

National Analytical Study on Housing

RAXEN Focal Point for France

Agency for the Development of Intercultural Relations (ADRI)

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SUMMARY

The study of discrimination in housing in France necessarily takes into account the social and legal context inherited from the 20th century wherein housing policies directed towards foreign and immigrant populations were practically non-existent (other than for migrant workers). « *Either specific actions towards some categories of immigrants are promoted, or global actions which aim at putting an end to the differences which result from former programmes are implemented* »¹. In the 1970s, foreign and immigrant families gained access to social housing in large numbers, and to a lesser extent, to housing and property ownership. The rapid degradation of HLM (*Habitation à Loyer Modéré* – Low-Rent Housing) neighbourhoods, where many families of immigrants live, led public authorities to undertake rehabilitation and urban renewal efforts in order to favour the emergence of increased solidarity between neighbourhoods within a given municipality, as well as in a more general sense, to advance the combat against urban and residential exclusion.

From the legal point of view, the set of laws recently adopted, taken together, should lead to a better level of access to the right to housing and the right to urban residency. However, problems can arise in the practical application of these rights when, for example, neighbourhoods with high concentrations of foreigners and immigrants are subjected to efforts wherein requests for housing originating from foreigners and immigrants are rejected out of hand. The debate around current policies is above all centred around the principle of “social diversity”, while tensions result from the lack of social housing (1.5 million candidates in 2002, which represents 20% more than in 1996.)

Following the lines of French reflections on racism, discrimination is conceived as racism when manifested in acts. Applied to the area of housing (especially social housing), discrimination takes an indirect form because inequalities often arise due to a chain reaction resulting from a certain practice or decision. However, discrimination is more direct in the area of private housing. Finally, discrimination and segregation are not dissociable concepts (as indicated by the overlapping of integration, urban, and housing policies).

There is a significant scarcity of statistics with regard to discrimination, due in part to the inadmissibility of registering the ethnic background of individuals in the French statistical regime. Additionally, existing data has not been properly analysed so far.. There is also a lack of research and published studies on the subject of discrimination in France. However, the GELD (*Groupe d'Etudes et de Lutte contre les Discriminations* – Group for the Study and Fight Against Discriminations) work has been important in its contribution to a better understanding of discrimination in housing in France as well as helping to sensitise the different social actors involved in urban planning and housing, besides the wider public. The housing situation for immigrants and foreigners show significant discrepancies with the one of French nationals in terms of the occupation density, level of comfort, age of building, occupant status, type of dwelling, waiting lists for social housing, etc. According to studies carried out

¹ Barou J., *L'habitat des immigrés et de leurs familles*. La Documentation française, 2002, p. 10.

before the year 2000, these differences are not reducible to inequality of resources. In addition, evidence collected by associations as well as that found in the media convincingly attests to the existence of discriminatory practices (direct, indirect, and institutional). This evidence also reveals pervasive racism related to the occurrence of discrimination, strongly apparent in access to private housing but also manifest in access to social housing, in spite of the official position endorsed by the national HLM union. The opacity of the attribution process of social housing is without a doubt a hindrance to the recognition of discrimination and to furthering the fight against it.

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INTRODUCTION

The current report provides an overview of the collected data on racism, xenophobia and racial discrimination in housing in France in the framework of the RAXEN IV. Presented here is the housing situation of populations of foreign origin and a description of discrimination suffered by immigrants and foreigners in access to housing, along with recent legal and policy developments (2001-2003). The objective is to outline knowledge, information and activities that may help elaborate upon public policy and give rise to actions and initiatives that lead to situations that can serve as examples and models for organisations, institutions and local or national authorities in the combat against discrimination.

For a better understanding of the situation, certain data has led us to take a historical perspective. This report is based on an analysis of the following sources: existence and development of statistical data, empirical research and studies on discrimination in housing, discrimination as referenced in print media, evidence from victims of discrimination, legislation in the combat against discrimination, and new policy developments.

1. CURRENT AND PREVIOUS POLITICAL AND CULTURAL CONTEXTS IN RELATION TO HOUSING

Data on discrimination towards foreigners and immigrants in France in relation to access to housing is scarce. Even more than in the field of employment, that of housing suffers from a lack of statistical data that could help us to identify the presence of discrimination. The origins of individuals and the birthplace of their parents are both not allowed categories in French statistics, making the study of these groups difficult. In addition, the recognition of the existence of discrimination in housing has come later than that for employment in France, due to the fact that the key objectives of the European directives against discrimination have been regarding employment.

However, some statistical data on housing and foreigners (and more recently, immigrants) does exist thanks to the regular publication of statistics by the INSEE (*Institut National de la Statistique et des Études Économiques* – National Institute of Statistics and Economic Studies) and the INED (*Institut National d'Études Démographiques* – National Institute of Demographic Studies).

The history of housing for immigrants and foreigners in France is closely related to the history of popular housing in general, in light of the principal reasons behind the two main waves of immigration in France : industrialisation (between the two World Wars) and national reconstruction (1950 – 1970).

Cost and scarcity of housing results in the type and level of housing occupied being closely related to the socio-professional position of the individual or family. The main immigrant groups of the 20th century (originate in Southern Europe, Morocco, Turkey, and sub-Saharan Africa) were (and sometimes still are) mainly composed of blue-collar workers. Immigrant housing has long been characterised by precarity and discomfort, the fruit of a long history of exclusion and separation, as underlined by G. Noiriel². The rather late introduction of foreigners and immigrants into HLMs was massive due to the amount of this sort of dwellings in the housing stock in France. On the one hand, it was due to the reform of the funding of social housing in 1977, which, « *replacing building allowances by individual allowances, helped low-income large families be solvent.* »³ On the other hand, the National Commission for Immigrants' Housing, created in 1974, also played an important role⁴. But immigrants had access to such housings late; moreover, they were « *first sent to specific areas, such as transit or emergency suburbs, then to sub-categories of HLM, such as low-rent programmes (PLR - Programmes à Loyers Réduits) or social housing programmes (PSR - Programmes Sociaux de Relogement), that were created for very low-income families : such dwellings may not respect official comfort standards* »⁵.

² Noiriel G., *Le creuset français. Histoire de l'immigration XIX-XXème siècle*. Le Seuil, 1988.

³ Barou J., op. cit., p. 28

⁴ From 0.2 to 0.9% of the employer's contribution has been devoted to housing since 1950.

⁵ Barou J., op cit, p. 25

Since after World War II, research emphasises the fact that immigrants have frequently suffered from discrimination in the housing market, but similar to discrimination in access to employment, this issue has only recently come forth in France.

Initially perceived as temporary workers, immigrants were relegated to housing that suited the widespread perception of them: transitory and insalubrious. While the worst forms of lodgings (warehouses, slums, derelict buildings) have largely disappeared, they nonetheless functioned as an identification mechanism for immigrants, imparting to them a lasting negative social image, a significant handicap which persists in limiting residential mobility for these groups. « Unhealthy dwellings contribute more and more to favour a negative social image of people who live in them. As a consequence, it is more difficult for them to move: they bear the suspicion of damaging the flats »⁶.

The period between the two main waves of immigration and the 1970s was marked by the spatial separation of immigrants and French nationals. The later increased presence of French nationals into HLMs has occasioned for immigrants both an increase in their comfort levels and new forms of exclusion.

In the 1970s and 80s, immigrant families were housed in large numbers in HLMs (*Habitation à Loyer Modéré* – Low-Rent Housing), coinciding with a wide scale exodus from this type of housing by French middle class families. These HLM neighbourhoods, concentrated near larger cities, were poorly served by public transportation and had minimal facilities and services. In addition, French nationals rarely applied to live in these buildings, resulting in high concentrations of immigrant families. The immigrant families never gained access to HLM housing, instead living in degraded conditions while waiting for vacant dwellings in the social housing stock. This massive introduction of immigrant families into HLMs was followed by a period of social crisis for these neighbourhoods (unemployment, property degradation, etc.) which partly drove the appearance of racist notions regarding immigrants among mainstream society. Today, HLMs still play a crucial role in public debates around integration policies for immigrants and people of immigrant origin.

