been popular among young people and became viral in 2013. Many of the participants in a “Day of Wrath” demonstration organized in Paris on January 26, 2014, for instance, made the *quenelle* gesture, while chanting slogans such as “Jews, France is not for you” and “Jews out.” Dieudonné’s public shows have been banned since January 2014 for threatening public safety, but he is still very active on the Internet and social networks. Some of his videos have 1 million viewers on YouTube, his Facebook page has more than one million “likes,” and his dedicated websites rank within the top 500 French sites.
- <sup>42</sup> Alain Soral is a former Communist Party member who became an advisor to Jean-Marie Le Pen, the then-President of the National Front. After leaving the National Front in 2007, Soral launched Egalité et Réconciliation, a group that seeks to build a bridge between “Conservative values on moral issues and the social values of the Left.” Egalité et Réconciliation, <http://www.egaliteetreconciliation.fr>. Soral disseminates his own videos and books on his website. He was ordered in March 2015 to pay €10,000 for posting a photo of himself making the *quenelle* gesture in front of the Holocaust Memorial in Berlin. The public prosecutor also launched an investigation after Soral posted a comment on his official Facebook page observing that Serge and Beate Klarsfeld, Jewish activists known for documenting the Holocaust, had recently been honored by the German government with the prestigious Order of Merit, and saying, “This is what happens when the job is not finished.” “Enquête ouverte après un message d’Alain Soral sur les époux Klarsfeld,” *L’Express*, [http://www.lexpress.fr/actualite/societe/justice/enquete-ouverte-apres-un-message-poste-par-alain-soral-sur-les-epoux-klarsfeld\\_1682121.html](http://www.lexpress.fr/actualite/societe/justice/enquete-ouverte-apres-un-message-poste-par-alain-soral-sur-les-epoux-klarsfeld_1682121.html) (May 21, 2015).
- <sup>43</sup> “Antisemitism is systematically present [in the messages of recruiters on social networks]. Because, as one person interviewed by the research commission said, ‘Antisemitism is part of jihadists’ DNA.’” *Rapport au nom de la Commission d’Enquête sur la Surveillance des Filiales et des Individus Djihadistes*, No. 2828, Assemblée Nationale, <http://www.assemblee-nationale.fr/14/pdf/rap-enq/r2828.pdf> (June 2, 2015).
- <sup>44</sup> On the role of the different factors, see: Malek Boutih, *Generation Radicale*, <http://www.boutih.fr/wp-content/uploads/2015/07/G%C3%A9n%C3%A9ration-radical.pdf> (June 2015).
- <sup>45</sup> For more details see: Jean-Yves Camus, Tel Aviv University, Kantor Centre for the Study of Contemporary European Jewry, *Antisemitism Worldwide 2014: General Analysis, Draft* at 62–66, [http://www.eurojewcong.org/docs/Doch2014\\_%28130415%29.docx.pdf](http://www.eurojewcong.org/docs/Doch2014_%28130415%29.docx.pdf) (2014) (section on France).
- <sup>46</sup> Prime Minister Manuel Valls’ consistent declarations condemning antisemitism and equating an attack on Jews as an attack on the Republic are mentioned frequently. See his address to the National Assembly in the wake of the January 2015 terror attacks: “Discours de Manuel Valls à L’Assemblée nationale en hommage aux victimes des attentats,” <http://www.gouvernement.fr/partage/3118-seance-speciale-d-hommage-aux-victimes-des-attentats-allocation-de-manuel-valls-premier-ministre> (Jan. 13, 2015). President Francois Hollande’s attending the memorial service at the Great Synagogue in Paris immediately after the attack on the kosher supermarket is also frequently mentioned as an appropriate statement. Minister of the Interior Bernard Cazeneuve’s declarations at various occasions are also praised.
- <sup>47</sup> The current National Action Plan on Racism and Antisemitism is the successor of the first National Action (2012–2014) adopted by France in February 2012 in line with European Union Directive 2011/36. The Delegate is equivalent to a Special Envoy with

the mandate to initiate his or her own activities to combat racism and antisemitism and to coordinate the actions of different ministries. DILCRA has no equivalent in other European Union countries. The Delegate is assisted by nine full time staff.