Furthermore, not all immigrants and foreigners have access to HLMs. As J. Barou says, « *although immigrants live in underprivileged suburbs, most of them do not live in HLMs* »⁷ As a matter of fact, they often live in unhealthy flats, joint ownerships (that were notably built in the 1960s and are often damaged), « ethnic areas », individual houses (housing estates in general), especially those who are householders. Two kinds of housing are particularly worrying: « *Damaged joint ownerships are undoubtedly the worst situation (...)* », while « *the most awful situations are defined by a rather low*

⁶ Ibid., p. 14.

⁷ Barou J., op cit p. 53

*concentration of immigrant families. The old damaged buildings of Paris suburbs, where squatters, tenants or subtenants live, create the biggest inequalities in the field of housing. »*⁸

« Ethnic areas », which have emerged in France twenty years ago, are first defined by the domination of one ethnic group (Asian enclaves in Paris are typical examples). Moreover, there are often many specific shops and especially social diversity, which is undoubtedly « *the best guarantee against ethnic segregation* »⁹. Ethnic groups have very unequal access to individual housing; in this field, the poorest suffer from discrimination.

It is noteworthy that the experience of housing in France for immigrants is variable depending on their nationality¹⁰. Today, the groups most vulnerable to discrimination in access to housing are North Africans French, Turkish people and Sub-Saharan Africans, for reasons related to France's colonial past, styles of habitation, and the "power of prejudice"¹¹.

⁸ Barou J., op cit, p. 53

⁹ Barou J., op cit, p. 59

¹⁰ De Rudder V., Taboada-Leonette I., Vourc'h F., *Immigrés et Français. Stratégies d'insertion, représentations et attitudes*. Research report for the *Ministère de l'Urbanisme, du Logement et des Transports*, CNRS-URMIS, 1990.

¹¹ Taguieff P-A, *La force du préjugé. Essai sur le racisme et ses doubles*. Gallimard, 1987.

2. CURRENT LEGAL SITUATION AND NEW POLICY DEBATES

Legal framework concerning the right to housing and urban residency

There is no specific housing policy targeting immigrants and foreigners¹² besides that implemented for migrant workers which has been replaced by “social residency” programs, a reformulation devoid of its original specificity. The share of the employers’ contribution to workers’ housing specifically allocated to lodgings for immigrants has disappeared in this new formulation¹³. This program currently encourages the reinsertion of migrant workers living in separate housing into the wider social housing stock as befits the policy notion of “social diversity”.

The aim of policy in this area is to facilitate access to legal and social rights for immigrant populations. That is why authorities adapt hostels to current changes, such as the ageing of people, unemployment, health problems and the coming of destitute people which residencies didn’t have the proper conditions of living, except migrants who used to live in former FTM that are now renovated. The Interministerial Commission for Immigrants’ Housing (CILPI), which was created on 9 June 1998, aims especially at implementing the 5-year programme for such hostels.

Recent policy and the accompanying legal framework have continued in the same vein as policy developed in the second half of the 20th century, concentrating on urban renewal and urban policy (DSQ – *Développement Social du Quartier* / Social Neighbourhood Development, DSU – *Développement Social Urbain* / Urban Social Development), and City Contract programs.

In the absence of specific policies, immigrants and foreigners have had the tendency to form groups along ethnic lines in the available housing stock. Growing unemployment and evidence of social exclusion, as well as the lack of flats (reflected in the large number of homeless people) have given rise to policy development which facilitates the right to accessible housing and seeks to redress the segregationist tendencies of the past.

The legal framework is therefore complex, situated as it is at the crossroads of integration, urban planning and housing policies and programs. Urban planning policy and urban renewal programs have become a focal point for intervention strategies in terms of government housing initiatives. That is why we need to survey the global situation of housing in France, especially property rental social housing, which represents about 4 million flats, *i.e.* 16% global main residence market in 1999 (but more than 45% property rental market). A. Cacheux reminds that the building of social rental flats was

¹² Jacques Barou. *op. cit.*, p. 33

¹³ The 1% housing contribution: participation by employers in the construction of new affordable housing (calculated on the basis of 1% of the salaries of companies with more than 10 employees). Of this contribution, 1/9th was designated for housing for immigrants and their families.

remarkably low in 1999-2000: 43,000 new flats, while 70,000 flats were built annually five years before. But 600,000 flats were needed by the administration only¹⁴. The main actors who were interviewed for the report regret the decrease of the offer, and wonder about its adaptation to the demand. This decrease is notably due to the important raise of individual allowances, which made building allowances collapse between 1984 and 1999. Nevertheless, 56,000 flats were built in 2001, with the help of a recovery plan, which has proved to be efficient.

The Besson law of May 31, 1990 recognised accessible housing as a fundamental right, and made obligatory the development of a department-wide action plan to address housing issues for the underprivileged. This law seeks to improve access to housing and provide support to people at risk of losing access to their dwelling due to insufficient resources. This program was subsequently reinforced through law n. 98-657 of July 29, 1998 (articles 30 and 31), relative to the combat against social exclusion. This law modified the procedures through which social housing was allocated by introducing a single departmental registration number that served to guarantee increased efficiency and transparency in the process.

The PLH (*Programmes Locaux de l'Habitat* – Local Habitat Programs) brought to the existing policy framework the twin objectives of improving access to housing and promoting “urban diversity”. The aim of this program is to define a response to the housing needs of people in financial difficulty and to ensure an equal distribution of the available housing stock between municipalities and neighbourhoods¹⁵.

The Urban Orientation law of 1991 seeks to ensure the right of urban residency to all citizens, while the SRU law (*Solidarité et Renouveau Urbain* – Urban Renewal and Solidarity) emphasises social cohesion and the combat against segregation. Since January 2002, it requires municipalities with more than 5,000 people to provide social housing to the tune of 20% of their housing stock.

The decentralisation process currently underway in France has heralded a new system for dividing housing responsibilities between different levels of government. This is apparent in the context of the urban contract system, which establishes the relationship between the state and local collectivities. The Circular DIV-CILPI of July 15, 1999 relative to the managing of housing for immigrant populations defines three priority objectives for housing: improved access for immigrant populations to the overall standard housing stock, supporting immigrants in decent housing, and finally, facilitating the transition of current immigrant housing towards the status of social housing.

Law n. 2003-710 of August 1, 2003 relative to urban orientation and programming and urban renewal reiterates the intention to reduce social and developmental inequality between regions (entailing the

¹⁴ Cacheux A., 2002, *Le logement locatif social en France*. La Documentation française, 2002.

¹⁵ Op. cit.

creation of a national observatory for at-risk urban zones and the creation of a national agency for urban renewal).

Right to housing for the immigrants and foreigners and fight against discrimination

The only law that deals with discrimination in housing towards foreign or immigrant populations is the Social Modernisation law n. 2002-73 of January 17, 2002. It affects the ways in which private sector rental contracts for housing are conducted, as well as bringing the concerns of the civil program of combating discrimination to bear in the public sector (social and HLM housing). These latter take the form of modifications to the Mermaz¹⁶ law relative to rental reports that affect rentals of principal habitations.

Overview of the legal framework regarding discrimination

The law of November 16, 2001 serves to actualise the French combat against discrimination program, closely modelled on European directives (“Race” and “Employment”), while staying true to the specificity of the French model of integration.

Program initiatives advanced by the law of November 16, 2002 concern above all the recognition of the crime of indirect discrimination and the lightening of the burden of proof. By the way, the law talks several times about « direct or indirect discrimination »; these two concepts are therefore part of French law for the first time, although there is no official definition. As a consequence, the definitions given by European directives are used. With the passing of the social modernisation law, these imperatives were extended to the domain of access to housing.

Overview of the main policy initiatives in the combat against discrimination:

- CODAC: *Les Commissions Départementales d'Accès à la Citoyenneté* – Departmental Commissions for Access to Citizenship. Created through inter-ministerial Circular by the Ministry of the Interior on January 18, 1999, the CODACs are centres for reflection and action in the combat against discrimination. They are run by a concertation of different social actors including local elected officials, unions, and associations.
- GELD: *le Groupe d'Etude et de Lutte contre les Discriminations* – Group for the Study and Fight Against Discriminations. Created in September, 1999, the GELD's mission is to study the phenomenon of discrimination. Its administrative council is composed of public representatives, associations involved in the combat against discrimination, as well as representatives from unions and industry associations. It also has links to the academic realm.

¹⁶ Law Mermaz n° 89-462 of July 6 1989

- 114 Hotline: Created through a Circular from the Prime Minister on May 2, 2000, this service is a free hotline for the voicing of discrimination-related events and concerns.
- Implementation of an independent authority: On June 2, 2003, the Prime Minister conferred upon Mr. Stasi, Mediator of the Republic, the presidency of a body charged with developing a bill that would create an “independent administrative authority charged with combating all forms of discrimination”.

New Policy Debates

The combat against discrimination

The Inter-ministerial Council on Integration (CII) on April 10, 2003 expressed the current priorities of the French government as regards the combat against discrimination. While continuing with the elaboration of actions developed in the past, the state wishes to mark a new departure in terms of public policy on integration in the Republic. This desire has taken the form of the new “welcome and integration contract” which aims to facilitate integration of new arrivals. Two cards refer directly to housing. The card # 16, entitled : « Adapting the offer to local needs », underlines that the offer seems often unsuitable for local needs, especially for large families or people who live alone, and the situation is worse for immigrants, because of discrimination. In particular, children of immigrant parents must often live with their parents. That is why the card suggests that the offer now meets these people’s needs: small and big flats, whether temporary or permanent, should be built. In addition to those measures, the card also suggests that a working party be created at the national level, within the National Housing Council, in order to strengthen equal opportunities for the access to private or public housing (the report has not been done at the time of reporting.)

The card # 46, entitled « Making the access to common rights and allowances easier », lists measures which aim at improving old immigrants’ living conditions, notably in the fields of housing and welfare.

The combat against intolerance and for equal rights is presented as “a constant” in the face of the refusal of extremism that was demonstrated by the 2002 presidential election. This contract is presented as a “preventative” effort to socialise new arrivals rather than a coherent advancement of the combat against racial discrimination.

In the context of accelerated decentralisation in France, there is concern that the programs of the combat against discrimination will be neglected in terms of human and financial resources.

Access to housing

Daniel Behar underlines that in the field of housing, more or less explicit integration public policies towards foreigners are today confronted with the principle of social or urban mix¹⁷ ; « *Actually, social mix aims especially at limiting the arrival of families who are likely to make trouble in the neighbourhood and to improve criminality – which is after all a legitimate wish from owners -, but also at discouraging other tenants because of their origins, because they have large families or because of the way they live – which is of course more questionable. Policies which aim at promoting social mix always imply the risk of an « ethnic » management of people, which may justify exclusion of some families because they belong to so-called over-represented categories in the area.* »¹⁸ That is why public injunctions to promote social mix are sometimes considered as a possible interference with immigrants' and foreigners' access to housing. Besides, some research showed that « *the neighbourhood of families of different status and origins did not mean mix or even social peace* »¹⁹. J. Barou also shows very clearly how social housing policy has always wavered between opening to very diverse categories of people, in the name of « social mix »²⁰, and concentrating on « the most underprivileged people »²¹, including immigrants.

¹⁷ Daniel Béhar, *Hommes & Migrations* N° 1229 January-February 2001 pp. 77-85

¹⁸ Barou J., op cit, p. 66

¹⁹ Barou J., op cit, p. 65

²⁰ cf. Vanoni D. : *La mixité sociale et le renouvellement urbain facteurs d'exclusion ?* FORS Recherche Sociale N°162 April-June 2002 p 29

²¹ cf. Benjamin I. et Vanoni D. : *L'aide au relogement des ménages les plus défavorisés* FORS Recherche Sociale N°162 April-June 2002 p 37

3. THEORETICAL AND METHODOLOGICAL APPROACH TO DATA ANALYSIS

Racism and discrimination

There is a dichotomy in France between the study of racism, highly theoretical, philosophical, and anthropological (including contributions from A. Memmi, P-A. Taguieff, C. Guillaumin, E. Balibar, to cite just a few), and the study of discrimination, which is more recent and relatively under-elaborated from a theoretical point of view.

To illustrate the approach to racism in France, we will consider several definitions. For M. Wievorka, “racism consists in the characterisation of a human grouping by natural attributes, in turn associated with intellectual and moral characteristics which apply to all individual members of this grouping and, from this basis, the implementation of practices of inferiorisation and exclusion”²². More explicitly, J-D. Bredin states that in the narrow sense of the term and from an historical perspective, racism “is a pseudo-scientific theory of hierarchy among races which necessitates the protection of the race presumed to be superior, to ensure its domination”²³. A. Memmi notes that racism has a more general connotation: “racism is the valorisation, generalised and definitive, of real or imagined differences, to the profit of the accuser and the detriment of his victim, in order to justify an aggression or a privilege”²⁴. In France, reflections on racism have been influenced by the study of one particular form of racism - anti-Semitism - wherein “the relationship of the Jew with his accuser, Christian or Muslim, is more evocative of brother-enemies than perfect strangers”²⁵. Similarly, xenophobia could be considered as a particular form of racism – directed towards the foreigner.

The narrow definition of racism has had the most weight in France, leading to a distinction between racism and “ethnism”. As shown by V. De Rudder, C. Poiret and F. Vourc’h²⁶, the relative disjunction between the analysis of racism and the study of inter-ethnic relations (which has emerged since the 1970s) has led to a distinction between ethnic groups and “racial” groups. “The goal is to demonstrate the existence of groups marginalised due to their culture alongside of groups that may be marginalised due to their “race”. (...) It is ethnism, [and not racism] when the culture of the other is presented as a contingent trait, susceptible to modification (...). Racism is present not only when reference is made to the inherent biological nature of the other, but when the cultural traits assigned to the other are essentialised to the point where they become a kind of “second nature” and their intergenerational transmission is conceived of as a form of heredity...”

²² Wievorka M., *Le racisme, une introduction*. La Découverte, 1998, p.7.

²³ J.D. Bredin, *Contre le racisme, un combat quotidien. Actes du colloque des 6 et 7 juillet 2000. Commission Nationale Consultative des Droits de l'Homme*. La Documentation française, 2000. (Opening speech, p. 9).

²⁴ Memmi A., *Le racisme*. Gallimard, 1982, p. 98.

²⁵ Op. cit.

If the difference between “ethnism” and racism is thus in the degree of rejection (to simplify), the difference between discrimination and racism is more clear cut in the French formulation of these concepts. For V. De Rudder²⁷, “In terms of discrimination, we are speaking of actions, facts... rather than opinions, representations, and stereotypes”. This is similar to what P-A Taguieff²⁸ has expressed when distinguishing between the following two levels:

- *classification* (separation, hierarchy), or discrimination : through behaviour, practices, acts, processes of classification and exclusion, subordination of others in the interests of a group;
- And *explanation* (justification), or racism: ideology which entails an explicit system of representations that serve to legitimate acts of violence.

This discussion parallels the distinction between direct and indirect discrimination. Direct discrimination is immediate and intentional, while indirect discrimination is more subtle. It is this latter form of discrimination that has become most common since the introduction of the programs in the combat against discrimination and racism. In the European directive 2000/43 of June 29, 2000 relative to the implementation of the principle of equal treatment regardless of race or ethnicity, this distinction is explained in article 6. “A direct discrimination is when a person is treated in a manner less favourable than others are, were or would be in a comparable situation (...). An indirect discrimination is when an apparently neutral program, criteria, or practice tends to entail a particular disadvantage for people of a certain race or ethnicity as compared to other people, as long as this program, criteria or practice is not objectively justifiable through a legitimate objective and the means in which this objective are realised are appropriate and necessary”. » While there is no official French definition of discrimination, the definitions given by European directives are to apply and are quoted most of the time. But the notion of indirect discrimination has its limits in France, as there is no way to measure it and no incitement to implement an « ethnic monitoring ».