- <sup>48</sup> To consult the plan's measures, see: *Mobilizing France Against Racism and Anti-Semitism: 2015–2017 Action Plan*, Délégation Interministérielle à la Lutte contre le Racisme et l'Antisemitisme, [http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2015/05/dilcra\\_mobilizing\\_france\\_against\\_racism\\_and\\_antisemitism.pdf](http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2015/05/dilcra_mobilizing_france_against_racism_and_antisemitism.pdf) (2015).
- <sup>49</sup> The Law on the Freedom of the Press, <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000877119> (July 29, 1881).
- <sup>50</sup> PHAROS is a tool developed by the French Ministry of the Interior that allows Internet users to report unlawful content or behavior to the authorities via the following website: [internet-signalement.gouv.fr](http://internet-signalement.gouv.fr). See also *ECRI Conclusions on the Implementation of the Recommendations in Respect of France Subject to Interim Follow-up: Adopted on 20 March 2013* at 7, Council of Europe, European Commission Against Racism and Intolerance, <http://www.refworld.org/docid/51dd4ce74.html> (Mar. 20, 2013).
- <sup>51</sup> The Minister of Justice sent instructions to prosecutors on hate crimes in 2012, 2014, and 2015 requesting that investigations be conducted swiftly and with particular care to allow for a robust response, that victims be granted adequate support, and that courts reach out to the media and relevant institutional partners on these cases.
- <sup>52</sup> The Ministry of Justice appointed certain prosecutors as contact points on discrimination matters in 2007. There are more than 170 magistrates fulfilling this function throughout France. They have a monitoring and early warning role; they are also tasked with raising awareness and training about discrimination matters, liaising with relevant actors (including police, communities, and other magistrates), and more generally improving the criminal justice system's response. In May 2015, the Minister of Justice convened a national meeting of these contact points for the first time, to exchange information about best practices and the institutional response to discrimination.
- <sup>53</sup> These seminars were introduced in 2004 as alternative sentences in the framework of a renewed criminal justice policy ("Stage de citoyenneté"). The annual reports on criminal policy in 2012 and 2013 reveal that a number of public prosecutors' offices have organized "citizenship internships" specifically dedicated to racism and xenophobia, notably in Paris and Creteil. The internships are facilitated by external experts and focus on the legal framework, different types of discriminations, the impact on the victim, and the responsibility of the perpetrator. Prosecutors' offices report that attendance is generally very high and post-internship evaluations reveal that participants increased their knowledge and understanding about discrimination. In particular, participants showed greater empathy for victims and awareness of the problematic nature of intolerant acts. There is however no data as to whether participants committed similar offenses after attending these internships. The Shoah Memorial has been involved recently in delivering these seminars.
- <sup>54</sup> The French Ministry of Education has been registering violent incidents in schools on a voluntary basis since 2007–2008 through SIVIS. Violent incidents based on racism, antisemitism, and xenophobia are registered upon the approval of the headmaster. In 2013–2014, 1,594 schools reported 328 acts of an antisemitic, racist, or xenophobic nature. The CNCDH assesses the sample to be too weak for analysis, and raises concerns about the fact that the classification of incidents depends on the headmaster's subjective view. However, compared to the previous year, the CNCDH notes an increase in bias-motivated acts recorded in schools—particularly high schools—but observes that the level of reporting to authorities remains low (39 percent).
- <sup>55</sup> *Stop Discrimination*, Ministry of Justice, [www.stop-discrimination.gouv.fr](http://www.stop-discrimination.gouv.fr).
- <sup>56</sup> *Egalité contre Racisme*, Défenseur des Droits, [www.egalitecontreracisme.fr](http://www.egalitecontreracisme.fr).
- <sup>57</sup> Loi No.2014-1353 du 13 novembre 2014 renforçant les dispositions relatives à la lutte contre le terrorisme, [http://www.legifrance.gouv.fr/affichLoiPubliee.do?sessionId=CD0D1558BB1E0A661546028F0300EC66.tpdjo17v\\_3?idDocument=JORFD0LE000029213301&type=general&legislature=14](http://www.legifrance.gouv.fr/affichLoiPubliee.do?sessionId=CD0D1558BB1E0A661546028F0300EC66.tpdjo17v_3?idDocument=JORFD0LE000029213301&type=general&legislature=14) (Nov. 13, 2014).
- <sup>58</sup> Loi No. 2015-912 du 24 juillet 2015 relative au renseignement, <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030931899> (July 24, 2015).
- <sup>59</sup> "Paris Court Accepts Appeal on French Police Ethnic Profiling Case," Open Society Justice Initiative, <https://www.opensocietyfoundations.org/press-releases/paris-court-accepts-appeal-french-police-ethnic-profiling-case> (June 24, 2015) ("In a historic ruling, the Paris Court of Appeal found that discriminatory identity checks are illegal, even when conducted politely.") See also the legal opinion of the Defender of Rights in support of the applicants in the February 3, 2015 case: *Décision du Défenseur des droits* no. MSP/MDS/MLD-2015-021, Défenseur des Droits, <http://0602.nccdn.net/000/000/0b8/dff/DDD-DECISION-2015-021.pdf> (Feb. 3, 2015).
- <sup>60</sup> *Country Report on Human Rights Practices for 2014: France* at 1, U.S. Department of State, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236524> (2015).
- <sup>61</sup> See, e.g., "President Obama Responds to the Attack in France," The White House Blog, <https://www.whitehouse.gov/blog/2015/01/07/president-obama-responds-attack-france> (Jan. 7, 2015); "Statement by the

President on the Situation in Paris,” The White House Office of the Press Secretary, <https://www.whitehouse.gov/the-press-office/2015/11/13/statement-president-situation-paris> (Nov. 13, 2015).

<sup>62</sup> See “Expressing the sense of the House of Representatives regarding the safety and security of Jewish communities in Europe,” H.Res.354, 114th Congress (Nov. 3, 2015), *available at* <https://www.congress.gov/bill/114th-congress/house-resolution/354>.

<sup>63</sup> See “The White House Summit to Counter Violent Extremism Ministerial Meeting Statement,” U.S. Department of State, <http://www.state.gov/j/ct/cvesummit/releases/237673.htm> (Feb. 19, 2015).



American ideals. Universal values.

WHERE TO FIND US

---

75 Broad Street, 31st Floor,  
New York, NY 10004

Tel: 212.845.5200  
Fax: 212.845.5299

[humanrightsfirst.org](http://humanrightsfirst.org)

805 15th Street, N.W., #900  
Washington, DC 20005

Tel: 202.547.5692  
Fax: 202.543.5999

1303 San Jacinto Street, 9th Floor  
at South Texas College of Law, Houston, TX 77002

Tel: 713.955.1360  
Fax: 713.510.1935