Racism, discrimination and housing

The difficulty of apprehending discrimination in the area of housing is due to the fact that the procuring of a dwelling is the result of a series of decisions, and discrimination can arise without the express intent of the various actors involved. This situation is even more complex with social housing, because the policy objective of social diversity necessitates that the ethnic origin of the applicant be taken into consideration, whereas exploitation of this category poses certain legal problems²⁹.

²⁶ V. de Rudder, C. Poiret, F. Vourc'h, *L'inégalité raciste. L'universalité républicaine à l'épreuve*. PUF, 2000. p. 34

²⁷ Op. cit. p. 43

²⁸ Taguieff P-A., *La force du préjugé. Essai sur le racisme et ses doubles*. La Découverte, 1987, p. 255.

²⁹ “Discriminations et mixité sociale dans le logement”, card # 7 in “Discriminations “raciales” et politiques antidiscriminatoires”, fiches pour l'action, Millénaire 3.

Discrimination and segregation

Recognition of discrimination in housing has been a challenge to the extent that “it often arises as a result of the pre-existence of segregationist phenomena which are less related to discrimination than they are to problems of translation, urban geography, and social inequality”. Segregation is defined by Allport (1954) as a “spatial discrimination, the imposition of frontiers that accentuate the disadvantage of the marginalised group”³⁰. V. de Rudder (1995) has remarked that the forms that residential racial or ethnic discrimination takes, as well as its scope, is due to its relationship with a whole set of segregationist social processes³¹.

In France the main sites for segregation and discrimination are areas with high concentrations of social housing. Located on the peripheries of major urban centres, these neighbourhoods are composed of HLMs and often dilapidated neighbouring structures. These are sites with high concentrations of different ethnic and racial groups that are indicative a social phenomenon of residential relegation³². These neighbourhoods are more socially than ethnically homogeneous, the analysis of which tends to explain the concentration of foreigners as due to their being over-represented in the lower classes. However, these neighbourhoods are inhabited in particular by Moroccans, Turks, and Africans (Boumaza 1989).

Research on these neighbourhoods and on residential trajectories and strategies has shown that ethnic groupings are constructed in relation to both social constraints and ethnic exclusion. These groupings can also take the form of a protection against the segregationist tendencies of the wider society, as has been the case with the Jewish and Asiatic communities in France (but principally in Paris) (Raulin, 1996, Benvéniste, 1997).

³⁰ Cited in De Rudder V., *La ségrégation est-elle une discrimination dans l'espace ?* Eléments de réflexion sur les relations interethniques, in *Les quartiers de la ségrégation - Tiers Monde ou Quart Monde ?*, Kartala, ss dir R. Gallissot et B.Moulin, 1995, p.16.

³¹ Op. Cit.

³²“Immigrant neighbourhoods” are not ethnic enclaves totally appropriated by an excluded minority which in turn exclude the majority. The implantation of ethnic and national groups... is not exclusive of co-existence with other immigrants or original residents.” De Rudder, 1987, p. 15.

4. DESCRIPTION AND ANALYSIS OF DATA

The Statistical Approach

Data production and the difficulties of measuring discrimination in housing

The INSEE and the INED are obliged to respect the republican principle of equality among citizens without making reference to origin in their statistical work. This has led to a situation in which there is a dearth of data amenable to discerning the existence of discrimination.

In the absence of ethnic origin, the legalistic category of nationality has served to identify potential victims of discrimination. However, this category leaves out children of immigrants, who are often French nationals (through birth or acquisition) and often identified socially as immigrants and therefore subject to discrimination.

The INED partially remedied these gaps in the data by conducting a national study of immigrants and children of immigrants of diverse nationalities³³. This study allows for a better understanding of immigrant housing (and not simply that of non-nationals).

Furthermore, available data mainly come from census and housing surveys carried out until 1996. The criteria to define housing conditions are generally: whether people own their flat or not, the type of housing, the occupation rate per room, the comfort standard, when the building was built... They help describe the situation of families and rank them by nationality. Since 1999, the category of « immigrant » has been available and has represented foreigners and people who were naturalized. Nevertheless, the 1999 census has not been very precise yet concerning foreigners. The ADRI exploited the documents and surveyed the distribution of immigrant families according to their main residence and the country of birth of the head of the family³⁴, but the data are presented quantitatively and not in percentages, which makes their interpretation difficult. J. Barou accounts for the first results which concern all families and immigrant families, according to the criteria above³⁵.

Often, access to census data on particular nationalities is precluded because the margin of error of the census erases the significance of this data. In addition, the CNIL (*Commission Nationale Informatique et Liberté* – National Informational Liberty Commission) imposes a minimum on the data available for consultation (5,000 inhabitants). This prevents the detailed analysis of neighbourhoods.

³³ Study "Mobilité géographique et insertion sociale" (MGIS), completed in 1992 with the participation of the INSEE.

³⁴ ADRI, *Guide pratique de l'intégration*. La Documentation française, 2002, p. 189.

³⁵ Jacques Barou *L'habitat des immigrés et de leurs familles*. La documentation française, Paris 2002.

As regards discrimination in housing, data in France in the form of statistics is practically non-existent. With a description of the housing conditions for immigrants and foreigners in hand, a comparison with the majority is possible, and results of direct and indirect, systematic and institutional discrimination is readable, but difficult to distinguish.

Several studies have allowed for a more precise approach. These have demonstrated the differences between living situations for nationals and foreigners with equal socio-professional positions. These studies have regularly shown the existence of discrepancies in living situations between these two categories, which introduces discrimination as a mitigating factor.

The following results are extracted from those sources :

- Results of the 1999 census (all families/immigrant families)
- 1996 and 1992 housing surveys (detailed by origin)
- Detailed results of the 1999 census for foreigners
- Enclosed : comparison of housing conditions when the social status is the same (older results)

The results of the 1999 census

First, it must be noted that the number of immigrants had remained the same³⁶ since the 1990 census, while the geographical origins had been more and more diverse and distant³⁷. Immigrants were 4,130,000, *i. e.* 7.4% of the total population. The census does not show major changes as compared to 1996³⁸, although a more precise comparative analysis may be necessary.

Table 1 : Results of the 1999 census

	All families (%)	Immigrant families (%)
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³⁶ Boëldieu J. et Borrel C. [2000], *La proportion d'immigrés est stable depuis 25 ans*, INSEE Première, N°748

³⁷ cf. *Famille et immigration* Revue REALITES FAMILIALES n°64-65 2002

³⁸ Barou J. op. cit.

Status		
Owners	54.7	31
Tenants	40.7	64.4
Of an unfurnished flat (other than HLM)	41.6	29
Of an unfurnished flat (HLM)	16	31.2
Of a furnished flat	1.9	4.2
Freely housed	4.6	4.5
Surface of the house		
Less than 40 m2	10.5	18.5
From 40 to 70 m2	29	33.1
From 70 to 100 m2	36.1	31.8
From 100 to 150 m2	19.1	12.9
More than 150 m2	5.3	3.7
Sanitation		
Neither bath, nor shower	2.3	3.8
Bath or shower (no bathroom)	2.3	6.7
1 bathroom		
2 bathrooms	85.4	81.2
Toilets inside	10	8.3
Toilets outside	96.5	93.9
	3.5	6.1
Date of building		
Before 1915	20.7	19.7
1915-1948	12.1	14.7
1949-1967	18.6	23.8
1968-1974	14.4	16.9
1975-1981	12.6	8.8
1982-1989	11.1	7.8
1990 and after	10.4	8.2
Date of moving in		
Before 1990	50.1	37.7
Between 1990 and 1997	35.1	45.9
1998-1999	14.8	19.4
Average number	units	units
Of people per house	2.40	3.14
Of people per room	0.62	0.91
Of rooms per house	3.86	3.45

As J. Barou says, « some significant discrepancies remain in the field of the status, surface and comfort. »³⁹ As compared to former data, the gap is smaller between immigrant and French families in the field of comfort, although immigrant families are twice as numerous as French families on average to live in flats where there is no bathroom or no toilets, or to live in furnished flats. 31% people own their house, as compared to 52% on average: though smaller, the gap is still important.

³⁹ Barou j., op cit, p. 37

On the contrary, discrepancies remain in the field of the average number of people per flat (0.62 on average ; 0.91 for immigrants).

The living conditions of foreigners and immigrants in 1992 and 1996.

As soon as 1992, the gap between French people and immigrants in the field of housing revealed « a specificity which tends to disappear », according P. Simon (Simon, 1992). The results are extracted from the survey carried out by the INED (National Institute for Demographic Surveys) in 1992 by immigrants and children of immigrant parents (P. Simon, 1996). The data concern immigrants (people who were born abroad, who may or not be French) and bring information on aspects which were not taken into account by the census, for example the quality of housing (evaluated by researchers), interviewees' opinions on comfort, the area as well as questions on where they lived before.

Thus, such questions (do people own their flat? what are their projects in the next 10 years?) help define a typology: Portuguese and Asians own their house more often than others, while Algerians, Moroccans and Turks generally live in social housing (and do not leave it).

Despite the general improvement of living conditions, Algerian, Moroccan, Turkish and Black African immigrants are four times as numerous as other families to suffer from discomfort and/or overcrowding (see table 2).

Table 2 : France (survey carried out by the MGIS in 1992), percentage of families who suffer from particularly bad living conditions, according to the country of origin of the head of the family, per type of housing.

	Algeria	Morocco	Spain	Portugal	South-East Asia	Turkey	Black Africa	France as a whole
Owner	37	30	4	9	19	30	20	6
Tenant (undamaged HLM)	43	48	9	9	28	42	36	15
Tenant (private and undamaged housing)	42	40	23	25	33	45	42	14
Tenant (damaged HLM)	52	58	11	14	27	46	49	21
Tenant (private and damaged housing)	68	71	29	46		73	74	34
Freely housed	43	54	36	48				17
Total	47	49	11	18	27	45	46	11

Bad living conditions mean : overcrowding or discomfort, or both. Source : Simon P., 1996, *Les immigrés et le logement : une singularité qui s'atténue*. Données sociales, p. 421.

As the author reminds, as the workers' families emigrated to France, many of them could have access to ordinary houses, because of the trend in offer, which implied that the most damaged flats are more and more occupied by North Africans or Turks. It is not normal.

People who live in hostels or tenants of damaged private flats are often dissatisfied. They criticize the fact that there is not enough space, that flats are unhealthy; they criticize discomfort and the area which is often insecure. Nevertheless, few of them wish to move, except when they dislike the area.

Moreover, immigrants depend much on social housing administration: when Algerian, Moroccan, Turkish or North African families wish to move, 70% of them depend on social housing, as compared to 14% for the whole population.

The **1996 housing survey**⁴⁰ updates these data, confirms the trends we already mentioned, and brings additional information:

- 75% immigrants live in cities over 100.000 inhabitants, as compared to 50% on average in France.
- 63% immigrant families live in flats, as compared to 44% on average in France.
- The annual income per individual is 22% less in immigrant families than in French families⁴¹.
- The percentage of the income devoted to the rent is higher in private housing: 35% for immigrants, 31% on average. If we take allowances into account, the percentage decreases, especially in social housing (for immigrants), which makes it particularly attractive.
- Immigrant families with the lowest income live in social houses.
- There are 14.4% immigrants in social housing.
- 50% North Africans live in social housings.
- Immigrant families live in all sectors of housing: 75% in buildings built before 1975, as compared to less than 66% on average.
- Immigrant families move less often (in social housing).
- Children of immigrant parents who live in HLM leave later (48% people between 20 and 34 still live with their parents, as compared to 24% on average).
- 8% immigrant families suffer from overcrowding, as compared to 3% on average.
- Immigrants represent 23% demands of social housing.
- 28% applied at least 3 years ago, as compared to 18 months on average.
- The size of families is not the sole criterium, as single men and women wait as long as families of 4 people.
- Immigrant families are often more discouraged than others when they ask for a social flat (either they believe they have no chance to get one, or public services discourage them).

In the end, the INSEE (National Institute for Economics and Statistics) also compared the results of the housing surveys (1984, 1988, 1992, 1996), which concerned foreigners⁴². It gave the following information :

- Foreign families moved more often than the French between 1992 and 1996: they especially look for more comfort and bigger flats, while the French wish to live in a house, to buy it, to change the place they work.
- Foreigners' flats are smaller than others.
- In 1996, 30% foreign families suffered from overcrowding (7% overcrowding).
- In 1996, 32% foreign families owned their flat (17% in 1984).

⁴⁰ Boëldieu J et Thave S., *Le logement des immigrés en 1996*. Insee première n° 730, August 2000.

⁴¹ For a detailed survey of incomes, see Debrand T., *Les immigrés et leur logement*. In *Habitat et société* n°25, March 2002.

- In 1996, 86% collective houses of French families are very comfortable, as compared to 78% for foreigners.
- Foreign families are less satisfied (51%) than the French (74%) with their living conditions.

Housing conditions for foreigners and French by acquisition and discrepancies with French nationals : results of the 1990 census

Rate of occupation per room

Rate of occupation per room is the indicator that shows the highest discrepancy between foreigners and French. INSEE publications relative to rate of occupation did not take foreigners into account in the 1990 census. However, the housing survey of 1998 indicates a high level of discrepancy.

TABLE 3. FRANCE (1990), NUMBER OF PEOPLE IN HOUSEHOLDS WHERE THE PERON OF REFERENCE OR SPOUSE IS AN IMMIGRANT ACCORDING TO THE SIZE OF DWELLING AND COUNTRY OF ORIGIN

Country of origin	1 room	2 rooms	3 rooms	4 or more rooms
Portugal	1,8	2,5	3,2	4,1
Spain	1,4	1,8	2,3	3,3
Italy	1,2	1,6	2,2	3,1
Algeria	1,5	2,3	3,4	5,6
Morocco	1,5	2,4	3,5	5,5
Tunisia	1,7	2,5	3,3	4,5
Other African nations	1,9	2,6	3,4	4,9
Turkey	1,8	2,5	3,5	4,8
Cambodia, Laos, Vietnam	1,7	2,4	3,3	3,8
Overall	1,6	2,1	2,8	3,9
France overall	1,2	1,5	2,2	3,1

Source : INSEE, census, *Les immigrés en France, 1997*, INSEE, p.115.

Comfort

Levels of comfort, while having improved over the past twenty years, can nonetheless be placed in a hierarchical relationship according to nationality, with Algerians at the bottom.

In 1990, 25% accommodations were not perfectly comfortable, including 15% which did not have central heating, and 10 % that were very uncomfortable (minimum sanitation). Foreigners live 7% below the average standard of comfort (69 % against 76 %). There is a hierarchy of groups, according to their nationalities, which may give unexpected situations: Algerians suffer the most from discomfort (20 %), then Moroccans, Tunisians, French-speaking Black Africans (15 to 17 %), Portuguese and Spanish

⁴² Thave S., *Les étrangers et leurs logements*. Insee première n°689, December 1999.

(13 %), Turks and Italians (between 8,5 % and 10 %), and finally Asians (Cambodia, Laos, Vietnam: 5,5 %).

TABLE 4. FRANCE (1990), COMFORT OF MAIN RESIDENCES BY NATIONALITY (%).

	No shower or WC	Shower, no WC	WC, no shower	No central heating	WC shower, heating.	total
Overall	3,8	2,7	2,8	15,2	75,6	100
French by birth	3,6	2,6	2,8	15,1	76,0	100
French by acq.	2,8	2,6	2,4	16,1	76,0	100
Foreigners	7,5	4,2	3,0	16,2	69,1	100
EEC	4,7	4,0	2,9	19,2	69,2	100
Spanish	5,1	4,3	3,4	22,0	65,3	100
Italian	3,0	2,6	3,0	18,3	73,2	100
Portuguese	5,9	5,0	2,9	18,7	67,5	100
Algerians	12,6	4,0	3,8	12,3	67,3	100
Moroccans	10,1	4,4	2,8	15,4	67,3	100
Tunisians	9,5	4,1	3,4	16,2	66,8	100
French black Africa	9,4	5,5	2,0	9,8	73,3	100
Camb, Laos, Viet.	1,9	2,5	1,0	7,1	87,6	100
Turks	3,7	3,6	2,8	18,0	71,9	100
Others	7,3	4,4	2,9	16,1	69,4	100

Source : I.N.S.E.E., census.

Residency status

On average, more than 50% families are owners, 25% are tenants of private accommodations, and 15% in social housing. Other status are marginal, in particular tenants or sub-tenants who live in furnished flats or hotels (1,4 %). Foreigners live most of the time in private houses, but many of them live in social houses, which makes a big difference with the French (cf. table 12).

European foreigners and the French often own their flat (40 %) and few live in HLMs (18,4 %), as compared to other foreigners. Moreover, they are more often freely housed, because many of them are caretakers, as everyone knows. Turks, Africans and Moroccans hardly ever own their flat (less than 10 %), while 12% Tunisians, 15% Algerians, 20% Asians, 30% Portuguese, 55% Spanish and Italians do.

Between 14 and 48% people rent a flat in a HLM. Surprisingly, there is no social hierarchy, as Asians, Algerians, Moroccans and Turks are in the same situation (about 44 %), and as Tunisians and Africans (about 35 %) are less concerned. For European foreigners, the hierarchy is less surprising: Italians (14,2 %), Spanish (1/5), Portuguese (1/4). As a consequence, many Africans and Tunisians (45 %) rent a private flat (as well as Turks – about 41 %), then Moroccans and Portuguese (about 36 %), Spanish, Algerians and Asians (about 30 %), and in the end Italians (22 %).

European foreigners hardly ever rent rooms in hostels or furnished flats, while other foreigners do: up to 7 or 8 % (Algerians and Africans), which is significant.

As indicated by N. Boumaze, the high rate of property ownership among EEC nationals is due to a strong tradition of construction characteristic especially of the Italian, Spanish and Portuguese.

TABLE 5. FRANCE (1990), RESIDENCY STATUS IN PRINCIPAL DWELLINGS BY NATIONALITY (%).

	Owner	Renter, non-HLM	Renter, HLM	Renter, hotel/ap t.	Free lodging	total
Overall	54,4	23,7	14,5	1,4	6,0	100
French by birth	56,3	23,0	13,5	1,2	5,9	100
French by acq.	54,4	21,5	16,5	1,0	6,5	100
Foreigners	26,4	34,8	28,0	4,2	6,7	100
EEC nationals	39,9	31,6	18,4	2,1	8,0	100
Spanish	38,1	31,1	20,5	1,7	8,6	100
Italian	55,9	22,0	14,2	1,2	6,8	100
Portuguese	28,7	36,1	24,8	1,8	8,6	100
Algerian	14,9	30,9	43,4	7,4	3,5	100
Moroccan	8,7	35,8	44,3	4,6	6,6	100
Tunisian	11,8	45,3	34,4	4,2	4,3	100
Fr. N. Africa	9,6	41,4	36,6	8,3	4,2	100
Camb Laos V.	19,7	31,4	43,4	2,5	3,0	100
Turks	8,4	41,7	45,1	3,2	1,7	100
Other	32,9	40,5	11,9	5,7	9,1	100

Source : I.N.S.E.E. census.

Type of dwelling

TABLE 6. FRANCE (1990), THE TYPE OF DWELLING (MAIN RESIDENCE) BY NATIONALITY.

	Apartme nt building	Single room	Hotel room	Improvise d housing	Other, individual house	total
Overall	41,2	0,7	0,2	0,1	57,7	100
French by birth	39,2	0,7	0,2	0,1	59,8	100
French by acq.	48,5	0,7	0,2	0,1	50,4	100
Foreigners	65,9	1,9	1,5	0,2	30,4	100
EEC	53,8	1,4	0,4	0,2	44,3	100
Spanish	55,6	1,2	0,3	0,1	42,8	100
Italian	47,7	0,7	0,2	0,1	51,3	100
Portuguese	60,4	1,5	0,5	0,2	37,4	100
Algerian	74,4	1,6	5,1	0,3	18,5	100
Moroccan	75,8	2,7	1,7	0,3	19,6	100
Tunisian	83,0	2,7	1,3	0,4	12,7	100
African	87,1	3,2	2,2	0,1	7,3	100
Asian	82,8	1,7	0,5	0,1	15,0	100
Turks	84,1	1,2	0,9	0,3	13,6	100
Other foreigners	59,9	2,8	0,9	0,2	36,2	100

source : I.N.S.E.E. census

Combinations of housing condition indicators and historical perspective

Residency status, comfort level, and type of dwelling combine in a complex manner which can show similarities between the living situations of different national groups.

Italians are close to the level of the French by birth, due to their high rate of property ownership. Algerians and Moroccans have a similar level, as both are major renters in HLMs. However, Algerians are more often occupants of hotels or transitory residences. In spite of the length of time that Algerians have been present in France, they are very poorly represented among property owners. Tunisians and Africans are both highly represented as renters of private housing and single rooms, though Africans rent more hotel rooms. Asians are over represented as renters in HLMs. Turks are strongly represented among renters, both of HLMs and private housing.

The spatial distribution of foreigners in France : more and more segregation.

Before talking about housing conditions, we must mention the spatial distribution of foreigners in France. We will use the detailed data from the 1990 census ; for the period between 1990 and 1999, the trends are the same, although data are incomplete.

Foreigners live more often in cities than the French, especially in big cities, and particularly in Paris, where there are big tensions on the housing market.

Despite the difference between Paris and the rest of France, which was getting bigger and bigger in 1990 (Guillon, 1993), the spatial distribution of foreigners is very much differentiated within other regions. There is a huge regional concentration: 60% foreigners live in the three most crowded regions. As a matter of fact, almost 40% foreigners live in Paris, 12% in Rhône-Alpes, and 8% in Provence-Alpes-Côte d'Azur.

There are ever bigger differences between departments. The distribution per nationality was stable from 1975 to 1990; it was due to the history of immigration and to initial migrations (Desplanques, 1996).

In the Paris area, the trend is the same: the authors (Desplanques & Tabard, 1991) conclude that inequalities go on, and even that segregation increased between 1982 and 1990, as foreigners are more and more concentrated in underprivileged areas, where unemployment is high and where there is demographic decline.

Empirical studies and research on discrimination in access to housing

The first relevant studies on this topic date from the 1960s, but work completed before the 90s is rare. The main study on the subject is by the GELD⁴³ and deals with social housing. It introduces « *the situation of knowledge on processes and consequences of unequal treatments from which immigrants – or people who are seen as such – suffer in the field of housing* ». The note is divided into four parts: detailed statistics on foreigners' accommodation, analysis of the local distribution of flats, survey of the paradoxical effects of social mix, and recommendations from the GELD.

In preamble, the authors of the note emphasize that, although they do not aim at neglecting discrimination on the private housing market, « *the difficulties met by some groups of immigrants – or who are seen as such - to get an accommodation in the private sector contribute directly to put more pressure on the social housing market: these people are more and more numerous in prefectural files which count people living in inadequate housing conditions.* » Furthermore, « *HLMs have the social mission to implement the right to have a house, as the law against exclusions reminded in 1998* ». The authors also remind that the fight against segregation is the framework, which people who work in the field of housing must respect, in which populating policies are drawn up.

Discrimination in access to housing can take multiple forms (indirect, direct and institutional) and can come into play at different points in the process. The process of procuring a social dwelling is long, allowing for multiple occasions where discrimination may manifest, although no intent to discriminate generally exists, as the report emphasizes.

The authors also note that 12% of the cases collected by the 114 concern the field of housing and particularly private owners, real estate agencies, lessors, municipal workers or elected people. There are testimonies on the following points:

- Some people are systematically proposed flats in underprivileged areas;
- Longer than usual delays in procuring a dwelling;
- Refusal of dwellings through the practice of the quota system in the public stock;
- Non-presentation of dossier to the attribution commission;
- Refusal of a dwelling can compromise access to other fundamental rights;
- Petitions signed by neighbours which aim at evicting the family; the pressure of the neighbourhood (hostility, offenses) ;
- Problems to buy a house or a flat because of the pre-emption right;
- The police refuse to record some complaints.

The authors add that the motives for discrimination, which are collected by the 114, « *crosscheck precisely the data collected by organizations, and illustrate some local monographies* ».

⁴³ *Les discriminations raciales et ethniques dans l'accès au logement social*. Synthesis note of the GIP GELD, May 2001. 83 p.

The analysis of the processes that were observed bring to light that North African families, and even more Black African families suffer the most from discrimination. The report insists that there are very few discriminatory intents, but that there are processes of selection, in a complex management system, which take into account families' ethnic and racial origins ; yet, in this system, nobody « *is really responsible for the situation of immigrants* », so that everybody tends to accuse other local actors. In the system, « *the main question has become the issue of sociological risk* », as many examples illustrate. The change had severe consequences : « *whereas applicants used to be given an individual estimation, now the risks are commonly evaluated and refer to a specific group of people* », while xenophobia is increasing and people fear immigrants « *because they are to devalue the housing market and discourage 'good applicants'* ». As a consequence, they have to live in non attractive areas, which gave rise to « *segregation in deserted areas.* »

The authors of the report do not point to the risks we stressed above, but to its systematisation to a whole group of people. It is a matter of perception (of a building, of an area) and of money; yet, the authors underline that public allowances do not take into account the constraints of the diversity of people administrations are confronted with.

Social mix is mentioned everywhere in laws (people talk about social mix, as courts refuse the phrase « ethnic mix »), in former debates (when « ethnic » was quite explicit) ; but it is surprisingly explained nowhere. Thus, « *the implicit or euphemistic definition of the national doctrine of mix is linked to the taboo of the use of ethnic categories in public policies.* ». However, the notion raises problems: as the mix derives from an « *automatic interpretation of social relationships (it is said to favour the integration of underprivileged people)*», it is questionable, although it is laudable because it has paradoxical consequences (some groups of people suffer more from exclusion than before). That is why it generates discrimination indirectly.

The authors say finally that people who live in HLMs are now aware of discrimination: one of the objectives of the movement is to reject discrimination, with the help of an ethical committee, which is to locate possible discrimination.

The case of immigrant youth and second generation immigrants

Youth of immigrant origin constitute a population very susceptible to discrimination. Evidence shows⁴⁴ that often this group's only recourse is to social services or associations that can act as intermediaries in their search for housing.

⁴⁴ Annie Maguer & Jacques Barou, *Les difficultés d'accès ou de maintien dans un logement des jeunes immigrés ou issus de l'immigration*, *Migrations Etudes*, N°105 February, 2002.

Testimonies of racial discrimination

Study by SOS Racisme⁴⁵ : Racism from owners, complicity from real estate agencies

Most of the evidence reveals racially motivated insults, reported by the victims themselves. Other evidence, collected by outside observers, shows the existence of discriminatory strategies. Agencies sometimes justify their position with the pretext that the owner requires the exclusion of people of colour.

Here are some examples :

Insults

➤ Following up on a classified ad, Adé called the agent of an apartment building in the 17th district of Paris. The latter posed questions on the future intent of Adé vis-à-vis the apartment, which shocked Adé. Adé was then insulted by the agent: "In any case, I don't sell to Negroes, dirty pretentious Negro, go climb a tree. It's not for you here. Go-away Negro and I don't want to hear about you."

Justification by agencies

➤ On January 17, 2001 M.K. (from the Ivory Coast), called the real estate agency "ETUDE C...", which deals with the renting of an apartment in the 15th district in Paris. Their response: "the owner doesn't want to rent to coloured people (...) the owner can rent to whomever he wants."

Evidence from third parties

➤ Owner of a dwelling, Stephanie met a number of real estate agents in the process of putting her apartment up for rent. One of them, a management agent, proposed to take the affair in hand, explaining that one benefit of dealing with a management agent was that they "take care of one's well being: meaning renting to foreigners is out of the question." Finding this type of discourse intolerable, Stephanie contacted SOS *Racisme*.

Refusal to rent

➤ Saturday May 26 at 11 AM, Ms C... visited an apartment in Fontainebleu, through the auspices of the real estate agency "VD Immobilière". The apartment pleased her, so she sent her son Julien to bring the cheque. While Ms. C is white, her son is black (from Mali, adopted at a young age). The mother was asked to come back to the agency because the owner was present when Julien gave the cheque. The owner then asked for a deposit of 35,000 francs. This request did not dissuade Ms. C, but less than a week later, in spite of having paid the deposit, she learned that the apartment had

been rented to someone else. On June 9, passing by the agency, she noticed that the apartment was still for rent. In response to her queries, she was told that the apartment was about to be rented to another person.

*The systematic abuse of the mayor's right to pre-emption*⁴⁶

Potential buyers of houses in Hautmont, in the suburb of Maubeuge, were frustrated by the mayor's abuse of his right to pre-emption. The mayor was obsessed by what he calls the "demographics of his city" and so uses his right to pre-emption to buy property "whenever the potential buyer has an Arab name". He also places pressure on owners: "if we start renting or selling to foreigners, we will end up being invaded".

Legal decisions having enriched anti-discrimination legislation⁴⁷

Data on discrimination-related jurisprudence in France is rare due to the low number of these cases being brought before a judge. Recent decisions mentioned here do not reflect the potential or real number of victims of discriminatory practices.

These decisions all conclude with a condemnation for the crime of racial discrimination. Often, the support of associations (who use a form of "testing" or informal methods of evidence gathering, which has recently been made admissible as proof in a court of law) is key in the success of the trial.

Refusal to rent :

Sentencing of owner

Court of first instance of Dijon, December 19, 2000 : Zitouna Idir, student and employee, responded to an ad in a newspaper referring to the rental of the apartment belonging to Ms. Jeanine Clerc. Two days after having asked her to call back, Ms. Clerc told Ms. Idir that the apartment had been rented. The same day, a friend of Zitouna responded to the ad, giving the name of "Geneviève Dupont", and received a favourable response from the owner. Ms. Clerc was found guilty of racial discrimination.

Sentencing of the manager of a real estate agency

Court of first instance of Versailles, April 5 2001⁴⁸ : Daniel Tissandier, manager of the real estate agency SCI BTX in Orcemont (Yvelines) refused to rent to a young Moroccan on the pretext that his

⁴⁵The different cases reported here were all taken from the 2003 SOS *Racisme* report.

⁴⁶ Haydée Sabéran, *LIBERATION* of January 2, 2001 p. 3

⁴⁷ Most of the cases here were taken from the June 1, 2003 report by SOS *Racisme* on discrimination in access to housing. For cases that went before a tribunal, SOS *Racisme* took part in the defence of the victim's rights. According to this report, the several dozen cases they dealt with constitute a very small sample of the thousands of unreported cases in the area of housing which entail serious consequences for the victims and for the social good.

Tunisian customers were dishonest. In spite of the intervention of SOS *Racisme*, the manager refused to budge on his position. Mr. Tissandier was found guilty of racial discrimination.

Compiègne Court presided over by three judges, authorized to try more serious cases, 1 February 2000 : M. and Mrs. Lejeune, who are respectively Mrs. Destinay's son-in-law and daughter, changed the lock of a flat, that is owned by Mrs. Destinay and which was rented to M. Ouazani., who is a technician and whose parents are Algerian. Mrs. Destinay did not obey the provisional order that the plaintiffs obtained. A complaint was lodged for « racial discrimination » and « illegal entry ». Compiègne Court sentenced severely the owner's daughter, because she had prevented the tenants, who are of North African origin, to gain possession of her mother's flat.

A real estate agency was sentenced for discrimination based on the nationality

Toulouse Court presided over by three judges, authorized to try more serious cases, 25 April 2002⁴⁹ : Mamadou Cisse, a Senegalese chartered accountant, lodged a complaint at Toulouse Court, because he suffered from discrimination: Lamy, a real estate agency, refused to rent him a flat because he was not French. As he learnt that the flat he was renting was going to be sold, M. Cisse wished to rent the one that was upstairs. Despite the action of the CODAC, the real estate agency demanded a « French » guarantor who « lives in France », although M. Cisse used to pay its rent regularly. With SOS *Racisme*'s help, the real estate agency was sentenced by Toulouse Court.

The manager of a real estate agency and the owner of a flat were sentenced for racial discrimination

Toulouse Court presided over by three judges, authorized to try more serious cases, 26 March 2003 : Malika Hammou, who is an academic and who was named at Toulouse university, looked for a flat for her and her boyfriend, Gilles. They answered an add, visited a flat and decided to rent it after they gave the real estate agency all the papers that were required. But the manager said that the owner of the flat wished to rent it to Gilles only. A phone test revealed that the motive was racist. The manager and the owner were sued and sentenced by Toulouse Court.

Racist words

Sentencing based on third party evidence

Court of first instance of Paris, September 4, 2001⁵⁰ : Hermann Bongué, interested in renting a studio in Paris, was refused by Ms. Nani (the owner) due to his slight Cameroonian accent. Christophe Martin, who called two minutes later, was accepted after having identified himself as French. With the help of SOS *Racisme*, Mr. Bongué made a complaint of discrimination based on the testimony of Mr. Martin. Ms. Nani was found guilty of racial discrimination.

⁴⁸ Bertrand Bissuel, *Le Monde* of April 7 2001 p. 13

⁴⁹ *Le Monde* of 22 March 2002, p. 9

⁵⁰ Florence Hubin, *Le Parisien* of January 12 2001 p. 7

Racial insults :

Sentencing for racial insults with the help of a bailiff

Court of first instance of Lille, November 21, 2001 : M. Mansour, business consultant, called the agency Century 21 of Croix concerning the purchase of a house in Lille. An employee of the agency gave him a meeting, which was then cancelled with 15 minutes notice. M. Mansour then sent a friend to the agency, accompanied discreetly by a bailiff. The friend got an appointment to see the house. The employee of the agency at some point confided in the friend, telling her that the owners of the house did not wish to rent to a foreigner. M. Mansour then took the employee to court using the evidence of the bailiff. The employee was found guilty of racial insults.

Cancellation of the mayor's decree of pre-emption

Administrative tribunal of Grenoble, April 9, 2003 : The owner of a villa agreed to sell his house in the community of Pont-de-Cheruy to Sylvia Akdag, of Turkish origin. Several days later, the real estate agency in charge of the dossier explained that the mayor did not want any more immigrants "because the quota for the municipality has been filled long ago". Sylvia Akdag took the mayor to court to prevent him from using his right to pre-emptively purchase the property. Several other people of diverse origins, past victims of the mayor's (Alain Tuduri's) abuse of his powers, signed on to the case. The court annulled the mayor's attempt to pre-emptively purchase the house, determining that he was abusing his power.

5. ANALYSIS OF STRATEGIES, INITIATIVES, AND GOOD PRACTICES

Social diversity as a dimension of integration policy: a good practice?

Social diversity policy objectives entail encouragement towards the installation of well-off families in at-risk urban zones (ZUS – *Zones Urbains Sensibles*)⁵¹. The idea is to reverse the historical tendency towards isolation and exclusion of the underprivileged in degraded urban zones. However, in practice these policies are ambiguous. Not always favourably received, they have been the source of much debate around the usage of the term “social diversity”⁵².

According to the GELD report, actors in social housing speak of social diversity, but their practices favour a form of ethnic diversity, or more accurately, the avoidance of any high concentration of a particular ethnicity in a single building or neighbourhood.

The president of the national HLM union, Michel Delebarre, denounces and condemns discriminatory practices in all forms of access to housing. He defends the HLMs against the criticism of discrimination, noting that HLMs were historically the first places to house immigrants in France. HLMs, however, are public institutions with significant pressure from local elected officials and other social actors, and therefore not completely in control over their policies.

Initiatives in the combat against discrimination and promotion of access to housing

Activities of publicly funded structures in the combat against discrimination

As noted by the CNCDH (*Commission Nationale Consultative des Droits de l’Homme* – National Consultative Commission on Human Rights), the low rates of sentences handed out in cases of discrimination constitutes a major obstacle in the combat against discrimination, a situation that should be addressed by public policy.

CODACs and the 114 hotline suffer from a lack of resources and vague operational priorities, as noted in the latest GELD report. Tribunals and courts have yet to consistently engage legal investigations following reception of complaints of discrimination made through the 114 hotline.

CODACs have remarked that discrimination in housing is poorly reported, in inverse proportion to the size of the problem. This is attributed to the diffuse nature of instances of discrimination in this area, making

⁵¹ Tonino Serafini, *LIBERATION* of October 16 2001 p. 20

⁵² cf. Daniel Behar, *FONDATIONS* N°13 of October 2001 p. 9

them difficult or impossible to apprehend⁵³. Initiatives to address this situation exist, but have not been very successful.

Prevention of discrimination in housing (EQUAL project)

The EQUAL project, run by the national HLM union, concerns the prevention of discrimination in housing, and especially in social housing. HLMs constitute around 3.6 million dwellings housing 11 million people. The rate of immigrant occupation in HLMs has steadily grown over the years (13.2% in 1992, 15.8% in 1996 (INSEE 1996)).

Three independent actors have analysed the conditions in HLMs regarding the accessibility of this portion of the French housing stock. In their report of July 2001, they state that “the objective causes (history of social housing and immigration, poor distribution in the stock, overall poor conditions for immigrants, etc.) have led to an unsatisfactory situation in immigrant housing, including:

- A high concentration of immigrants in low quality, poorly situated housing;
- Difficult mobility;
- High dependence on social housing.

The report identifies avenues for addressing these problems, such as:

- Respecting regulations;
- Increased transparency of attribution processes;
- Development of larger dwellings;
- Improving quality of municipal services in areas neighbouring high risk zones.


The aim of the EQUAL project is thus to improve conditions and to take the needs of immigrant renters into account. The project is localised in four sites, to allow a comparative approach. These are located in Ile-de-France, Rhone-Alpes, Aquitaine, and Lorraine. All sites have high concentrations of immigrant families. A diagnostic analysis will be performed at each site in order to elaborate a set of proposals to prevent discrimination. Eventually, the project will lead to a series of training activities for HLM staff and other partners who are implicated in this area. Here, the goal is to incite or work towards a shift in professional practices away from those that lead to situations of indirect discrimination.

Accelair : an initiative directed towards refugees (project EQUAL)

This project seeks to redress the massive failure of welcoming and housing policies for asylum seekers and other refugees in the department of Rhone. These people are often the victims of racial discrimination, and they often live in extreme precarity (material, social, physical, and psychological).

⁵³ SOS Racisme Report *Bilan et perspectives des politiques publiques de lutte contre les discriminations raciales et ethniques dans l'accès au logement* March 21 2002 p. 86

This project seeks to improve conditions for refugees through improving structures of receiving and accompanying individuals, including facilitating their access to training and employment. The housing section of this project has been a success – 46 leases have been signed.



Exclusion and housing

The 2001 report of the Abbe Pierre Foundation denounces the lack of housing adapted to low revenue households. The report makes note of 3,000,000 poorly-housed people, of which 86,000 are on the street (63,500 adults and 16,000 children), 6,500 people live in CADAs⁵⁴, and 500,000 in provisional housing⁵⁵.

In its 2002 report⁵⁶, the HCLPD (*le Haut Comité pour le Logement des Personnes Défavorisées* – High Committee for the Housing of Underprivileged People) notes the persistent difficulties encountered by the poorly-housed. 2 million people live without a WC in the dwelling, and 610,000 households live in an accentuated situation of overcrowding.

Neither of these reports considers the differences between French nationals and foreigners or immigrants.

⁵⁴ CADA : *Centres d'Accueil pour Demandeurs d'Asile* (Welcome Centre for Asylum Seekers).

⁵⁵ Célia Gabizon, *LE FIGARO*, March 6 2002 p. 28

⁵⁶ Eighth Report of the HCLPD on *Le droit au logement opposable*. October, 2002

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